

Guidance on Identification and Reclassification of Dual-Identified Students

When a student with a disability has been identified or is in the process of being identified as an emergent bilingual (EB)/English learner (EL), the student’s admission, review, and dismissal (ARD) committee must work in conjunction with the language proficiency assessment committee (LPAC) to ensure appropriate identification and reclassification of the student and recommended placement in a bilingual education or English as a second language (ESL) program [19 TAC §89.1226 (h), (l), and (m)]. Note that based on the 2021 legislative session, English learners will be referred to as emergent bilingual students throughout this resource.

This document outlines processes for identification and reclassification of two groups of EB students:

- Emergent bilinguals served through special education, and
- Emergent bilinguals with a significant cognitive disability served through special education.

Student Population	Identification	Reclassification
Students served through special education	Follow standard process in TAC §89.1226, described in Section 1 .	Follow standard process in TAC §89.1226, described in Section 2 .
Students served through special education with a significant cognitive disability*	Follow standard process in TAC §89.1226, described in Section 1 .	Follow individualized process in TAC §89.1226, described in Section 3 .

*See the [TEA STAAR Alternate 2 Resources](#) webpage for a definition of a significant cognitive disability.

Section 1: Identification of Emergent Bilingual Students Also Served Through Special Education

The LPAC in conjunction with the ARD committee will identify a student as an emergent bilingual if the student’s ability in English is so limited or the student’s disabilities are so severe that the English language proficiency assessment described in 19 TAC §89.1226(c) cannot be administered. Local education agencies (LEAs) shall implement assessment procedures that differentiate between language proficiency and disabling conditions in accordance with 19 TAC Subchapter AA (relating to Commissioner’s Rules Concerning Special Education Services) and shall establish placement procedures that ensure that placement in a bilingual education or ESL program is not refused solely because the student has a disability. Access to special education and bilingual or ESL services may not be restricted or denied due to limited staffing, scheduling, or other reasons of administrative convenience.

Section 2: Reclassification of Emergent Bilingual Students Also Served Through Special Education

Under 19 TAC §89.1226 (i), districts are required to use the current year’s Emergent Bilingual/English Learner Reclassification Criteria Chart located on the [TEA Bilingual/ESL Programs](#) webpage to reclassify emergent bilingual students as English proficient at the end of the school year.

- This standardized process for reclassification applies to the majority of emergent bilingual students who are also eligible for special education services.
- The standard reclassification criteria include three components:
 - English Language Proficiency Assessment
 - State Standardized Reading Assessment
 - Subjective Teacher Evaluation, using the [Emergent Bilingual/English Learner Reclassification Rubric](#)
- The annual review of student progress and decision to reclassify must be conducted through coordination of the LPAC and ARD committee.

Section 3: Individualized Reclassification of Emergent Bilingual Students with a Significant Cognitive Disability Who Are Also Served Through Special Education

For an emergent bilingual student with a significant cognitive disability, the LPAC in conjunction with the ARD committee may determine that the state’s English language proficiency assessment for reclassification is not appropriate because of the nature of the student’s disabling condition.

In these rare cases, an EB student with a significant cognitive disability (determined by the ARD committee) who is receiving special education services may qualify to be reclassified using permitted criteria under 19 TAC §89.1226 (m). Only students meeting the definition of a student with a significant cognitive disability, defined in the [STAAR Alternate 2 eligibility and participation requirements](#), shall be considered for this individualized reclassification process.

The LPAC in conjunction with the ARD committee may recommend that the student take the state’s alternate English language proficiency assessment (TELPAS Alternate) and shall determine an appropriate performance standard requirement for reclassification by language domain under 19 TAC §89.1226 (i)(1).

It is important to note that this process is to be used to address the needs of an individual student, not groups of students. Typically, very few students will qualify for reclassification using these criteria. The individualized reclassification process shall be conducted as described in the **three steps below**.

Step 1: Evaluate Whether a Student Qualifies for the Individualized Reclassification Process

During the student's annual ARD meeting, the LPAC in conjunction with the ARD committee evaluates whether the state's English language proficiency assessment for reclassification is appropriate because of the nature of the student's disabling condition. The ARD committee with the LPAC representative discuss whether the student is eligible for the individualized reclassification process.

Reminders:

- The LPAC representative in the ARD committee should be one who is familiar with the student's current progress and needs, such as a bilingual or ESL teacher with in-depth knowledge of the student's second language acquisition and academic achievement.
- The student must be identified as having a significant cognitive disability in order to be considered for the individualized reclassification process.
- Caution should be exercised when considering reclassification of students in grades 1-2. It may be premature in these grades to consider reclassification due to developmental factors related to emergent language and literacy. Additionally, in early grades, it is often difficult to know the effect of the student's disability on long-term prospects for second language acquisition.

Step 2: Specify Assessments and Individualized Reclassification Criteria

If the LPAC in conjunction with the ARD committee determines that the student qualifies for the individualized reclassification process, they will then specify the assessments and individualized criteria for reclassification. The meeting shall take place as early in the current school year as possible or at the end of a school year to be applied in the next school year. The meeting must occur prior to the student's participation in the identified assessments.

