



## English Learner Frequently Asked Questions

### Language Proficiency Assessment Committee (LPAC)

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**I. LPAC Introduction****A. General****I. A-1. What is our population of English learners (ELs) in Texas?**

Based on PEIMS data reports for spring of 2018, there are 1,015,182 identified ELs in Texas from pre-kindergarten to twelfth grade. 47% of ELs in Texas participate in bilingual programs, and 48% participate in ESL programs. ELs make up 19% of the total student population in Texas.

Nearly 90% of the identified ELs in Texas have a primary language of Spanish. The next five prominent language backgrounds of ELs in Texas are: Vietnamese (1.6%), Arabic (1.2%), Urdu (0.5%), Mandarin (0.5%), and Burmese (0.4%).

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**I. A-2. Are digital/electronic signatures permissible for both parents and LPAC members on any LPAC documentation (including Home Language Survey, Parent Approval, LPAC meeting documentation, etc)?**

Yes, digital/electronic signatures are permissible. A “digital signature” is defined as “an electronic identifier by the person using it to have the same force and effect as the use of a manual signature”. A digital signature is satisfactory for a home language survey if executed pursuant to rules adopted by the governing body (school board) as provided by Government Code, Section 2054.0609b. In the event of an agency audit of a district’s Bilingual/ESL program or when transferring records to another school district in which the student enrolls, a district needs to be able to provide documentation to the agency or to the receiving district that the survey or other documentation for the student was signed by the appropriate party regardless of the method used.

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**I. A-3. What is the record retention period for LPAC records?**

The LPAC records retention schedule is cessation of services (ending at reclassification) plus 5 years (including the two years of monitoring).

*Resource:*

[Texas State Library and Archives Commission: Local Schedule for School Districts, Section 3-2: Bilingual and Special Language Program Records](#)

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**I. LPAC Introduction****B. LPAC / Annual Review and Dismissal (ARD) Collaboration****I. B-1. Can the decisions of the ARD committee override the decisions of the LPAC?**

No. For students who are identified as English learners and have qualified for special education services, the ARD committee and LPAC must collaborate on decisions such as assessment, program services, and instruction.

Similarly, the LPAC must coordinate with any other special programs for which the EL is eligible (such as 504 or advanced academics/gifted and talented) while ensuring that ELs have full access to language program services (TAC 89.1220 (g)(4)).

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**I. B-2. How are English learner identification assessments utilized for students who are significantly cognitively disabled?**

Per TAC 89.1225 (h), if a student's ability in English is so limited or the student's disabilities are so severe that the oral language proficiency assessment (OLPT) or norm-referenced assessment cannot be administered, the LPAC in conjunction with the ARD committee identifies the student as an English learner. The attempted assessment is to be maintained in the LPAC documentation. Currently, there are no allowances for alternative identification assessments under the Every Student Succeeds Act (ESSA).

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**I. B-3. How are English learner identification assessments administered for students who are non-verbal, deaf, and/or visually-impaired?**

An attempt must be made to administer the appropriate OLPT and norm-referenced assessments. If no response or a response other than English is provided, the trial is scored as a non-fluent score. The attempted assessment is to be maintained in the LPAC documentation. Currently, there are no allowances for alternative identification assessments under the ESSA.

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**I. B-4. Can English learners who qualify to receive special education services use different criteria for reclassification?**

Under TAC 89.1225(i), districts are required to use the [English Learner Reclassification Criteria Chart](#) to reclassify ELs as English proficient. The reclassification criteria under TAC 89.1225(i) apply to the vast majority of ELs who also have identified special needs. In rare cases, an EL with significant cognitive disabilities who is receiving special education services may qualify to be reclassified using criteria permitted under TAC 89.1225(m), which gives special consideration to an EL for whom assessments and/or standards under TAC 89.1225(i) are not appropriate because of the nature of a student's particular disabling condition.

Students eligible to be considered using the reclassification criteria under TAC 89.1225(m) should only be those designated to take STAAR Alternate 2 and/or those who meet participation requirements for TELPAS Alternate, as determined by LPAC, in conjunction with the ARD committee.

