

English Learner FAQ: Section Topics

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Note: This guidance only applies to the 2020-2021 school year and may include updates to guidance provided in response to the COVID-19 pandemic and resulting school closures during the 2019-2020 school year.

For information on instructional guidance and further detail on program implementation, see the [SY 20-21 English Learner Program Implementation Guidance](#) located on the [COVID-19 Support: Special Populations](#) webpage.

English Learner Program Services

1. **What are the expectations for bilingual and ESL teacher certification within remote and in-person learning? *Posted August 26, 2020***

Teacher certification requirements for serving English learners and providing equitable access to the appropriate [bilingual education](#) or [ESL](#) program have not changed. If the LEA does not have the appropriately certified teachers to implement the bilingual education and/or ESL program, the LEA must apply for a bilingual education exception and/or ESL waiver on or before November 1st. For further information, see the [Bilingual Education Exception and ESL Waiver FAQ](#).

As the LEA considers staff and student learning arrangements, it is important to be mindful not to overly complicate student arrangements in order to bypass applying for a bilingual education exception or ESL waiver.

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2. **Will LEAs be required to conduct the 2020-2021 annual bilingual education/ESL program evaluation? *Revised March 11, 2021***

Yes. Per 19 TAC §89.1265, all school districts required to provide a bilingual education or English as a second language (ESL) program shall conduct an annual evaluation and shall report to the board of trustees before November 1 of each year. In addition to the requirements listed in [19 TAC §89.1265 \(b\) and \(c\)](#), LEAs may also include other district-based

academic progress assessments/benchmarks. Based on the [updated English learner reclassification criteria chart](#), LEAs will report the number of English learners reclassified. Also, documentation of the district's professional development efforts, including all information on teachers under a bilingual education exception or ESL waiver, will be reported. Furthermore, LEAs may also consider other anecdotal programmatic data to include that can demonstrate growth, such as reflections from the [Program Implementation rubrics](#).

NEW
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3. Are there any allowances to the language proficiency and academic performance components of the eligibility criteria for the Languages Other Than English (LOTE) Dual Language Immersion (DLI) credit? *NEW March 11, 2021*

No. Eligibility requirements remain the same for the 2020-2021 school year, per [TAC §74.12 \(b\)\(5\)\(F\)](#). For more information, see the [LOTE FAQ](#) question #14.

LPAC Procedures – General

1. What continued adjustments to the LPAC responsibilities are available during the 2020-2021 school year? *Posted July 2, 2020*

The LPAC may use the following provisions:

- **Alternative meeting methods**, such as
 - Phone or video conferencing
 - Use of electronic signatures that adhere with LEA policy
- **Optional LPAC parent representation** (although highly encouraged)

LPAC Procedures – English Learner Identification and Placement

1. With potential for on-campus and remote learning during the 2020-2021 school year, are LPACs required to complete the English learner identification process within the required four calendar weeks of a student's initial enrollment in Texas public schools? *Posted August 6, 2020*

As with other circumstances beyond the LEA's control, the LPAC attempts to complete the English learner identification process within the **four calendar weeks** requirement, as feasible, and documents in the student's permanent record the reasons for which the timeline was extended. Important notes:

- The English learner identification assessment ([preLAS/LAS Links](#)) can be administered in person (using [DRC LAS Test Administration Guidelines](#)) or remotely. The use of the remote preLAS/LAS Links test administration is optional.
- If a student is assessed for English proficiency prior to a period of school closure, the LPAC may meet through alternative meeting methods (phone or video conference) in order to complete the identification.
 - The participation of the LPAC parent is optional.
 - If the student is identified by the LPAC, the student's parent is notified of identification, and parental approval may be obtained in writing or through an email or documented phone conversation.
- The summer or intermittent breaks (holidays, planned or unplanned periods of closure, etc.) can be used to complete the identification process, per local health

regulations. Calendar days during intermittent breaks within the school year are included in the required timeframe of **four calendar weeks** for identification.

- No special form is needed for documenting reasons for delayed identification.
- For students transferring from other Texas public schools, previous LPAC identification documentation should be obtained and utilized to continue program services.

