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. A-4. How often should LPAC meetings be held?

LPAC meetings are to be held

- within the four weeks of the initial enrollment, for identification and/or review,
- prior to state assessments for determination of appropriate assessments and designated supports,
- at the end of the year for annual review and for the following year's placement decisions,
- as needed to discuss student progress.

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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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I. B-5. Can the administrator in an ARD committee meeting for an EL who also receives special education services perform the role of the ARD committee administrator and the role of the LPAC representative simultaneously?

No. According to TAC Chapter 89, Subchapter AA for Commissioner's Rules Concerning Special Education Services, section 1250 (c)(1)(J) refers to the LPAC representative as a professional staff member who is a member of the LPAC. As stated in this section, the LPAC representative may also be the ARD committee general education or special education teacher representative simultaneously. Typically, the best representative of the needs of the EL in the ARD is the bilingual or ESL educator from the LPAC that directly instructs the student and has detailed knowledge of the student's linguistic needs and strengths.

Resource: TAC Chapter 89, Subchapter AA Commissioner's Rules Concerning Special Education Services

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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.



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.

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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, including classroom linguistic accommodations as needed commensurate with the English proficiency level of the student;
- 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. A-5. Are there grading exemptions for newcomer English learners who have recently enrolled in U.S. schools?

No. Grading exemptions for newcomer ELs are not appropriate. The focus should be on instructional and classroom assessment practices for newcomer ELs that facilitate access to the curriculum and opportunities for varied methods for demonstrating content knowledge for grading purposes. Limited language proficiency in English should not be a basis for failure or retention.

Resource:

The United States Department of Education (USDE) provides a Newcomer Toolkit resource for programmatic and instructional support for newcomer English learners.

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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 leaner 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. B-3. Can students who participate in a dual language immersion program have the opportunity to obtain Languages other than English (LOTE) credit?

Yes. TAC 74.12 (b)(5)(F) provides the requirements for students who have successfully completed a dual language immersion/two-way or dual language immersion/one-way program in accordance with TAC 89.1210 (c)(3) and (4), 89.1227, and 89.1228 at the elementary level to satisfy one credit of the two LOTE credits required in a language other than English. Successful completion includes students who

- have participated in a dual language immersion program for at least five consecutive school years;
- achieve high levels of academic competence as demonstrated by performance of meets or masters grade level on the State of Texas Assessments of Academic Readiness (STAAR) in English or Spanish, as applicable; and
- achieve proficiency in both English and a language other than English as demonstrated by scores of proficient or higher in the reading and speaking domains on language proficiency or achievement tests in both languages.

Resource: TAC Chapter 74 Subchapter B – Graduation Requirements

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IV. B-4. Our school district provides a dual language immersion (DLI) program model at the middle and high school levels. What does DLI look like at secondary? What are the certification requirements for DLI teachers at middle and high school? And in which instances would an application for a bilingual exception or an ESL waiver be required for DLI teachers at the secondary level?

As per TAC 89.1205 (g), LEAs are authorized to establish a bilingual education program at grade levels beyond elementary school, including DLI programs. When an LEA opts to provide bilingual education programming at the secondary level, it is required to adhere to all program requirements as described in §§89.1210, 89.1227, 89.1228, and 89.1229.

In DLI programs, as per TAC89.1210(c)(3) and (4), instruction in the partner language never falls below 50% of the overall instructional time. At the secondary level, the minimum expectation for DLI instruction in the partner language equates to 50% of the total number of core content periods, e.g. two courses per academic year delivered in the partner language. In summary:

- a minimum of two courses to be provided in the partner language at each grade level for the duration of the secondary DLI program; and
- a minimum of one language/literacy/ communication course to be provided in English at each grade level for the duration of the DLI program.

All DLI teachers shall be appropriately certified for the content area/grade level they are assigned to teach. Additional certification requirements for teachers providing DLI instruction to English learners through secondary DLI programming are provided in the chart below:

Secondary DLI Programming: Minimum Yearly Coursework and Certification Requirements for Teachers of English Learners Served Through DLI Programming