The first five steps of the six-step [Process for Considering Reclassification of English Learners Who Also Have Identified Special Needs](#) is to be completed by the LPAC and ARD at the beginning of the school year in order for the special reclassification criteria to be utilized at the end of the school year in step six.

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## II. Identification

### A. General

#### II. A-1. Are Foreign Exchange Students (FES) eligible for Bilingual/ESL services?

Yes, upon initial enrollment, the school district must initiate the Language Proficiency Assessment Committee (LPAC) Framework Process for any new student to Texas public schools (including FES) to identify English learners and recommend appropriate program placement.

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#### II. A-2. What is the purpose of the shift from 20 school days for the identification process to four calendar weeks, and how are the four calendar weeks calculated?

The USDE requires an assurance that all students are assessed within thirty days of enrollment. In Texas, Texas Education Code (TEC) Chapter 29 requires that this process be completed within four weeks. The previous practice in Texas (prior to TAC Chapter 89 revisions effective July 15, 2018) of allowing twenty school days for this process to occur does not guarantee that every student in Texas will be identified and placed within the required thirty (calendar) days.

2018 AUGUST						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

#### Example of four calendar weeks calculation:

*Student A enrolls for the first time in Texas public schools on Wednesday, August 15th, 2018. To calculate the four-week time frame, count ahead one week to August 22nd, then the second week to August 29th, the third week to September 5th, and the fourth week to Wednesday, September 12th. In this example, the LPAC shall identify and place Student A by September 12th.*

**Please note:** the calculation for the four-week period shall not be adjusted for school days missed due to illness, holidays, school-wide testing, variance in school start/end dates, etc.

2018 SEPTEMBER						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

Holiday →

www.freshcalendars.com

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## II. Identification

### B. Home Language Survey (HLS)

#### II. B-1. What if a parent lists two languages for one or both of the questions on the HLS?

Each question on the HLS should have only one language listed for the language spoken most of the time. If a parent, for example, answers a question with: "English/Spanish," the school district shall ask the parent to indicate (in writing or through documented phone conversation) which language is spoken most of the time in response to that question.

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### III. Placement

#### A. General

##### III. A-1. What are the requirements for English learners with parent denials?

ELs with parent denials cannot:

- participate in a bilingual or ESL program,
- participate in required summer school programs for English learners (TAC 89.1250), and
- receive designated supports from the LPAC on state assessments.

ELs with parent denials shall:

- receive the English Language Proficiency Standards (ELPS) in all content area instruction,
- take the Texas English Language Proficiency Assessment System (TELPAS),
- be reviewed by the LPAC at least annually to measure linguistic and academic progress that is communicated to parents,
- be reclassified as English proficient when reclassification criteria are met,
- enter two years of monitoring by the LPAC after reclassification, and
- enter additional two years of PEIMS monitoring for federal purposes.

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##### III. A-2. If a student qualifies to participate in a prekindergarten program based on identification as an English learner by the LPAC but the parent denies bilingual and ESL services, can the student still participate in the pre-kindergarten program?

Yes. Eligibility for the pre-kindergarten program in this case is based on identification as an EL and not on participation in a bilingual or ESL program.

*Resources:*

*More information regarding ELs (referenced as LEP) in prekindergarten programs is available on the [TEA Early Childhood Education webpage for Prekindergarten Eligibility and Attendance in questions 16, 17, and 18](#). Full prekindergarten program information is found in Section 7 of the [Student Attendance Accounting Handbook](#).*

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## IV. English Learner Services

### A. General

#### IV. A-1. What is the role of sheltered instruction in programs for English learners?

In any program for English learners, sheltered instruction plays a vital role by making content comprehensible while supporting language development. Even though the term *sheltered instruction* is not directly named in TAC Chapter 89, Subchapter BB, elements of sheltered instruction are evident in various requirements for English learners, such as the connection of content and language integrated instruction as provided through the English Language Proficiency Standards (ELPS). Particularly, sheltered instruction encompasses the specific terms that are addressed in TAC Chapter 74.4 ELPS, Part B for linguistically accommodated instruction that is communicated, sequenced, and scaffolded, which is required in all content areas for ELs regardless of program model.