2. Can a student be placed in a bilingual education or ESL program while English learner identification is pending? *Posted November 19, 2020*

Yes. Generally, 19 TAC §89.1220 (j) allows for identified English learners who are awaiting parental approval to be temporarily placed in a bilingual education or ESL program. During periods of school closures or intermittent breaks due to the coronavirus pandemic, LEAs may similarly provide temporary instructional support for potential English learners to ensure prompt access to program services when the identification process is delayed.

- Potential English learners include those for whom the Home Language Survey indicates a language other than English is used either in the home or by the student most of the time, but the identification assessment has not yet been administered. **This also includes students for whom identification assessment is needed but the student is participating in school remotely and the parent has not agreed to remote assessment.**
- Additional anecdotal data may be collected on the potential English learner to determine instructional supports, such as informal analysis of English proficiency using the [ELPS Proficiency Level Descriptors](#), educational history from student and/or family interview/survey, analysis of previous school records from another state or country, etc.
- A student cannot be formally placed in program services (by indicating in TSDS – PEIMS) and cannot generate Bilingual Education Allotment (BEA) funds as an English learner until he/she has been identified as an English learner by the LPAC and parental approval for program services has been received. Funding for program participation as an English learner begins on the date of parental approval for program services.

3. If a student’s prekindergarten placement is dependent upon English learner eligibility, can the student be placed in prekindergarten while English learner identification is pending? *Posted August 6, 2020*

Yes. If the student does not meet any other [prekindergarten eligibility criteria](#), the student may temporarily participate in prekindergarten until English learner identification is completed. Parents/families must be informed that continued prekindergarten participation is pending based on English learner eligibility. Please see the *Early Childhood Education Guidance FAQ* on the [TEA COVID-19 Support: Academics](#) webpage for more information and updates.

4. Can an LEA administer the Home Language Survey (HLS) remotely? *Posted August 6, 2020*

Yes. In addition to written documentation, the answers to the HLS can be obtained from the parent/guardian through an email or phone conversation that is documented in writing and retained. The use of these alternative approval methods that are typically allowable for parental approval of program placement and exit are now extended to the HLS.

5. **How does an LEA proceed with English learner placement when there is a delay in receiving documentation from the student’s previous Texas LEA?** *Posted November 19, 2020*

For students transferring from other Texas public schools, previous LPAC documentation of the student’s identification and placement in program services should be obtained. While the receiving LEA awaits documentation, the student may be provisionally placed in program services, until there is sufficient documentation indicating the student has been identified as an English learner and parental consent of program participation is obtained.

In order to gather information prior to receiving formal documentation, the receiving LEA may call the sending LEA to inquire if the student was previously identified as an English learner and receiving program services. The phone call should be documented. The receiving LEA may also look at the student’s previous PEIMS codes, TELPAS results, etc., to see if the student was previously identified as an English learner.

LPAC Procedures – 2020-2021 English Learner Reclassification

NEW
3/11/2021

1. **What are the available allowances for reclassification of English learners for the 2020-2021 school year?** *NEW March 11, 2021*

The updated criteria and guidance for [2020-2021 English learner reclassification](#) provides additional allowances for fulfillment of the English Language Proficiency (ELP) Assessment component of the reclassification criteria for **individual students in grades 2-12**. The criteria and available allowances apply to students who are currently attending school both in-person and remotely. **For students in grade 1**, no additional allowances to the ELP component are needed due to the nature of the TELPAS holistic ratings for Grade 1 that can be scored remotely.

Notice that, in accordance with [federal guidance](#), the ELP assessment cannot be waived for the 2020-2021 school year. Additionally, the State Standardized Reading Assessment component of the reclassification criteria is not subject to a Commissioner’s waiver, so it cannot be removed from the criteria for the 2020-2021 school year. Therefore, students in grades 3-10 who are unable to complete the necessary STAAR Reading/English EOC will not be eligible to reclassify in the 2020-2021 school year.