During the review of assessment information in the individualized education program (IEP), the ARD committee with LPAC representation will make reclassification criteria recommendations based on the information below and update the documented individualized reclassification criteria decisions in the IEP:

Grade 1

English Language Proficiency Assessment – TELPAS

- Determine, by language domain and TELPAS Proficiency Level, individualized criteria for reclassification, based on the student's language proficiency and disability.
- TELPAS exemptions by language domain *are permitted* if the student is unable to participate appropriately due to the disabling condition.

State Standardized Reading Assessment

For students eligible for individualized reclassification criteria, the state's norm-referenced standardized achievement test used in the standardized reclassification criteria is not required for this grade level.

Subjective Teacher Evaluation

The student's teacher will complete the [Emergent Bilingual/English Learner Alternate Reclassification Rubric](#).

Grade 2

English Language Proficiency Assessment – TELPAS Alternate

- Determine, by language domain and TELPAS Proficiency Level, individualized criteria for reclassification, based on the student’s language proficiency and disability.
- Exemptions by language domain *are NOT permitted* for students taking TELPAS Alternate.

State Standardized Reading Assessment

For students eligible for individualized reclassification criteria, the state’s norm-referenced standardized achievement test used in the standardized reclassification criteria is not required for this grade level.

Subjective Teacher Evaluation

The student’s teacher will complete the [Emergent Bilingual/English Learner Alternate Reclassification Rubric](#).

Grades 3-10

English Language Proficiency Assessment – TELPAS Alternate

- Determine, by language domain and TELPAS Proficiency Level, individualized criteria for reclassification, based on the student’s language proficiency and disability.
- Exemptions by language domain *are NOT permitted* for students taking TELPAS Alternate.

State Standardized Reading Assessment – STAAR Alternate 2

- STAAR Alternate 2 is an assessment based on alternate academic achievement standards. State assessment standards must be used for all academic assessment requirements.
- Further modification of performance standards on academic content assessment *is NOT permitted*.

Subjective Teacher Evaluation

The student’s teacher will complete the [Emergent Bilingual/English Learner Alternate Reclassification Rubric](#).

Grades 11-12

English Language Proficiency Assessment – TELPAS Alternate

- Determine, by language domain and TELPAS Proficiency Level, individualized criteria for reclassification, based on the student’s language proficiency and disability.
- Exemptions by language domain *are NOT permitted* for students taking TELPAS Alternate.

State Standardized Reading Assessment

For students eligible for individualized reclassification criteria, the state’s norm-referenced standardized achievement test used in the standardized reclassification criteria is not required for this grade level.

Subjective Teacher Evaluation

The student’s teacher will complete the [Emergent Bilingual/English Learner Alternate Reclassification Rubric](#).

Reminders:

- Individualized reclassification criteria must consider and include documented evidence in the student’s IEP that, because of the nature of the student’s significant cognitive disability, the student is not expected to be able to attain English language proficiency in one or more domains and no longer appears to benefit from second language acquisition support to address the student’s cognitive, linguistic, and affective needs (or is expected to reach that point during the school year).

- Evidence must include both historical formal and informal assessment data and direct teacher input. Ongoing informal assessment data may come from checklists, inventories, and other formative evaluations designed to identify the levels of academic functioning and English language proficiency of the student. The input of appropriate certified or licensed evaluation personnel may be requested, as necessary, to help determine whether individualized reclassification criteria are warranted. Direct teacher input should provide further insight into the student's classroom performance and needs, and include, if applicable, documentation of response to intervention, anecdotal notes, and other evidence drawn from sources such as classroom-based observations and classroom activities.

Step 3: Determine and Document Whether the Student Has Met Reclassification Based on the Individualized Criteria

At the end of the year, the LPAC in conjunction with the ARD committee meet to review the assessment results and subjective teacher evaluation to determine whether the student has met the individualized reclassification criteria set earlier in the school year or at the end of the previous school year.

Reminders:

- These reclassification determination decisions must be made at the end of the school year, as required by 19 TAC §89.1220 (g).
- If the decision is made to reclassify the student based on the assessment results and subjective teacher evaluation using the Emergent Bilingual/English Learner Alternate Reclassification Rubric, the ARD committee with LPAC representation documents in the IEP and the student's permanent record file the reclassification of the student from emergent bilingual to English proficient, entering the student into two years of monitoring.
- Along with the decision to reclassify, the LPAC in conjunction with the ARD committee also makes the recommendation to exit the student from bilingual or ESL program services or to continue participation if participating in a dual language immersion program. As required under 19 TAC §89.1220 (l)(1)(H), notification of reclassification is sent to the student's parents/guardians and program exit or continuation may occur when parental approval is received.

Note: Due to the requirements of the Family Educational Rights and Privacy Act (FERPA), schools must take care to ensure that staff members protect student confidentiality when discussing special education issues. Each member of the LPAC shall sign an oath of confidentiality because of testing results and other information that is shared and analyzed. This is a requirement due to each student and his or her family's right to confidentiality. When reviewing progress of an emergent bilingual student with a significant cognitive disability during an LPAC meeting (which may include a parent other than the parent of the child), the LPAC shall share only limited information regarding student assessments results, namely did or did not meet reclassification criteria based on the ARD committee with LPAC representation decisions.