Furthermore, although sheltered instruction is not explicitly addressed in TAC Chapter 89 1210 (d) in the ESL program model descriptions, linguistically and culturally responsive teaching are addressed, which compose essential elements in sheltered instruction. Additionally, 1210 (b) indicates that both bilingual and ESL programs shall address the affective, linguistic, and cognitive needs of ELs in all content areas, which also formulate key elements of sheltered instruction, including second language acquisition methods.

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#### IV. A-2. Can students who have met reclassification criteria continue in a bilingual or ESL program, and if so, what is the appropriate PEIMS coding?

Yes. If an English learner meets reclassification criteria, he or she can continue in the bilingual or ESL program with parent approval. Bilingual Education Allotment (BEA) funds would not be generated for this student. Typically, this would be most applicable for students participating in a dual language program, due to the design of the program. Students enrolled in bilingual or ESL programs who are not English learners cannot exceed 40% of the total number of students enrolled in the program district-wide (TAC 89.1233).

After a student has been reclassified and parent approval has been obtained for continuation in the program, the student's PEIMS coding for the next five school years after reclassification would be as follows if the student continues participation in the bilingual or ESL program in all five school years:

Participation Code	LEP Indicator Code	Parent Permission Code	Program Code
1	F	G	As Related to the Bilingual or ESL Program
1	S	G	As Related to the Bilingual or ESL Program
1	3	G	As Related to the Bilingual or ESL Program
1	4	G	As Related to the Bilingual or ESL Program
1	0	G	As Related to the Bilingual or ESL Program

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#### IV. A-3. Can a school district concentrate the bilingual or ESL program at a limited number of schools within the district in order to provide the bilingual or ESL program? If so, is transportation required?

Yes. School districts can locate their bilingual or ESL program on specific campuses within the district for the purpose of combining resources to support a full and equitable program. The decision on whether to provide transportation to these campuses is a local education agency decision. However, it is important that districts provide equal educational opportunity to every student and in recognition of the educational needs of English learners (TEC 29.051).

Typically, districts provide ESL program services at all campuses where ELs are enrolled and are more likely to concentrate their bilingual program into specific campuses to maximize staff and resources. In a district that is required to offer the bilingual program, the parent of an identified EL in the elementary grades must be offered the bilingual program, even if the program is provided on a campus other than the child's home campus. If the parent chooses to remain at the campus without the bilingual program, the parent would need to deny the bilingual program and accept the ESL program provided at the home campus. The PEIMS Parent Permission code for this situation is – A. Parents must be made aware of the benefits of each program in order to make an informed decision, and the school district needs to make every effort to ensure equitable access to the required programs.

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**IV. A-4. Can students who are English proficient participate in a bilingual education or ESL program?**

Per TAC 89.1233, with the approval of the school district and a students' parents, students who are not English learners may also participate in a bilingual education or ESL program with the understanding that the integrity of the program model is upheld. The number of participating students who are not English learners may not exceed 40 percent of the number of students enrolled in the program district-wide. It is important to emphasize that 60% English learners and 40% English proficient student participation refers to the district-wide program and not the campus or classroom level implementation.

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## IV. English Learner Services

### B. Bilingual Education

#### IV. B-1. Should districts that have been required to offer a bilingual education program in previous years continue to offer the bilingual education program if their English learner enrollment falls below the minimum requirement per TEC 29.053 (c)?

Per TEC 29.053 (c), a school district is required to offer a bilingual education program when enrollment of English learners is at or above 20 students from the same language classification and same grade level across the district. If enrollment of English learners fluctuates below the requirement of 20 students, the district is not required to provide the bilingual education program but may continue to do so. It is strongly encouraged that districts maintain continuation of program services for students who have been participating in the bilingual program. Additionally, it is recommended that the district continues to seek appropriately certified bilingual teachers in the case that their enrollment of English learners fluctuates above the requirement of 20 students.

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#### IV. B-2. Does Texas offer a Seal of Biliteracy?