Grade Level	2 Courses in Partner Language (offered at each secondary grade level, for duration of the DLI program)	1 Course in English (offered at each secondary grade level, for duration of the DLI program)	Certifications Required for teachers serving English learners through secondary DLI programming
Grades 6 – 12, or grades 7 – 12, when grade 6 is clustered with the elementary grades	**Course 1:** Language/literacy (e.g. Spanish Language Arts, Pre-AP/AP Spanish Language, Pre-AP/AP Spanish Literature, etc.) **Course 2:** LEA-determined content course (math, science, social studies), OR LEA-determined elective (e.g. health sciences, ethnic studies, medical translation, legal aide, bilingual education, etc.)	**Course:** English Language Arts/Reading (ELAR), and other* related English language/ literacy/communications course (e.g. ESOL 1, ESOL 2, speech, debate, journalism, etc.)	**All DLI teachers:** Certified for content area/grade level **DLI partner language teachers (serving English learners):** Also certified in bilingual education **DLI ELAR/other* teachers (serving English learners):** Also certified in ESL

The guidance provided in this FAQ question reflects best practices identified in the research regarding effective secondary DLI program model implementation, namely:

- Provision of language/literacy/communications instruction in the partner language and in English at every grade level, to address the DLI program bilingualism/biliteracy goal
- Flexibility in elective programming, to encourage local decision-making, promote responsiveness to local needs, and allow for student choice, which are all practices associated with DLI program sustainability at the secondary level

If an LEA does not have the appropriately certified staff to implement the secondary DLI program model, the LEA shall submit a bilingual exception (not an ESL waiver) in accordance with TAC 89.1207. This requirement applies to teachers assigned to deliver instruction in the partner language (bilingual exception for a teacher lacking the appropriate bilingual education certification) and to teachers assigned to deliver instruction in English (bilingual exception for a teacher lacking the appropriate ESL certification).

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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 7th 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 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.

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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. C-4. How many minutes are required for the ESL pull-out program?

There is not a set minutes requirement for ESL pull-out programs. It is up to the district to justify and ensure that the amount of time provided for the ESL pull-out program is equitable to the ELAR instruction of English proficient students. It is important to note that if students are physically pulled out of the classroom for ESL support, ELs should not be taken out of content instruction nor should ELs lose equitable access to subjects such as art, music, and physical education.

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IV. English Learner Services

D. Bilingual Exceptions / ESL Waivers

IV. D-1. How do we know if a Bilingual Education Exception needs to be filed? How do we know if an ESL Waiver needs to be filed?

TAC Chapter 89.1207 provides bilingual education exception and ESL waiver requirements for all Local Education Agencies (LEAs), which includes all school districts, Districts of Innovation, and open-enrollment charter schools.

The following resources, developed by the TEA English Learner Support Division, walk districts through the process of identifying whether their district needs to file a Bilingual Education Exception or ESL Waiver. These resources can be found under "Resources" at the bottom of the TEA 2018-2019 Bilingual Education Exception and ESL Waiver Application webpage.

- Bilingual Education Exception Scenario Chain
- English as a Second Language (ESL) Waiver Scenario Chain

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IV. D-2. 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-3. We have an appropriately bilingual or ESL certified teacher, but the teacher's certification is under a probationary or emergency permit status. Does that mean that the teacher needs to be added to the bilingual exception or ESL waiver?

If a teacher has the appropriate bilingual or ESL certificate in a probationary or emergency permit status, the teacher is therefore appropriately certified for the specified time period and would not need to be added to the bilingual exception or ESL waiver.

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IV. D-4. Our teacher that needs to be bilingual or ESL certified to meet state compliance for our bilingual or ESL program has taken and passed the appropriate certification exam. Can we leave this teacher off the bilingual exception or ESL waiver?

No. Passing a certification exam does not suffice. The appropriate bilingual or ESL certification must be posted to the teacher's certificate before the November 1st deadline for filing a bilingual exception or ESL waiver. If a teacher is in the process of obtaining the appropriate certification, such as participating in an alternative certification program, and the appropriate certification has not yet been obtained and posted to the teacher's certificate, the teacher would count toward the bilingual exception or ESL waiver.

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IV. D-5. In previous years, the ESL Waiver application asked for teacher's names who were under the waiver. The current application does not. Do we need to submit the names of these teachers to TEA?

No. Revisions to TAC Chapter 89, Subchapter BB that were adopted on July 15, 2018 now require districts that submit an ESL Wavier to maintain documentation at the district level that includes the names and teaching assignments, per campus, of each teacher who is assigned to implement the ESL program and is under the ESL waiver, along with the estimated date for completion of the ESL supplemental certification. The expectation is that the ESL certification of those under the waiver is to be completed by the end of the school year for which the waiver was requested. [TAC 89.1207 (b)(2)(B)].