NEW
3/11/2021

2. **What is the timeframe for making reclassification decisions and completing reclassification assessments?** *NEW March 11, 2021*

Typically, the LPAC makes decisions for reclassification at the end of the school year in accordance with TAC §89.1220 (g). For the 2020-2021 school year, this decision-making process has been **extended through the LEA’s first 60 calendar days of their 2021-2022 school year**, as needed.

For the English Language Proficiency (ELP) Assessment component, LEAs may extend their TELPAS testing window through May 28th, 2021. If using [LAS Links](#) for individual students in grades 2-12 who were unable to complete all four domains of TELPAS, LAS Links for reclassification may be administered **starting on May 29th, 2021 and continuing through the beginning of the 2021-2022 school year**.

For the State Standardized Reading Assessment component in grades 1, 2, 11, and 12, the [Iowa Form F](#) may be administered to students who have demonstrated potential for

reclassification **from the end of this school year through the beginning of the 2021-2022 school year** as the LPAC finalizes reclassification decisions. For administering the Iowa Form F, LEAs **do not** need to wait for the TELPAS window to close because these assessments are utilized for different criteria components.

See the [2020-2021 End-of-Year \(EOY\) LPAC Guidance Checklist](#) for additional information on LPAC procedures.

NEW
3/11/2021

3. **Are there additional reclassification allowances for English Learners with significant cognitive disabilities who utilize the Individual Process for Reclassification?** *NEW March 11, 2021*

No. Due to the nature of the TELPAS Alternate assessment design for grades 2-12 and the TELPAS holistic ratings for Grade 1 that can be scored remotely, no additional flexibilities are needed to the English Language Proficiency (ELP) component of the [Individualized Reclassification Process](#) for a student with a significant cognitive disability for the 2020-2021 school year.

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4. **Can an LEA choose *not* to reclassify any of their English learners for the 2020-2021 school year?** *Revised March 11, 2021*

No. The LPAC must consider English learners' individual readiness for reclassification. Additionally, the LPAC cannot make statements that would indicate a refusal to reclassify any of their English learners. It is important that English learners are provided the opportunity to demonstrate language proficiency, **particularly those who have demonstrated a potential for reclassification**. These students include those for whom the LPAC and/or classroom teachers have documented readiness for successful participation in grade-level content instruction delivered without second language acquisition supports.

Similarly, if a student meets the designated levels for reclassification on the State Standardized Reading Assessment component but did not complete all four domains of TELPAS, the LEA will need to determine if the available allowances for the English Language Proficiency (ELP) Assessment component can be utilized for determining reclassification. It is important that students who have demonstrated a potential for reclassification are given every possible opportunity to meet reclassification.

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5. **Can students within the same LEA have different 2020-2021 EL reclassification criteria based on their situation?** *Revised March 11, 2021*

Yes. When using the available allowances for the English Language Proficiency (ELP) Assessment component in grades 2-12, **reclassification criteria for students may differ based on individual situations**.

For example, if a student in grades 2-12 has completed all four domains of TELPAS, he or she should NOT take LAS Links because other students did not complete TELPAS. Over-assessment of students is not a recommended practice. Providing the option to use LAS Links after the TELPAS testing window is only available to ensure that students who are being considered for reclassification have access to demonstrate English proficiency when TELPAS could not be completed in all four domains. Note that TELPAS and LAS Links scores cannot be combined.

Individual reclassification decisions by the LPAC based on the available allowances should be documented in the LPAC minutes and in the students' cumulative folder.

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6. What assistance is provided to LEAs who utilize the LAS Links Assessment for students in grades 2-12 who did not complete all four domains of 2020-2021 TELPAS? *Revised March 11, 2021*

LEAs can score the assessments for reclassification locally, or Data Recognition Corporation (DRC) can complete the scoring for a fee. If LEAs choose to have DRC score the assessments for reclassification, their local funds or Bilingual Education Allotment (BEA) funds can be used. Please visit the Texas-dedicated [LAS Links website](#) for information on scoring by DRC.

For additional information on common questions for the LPAC, see the general [English Learner – LPAC FAQ](#).