Texas offers a performance acknowledgement for bilingualism and biliteracy as indicated in Chapter 74. Curriculum Requirements, Subchapter B. Graduation Requirements ([§74.14, Relating to Performance Acknowledgements](#)).

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## IV. English Learner Services

### C. English as a second language (ESL)

#### IV. C-1. Do all teachers of English learners need to be ESL certified? Do all English Language Arts and Reading (ELAR) teachers need to be ESL certified?

TAC 89.1210 (d) provides the descriptions for the two state-approved ESL program models that apply to ESL programs in prekindergarten through twelfth grade: ESL content-based and ESL pull-out.

- To meet compliance standard for an ESL content-based program, ELs would need to receive all content instruction by an ESL certified teacher(s), which includes ELAR, mathematics, science, and social studies.
- To meet compliance standard for an ESL pull-out program, ELs would need to receive ELAR instruction by an ESL certified teacher(s). The pull-out model compliance standards can be met in three ways
  - Inclusion: The ELAR teacher is also ESL certified and provides the ESL support within the classroom.
  - Co-teaching: The ELAR teacher co-teaches with an ESL certified teacher who provides the full-time ESL support within the classroom.
  - Pull-out: If the ELAR teacher is not ESL certified, ELs have an additional ESL course that provides ELAR instruction by a teacher who is certified in ELAR and ESL.
- Important notes:
  - For ESL pull-out and ESL content-based, when the ELAR TEKS are split between two teachers, an English language arts (ELA) teacher and a reading teacher, ESL certification is required for both the ELA teacher and the reading teacher if no other ESL support is provided through co-teaching by an ESL teacher or pull-out by an additional ESL course. This only applies when the required ELAR TEKS have been split and are taught by two teachers in order to meet the required curriculum (typically in 7<sup>th</sup> grade, for example); this does not apply to additional reading intervention courses that are not part of the required curriculum.
  - English to Speakers of Other Languages (ESOL) I and ESOL II must be taught by ESL certified teachers.

#### Resources:

- [ESL Resources on the EL Portal](#)

*These newly-developed resources are in a box on the right side of the webpage. There are ESL Certification Calculator tools for [elementary](#) and [secondary](#) levels at the top of the box that can help with organizing and planning implementation of ESL programs. Next, there is a [video](#) that explains how to utilize these certification calculator tools. Finally, there is a link to a PowerPoint, called [ESL Waiver Scenarios](#), that is used in the video. This PowerPoint has helpful charts that include specific ways in which to provide ESL programs along with PEIMS codes.*

- [Teacher Assignments: TAC 231](#)

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**IV. C-2. When and how will the new ELLA and ELDA courses be administered?**

The English Learners Language Arts (ELLA) TEKS for grade 7 (TAC 128.22) and grade 8 (TAC 128.23), adopted in 2017, will be implemented in classrooms beginning in the 2019-2020 school year. The ELLA TEKS address all of the Chapter 110 English Language Arts and Reading TEKS for grades 7 and 8 and have additional student expectations to support second language acquisition.

The English Language Development and Acquisition (ELDA) TEKS, adopted in 2017 (TAC 128.36), are scheduled to be implemented in classrooms beginning in the 2020-2021 school year. They were designed to provide instructional opportunities for recent immigrant students with little or no English proficiency.

The ELDA course will satisfy elective credit requirements for graduation. The course must be taken concurrently with a corequisite language arts and reading course. Students may take this course with a different corequisite for a maximum of two credits. The recommended corequisites are ESOL I and ESOL II, though the course may be paired with other state-approved English or Spanish language arts and reading courses as appropriate.

Districts and charter schools that wish to offer a language development course prior to the 2020-2021 school year may consider offering the state-approved innovative courses Newcomers English Language Development (NELD) A and B. These courses may satisfy state elective credit and require the approval of the local board of trustees.