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IV. D-6. We met minimum EL population requirements for implementing a bilingual program at the 3rd grade level across our district. Does this mean that we begin the bilingual program in 3rd grade?

No. Once a district (LEA) has met minimum requirements for implementing a bilingual education program, per TAC 89.1205 (a), the district shall begin implementing the bilingual program beginning with the prekindergarten and moving up through the elementary grade levels (to include sixth grade if clustered with the elementary grades).

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IV. D-7. What is the Comprehensive Professional Development Plan, and how is it funded?

TAC Chapter 89.1207 (a)(1)(D) and (b)(1)(D) explain the assurance for districts who file a bilingual education exception and/or ESL waiver to implement a comprehensive professional development plan. This plan is not included in the bilingual exception or ESL waiver application but shall be maintained at the district level.

TAC Chapter 89.1207 (a)(1)(E) and (b)(1)(E) explain the assurance for districts who file a bilingual education exception and/or ESL waiver to utilize at least 10% of the bilingual education allotment (BEA) to fund their comprehensive professional development plan. This assurance applies to the bilingual exception and ESL waiver, so if a district submits both a bilingual exception and ESL waiver, the district would be required to use at least 10% of their BEA to fund their comprehensive professional development plan for the bilingual program and at least 10% of their BEA to fund their comprehensive professional development plan for the ESL program.

Although the target audience of the comprehensive professional development plan is the teacher(s) under the bilingual exception and/or ESL waiver, additional teachers can participate in the professional development activities as available.

The 10% of BEA funds for the comprehensive professional development plan (or 20% for districts that submit both a bilingual exception and ESL waiver) does not include recruitment efforts. Recruitment efforts are an allowable use of BEA funds that are not within the 10% for the comprehensive professional development plan.

Resource:

The TEA English Learner Support Division has developed a resource for *Allowable Use of Bilingual Education Allotment (BEA) Funds Comprehensive Professional Development Plan* that explains how districts who submit a bilingual exception and/or ESL waiver can utilize BEA funds for their comprehensive professional development plan. This document can be found under "Resources" at the bottom of the TEA 2018-2019 Bilingual Education Exception and ESL Waiver Application webpage.

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IV. D-8. If our district is submitting for both a bilingual education exception and an ESL waiver application, can we consolidate the comprehensive professional development plan into one combined document, or do we have to have a separate plan for each?

LEAs who have submitted a bilingual exception and an ESL waiver can consolidate the comprehensive professional development plan into one document as long as the LEA differentiates clearly the plan for teachers under the exception and the plan for teachers under the waiver and budgets the 10% for each plan accordingly with appropriate documentation.

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IV. D-9. If the appropriately certified bilingual or ESL teacher is on Family and Medical Leave Act (FMLA), does the long-term substitute teacher need to be appropriately certified in bilingual or ESL certified? Does the long-term substitute need to be added to the bilingual exception and/or ESL waiver?

As long as the classroom teacher is appropriately certified for the bilingual and/or ESL program, the long-term substitute does not need to be added to the bilingual exception and/or ESL waiver.

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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. This guidance refers to the period of time from when notification of exit has been sent to the time at which parent approval 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 11th or 12th 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 11th and 12th grades, the English Reading component of the reclassification criteria is fulfilled by meeting at or above the 40th percentile in Reading and Language on the Norm-Referenced Standardized Achievement Test.

Other similar scenarios:

- *A 10th grader cannot be reclassified based on meeting passing standard on the English I EOC. The English Reading and Writing components in 10th grade must be fulfilled by the English II EOC exam.*
- *A 9th 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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V. A-3. 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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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
- Phone: 512-463-9414
- Barbara Kennedy, Director of English Learner Support: Barbara.Kennedy@tea.texas.gov
- Roberto Manzo, English Learner Program Coordinator: Roberto.Manzo@tea.texas.gov
- Rickey Santellana, Title III Program Coordinator: Rickey.Santellana@tea.texas.gov
- Carlene Thomas, ESL Program Coordinator: 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
- State Assessments for English Learners Email: assessment.specialpopulations@tea.texas.gov
- Phone: 512-463-9536

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Curriculum Division

- TEA Curriculum webpage
- General Email: curriculum@tea.texas.gov
- Phone: 512-463-9581

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Certification Division

- TEA Certification webpage:
- General Email: 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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