*Resources:*

*For more information or questions related to the ELLA, ELDA, or NELD-A/B courses, contact the TEA Curriculum division at [curriculum@tea.texas.gov](mailto:curriculum@tea.texas.gov) or (512) 463-9581.*

*For information on instructional materials for these courses, contact the TEA Instructional Materials Division (512) 463-9601 or [instructional.materials@tea.texas.gov](mailto:instructional.materials@tea.texas.gov).*

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**IV. C-3. Can a teacher who holds a TESOL certification teach in an ESL program?**

No. TESOL certification is not listed as an approved certification for teaching in an ESL program. TAC 231 provides the Requirements for Public School Personnel Assignments that delineates the teacher assignments with allowable certificates for all grade levels and subject areas.

*Resource:*

TAC 231: <http://ritter.tea.state.tx.us/sbecrules/tac/chapter231/>.

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## IV. English Learner Services

### D. Bilingual Exceptions / ESL Waivers

#### IV. D-1. If a teacher is an elementary self-contained classroom and serving ELs under a Bilingual Exception and is also not ESL certified, what PEIMS Parental Permission code should the campus use for these students? Should this teacher be under both a Bilingual Exception and an ESL Waiver?

If a teacher is under a bilingual exception, he or she would not also be under an ESL waiver. The fact that the teacher is not ESL certified would be mentioned on the Bilingual Exception Application as part of the information on the district's alternative plan. The students' parent permission codes would be (E) since the child is in an alternative plan from a bilingual exception.

PEIMS Parental Permission Code E states: *Parent or Guardian has approved placement of a LEP student in the bilingual program, but the district has requested an exception approved under TAC 89.1207; Parent has therefore approved placement of a LEP student in the ESL program.*

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#### IV. D-2. Can any substitute assessments be used in place of either the STAAR English I EOC or the STAAR English II EOC on the English Learner Reclassification Criteria Chart?

An approved assessment (ACT, SAT, PSAT) Evidence-Based Reading and Writing or Reading/Writing assessment may be used in place of either the STAAR English I EOC or the STAAR English II EOC, but not both, for the grades in which the STAAR English I and II EOCs are applicable on the English Learner Reclassification Criteria Chart.

*Resources:*

[Substitute Assessments](#) as described in TAC 101.4002; English Learner Reclassification Criteria Chart (located under Documents on the [TEA Bilingual/ESL webpage](#)).

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## IV. English Learner Services

### E. Assessment / LPAC Decision-Making

#### IV. E-1. Can an English learner, particularly a newcomer, be exempt from taking the State of Texas Assessments of Academic Readiness (STAAR)?

Generally speaking, ELs cannot be exempt from taking STAAR, even as newcomers. However, if an English learner, in grades 3 through 8 only, is documented as an unschooled asylee/refugee in his or her first year in U.S. schools, the student can be exempt for that first school year as determined by the LPAC (TAC 101.1005).

*Resource:*

*For more information, see the LPAC Decision-Making Resources on the [TEA Student Assessment website](#).*

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#### IV. E-2. What schools are considered in the calculation of years in U.S. schools data collection?

For purposes of calculating years in U.S. schools, only schools (including home schools and private schools) based within the 50 states, Washington D.C., and U.S. Department of Defense (DoD) schools are to be considered U.S. schools.

*Resource:*

*The Instructions for Years in U.S. Schools Data Collection document is located on the [TEA Student Assessment LPAC Resources](#) website.*

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## V. Review and Reclassification

### A. General

#### V. A-1. What do we do for a student who has met reclassification criteria, but no signed parent approval form is received?

An English learner who has met reclassification and has been recommended to exit the bilingual or ESL program by the LPAC must remain in the bilingual or ESL program until parent approval for program exit has been obtained. Parent approval for exit can be obtained in writing, by a documented phone conversation from a verifiable telephone number, or by a verified email. Verification of phone number or email address is obtained through associated student records.

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#### V. A-2. For an 11<sup>th</sup> or 12<sup>th</sup> grader, can meeting passing standard on the English I or II EOC exam qualify for the English Reading component of the reclassification criteria instead of the Norm-Referenced Standardized Achievement Test?

No. An English learner can only be reclassified as English proficient when he or she has met all criteria components for their grade level. In 11<sup>th</sup> and 12<sup>th</sup> grades, the English Reading component of the reclassification criteria is fulfilled by meeting at or above the 40<sup>th</sup> percentile in Reading and Language on the Norm-Referenced Standardized Achievement Test.

*Other similar scenarios:*

- *A 10<sup>th</sup> grader cannot be reclassified based on meeting passing standard on the English I EOC. The English Reading and Writing components in 10<sup>th</sup> grade must be fulfilled by the English II EOC exam.*
- *A 9<sup>th</sup> grader may be eligible for reclassification if passing standard is met on either the English I or English II EOC exams. Usage of English II is allowable in this case since the exam is above grade level.*

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## VI. Monitoring and Evaluation

### A. General

#### VI. A-1. Do LPACs have full monitoring responsibilities, such as meeting to review progress, for students who are in years 3 and 4 of monitoring after reclassification?

No, for students who are in years 3 and 4 of monitoring after reclassification, the LPAC is not responsible for full monitoring responsibilities as with students in years 1 and 2 after reclassification. The LPAC's only responsibility for students in years 3 and 4 of monitoring is to report their status to PEIMS. These data are collected in PEIMS in compliance with federal accountability requirements under ESSA.

Resource: [LPAC Framework Training PowerPoint](#), Slide 109.

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## VII. Resources

### A. Texas Education Agency

#### English Learner Support Web Resources

- [TEA Bilingual and ESL Programs](#) webpage
- [List of Approved Tests for Assessment of English Learners \(2018-2019\)](#)
- [LPAC Framework](#)
- [Supporting English Learners in Texas \(EL Portal\)](#)
- [Title III, Part A](#) webpage

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#### English Learner Support Division

- EL Support Email: [EnglishLearnerSupport@tea.texas.gov](mailto:EnglishLearnerSupport@tea.texas.gov)
- Phone: 512-463-9414
- Barbara Kennedy, Director of English Learner Support: [Barbara.Kennedy@tea.texas.gov](mailto:Barbara.Kennedy@tea.texas.gov)
- Roberto Manzo, English Learner Program Coordinator: [Roberto.Manzo@tea.texas.gov](mailto:Roberto.Manzo@tea.texas.gov)
- Rickey Santellana, Title III Program Coordinator: [Rickey.Santellana@tea.texas.gov](mailto:Rickey.Santellana@tea.texas.gov)
- Carlene Thomas, ESL Program Coordinator: [Carlene.Thomas@tea.texas.gov](mailto:Carlene.Thomas@tea.texas.gov)

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#### Assessment Division

- [Student Assessment](#) webpage
- [Information on State Assessments for English Learners](#) webpage
- [LPAC Student Assessment Resources](#) webpage
- General Email: [student.assessment@tea.texas.gov](mailto:student.assessment@tea.texas.gov)
- State Assessments for English Learners Email: [assessment.specialpopulations@tea.texas.gov](mailto:assessment.specialpopulations@tea.texas.gov)
- Phone: 512-463-9536

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### Curriculum Division

- [TEA Curriculum](#) webpage
- General Email: [curriculum@tea.texas.gov](mailto:curriculum@tea.texas.gov)
- Phone: 512-463-9581

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### Certification Division

- [TEA Certification](#) webpage:
- General Email: [curriculum@tea.texas.gov](mailto:curriculum@tea.texas.gov)
- Phone: 512-936-8400

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## VII. Resources

### B. State Statute and Rule

#### Texas Education Code

- [Chapter 29, Subchapter B: Bilingual Education and Special Language Programs](#)

#### Texas Administrative Code

- [Chapter 89, Subchapter BB: Commissioner's Rules Concerning State Plan for Educating English Learners](#)
- [Chapter 231. Requirements for Public School Personnel Assignments](#)

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## VII. Resources

### C. Professional Development and Certification

**Pearson (NEW Test Administrator as of September 1, 2018)**

[Texas Educator Certification Examination Program](#)

#### **Texas Gateway**

- [Home](#) webpage
- [Sheltered Instruction Training Series](#)
- [Title III Early Childhood Education for English Learners](#)
- [Title III, Part A: Strengthening and Increasing Parental Outreach](#)

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