

The State Board of Education (SBOE) adopts the repeal of §74.4, concerning English Language Proficiency Standards (ELPS). The repeal is adopted without changes to the proposed text as published in the February 27, 2026 issue of the *Texas Register* (51 TexReg 1233) and will not be republished. The adopted repeal removes the ELPS for Kindergarten-Grade 12 in §74.4 that will be superseded by 19 TAC §120.20, English Language Proficiency Standards, Kindergarten-Grade 3, Adopted 2024, and §120.21, English Language Proficiency Standards, Grades 4-12, Adopted 2024, beginning with the 2026-2027 school year.

**REASONED JUSTIFICATION:** In 1998, standards for English as a second language (ESL) for students in Kindergarten-Grade 12 were adopted as part of 19 TAC Chapter 128, Texas Essential Knowledge and Skills for Spanish Language Arts and Reading and English as a Second Language. In a subsequent Title III monitoring visit, the U.S. Department of Education (USDE) indicated that there was insufficient evidence demonstrating that the ESL standards outlined in 19 TAC Chapter 128 were aligned to state academic content and achievement standards in mathematics, as required by the No Child Left Behind Act (NCLB), §2113(b)(2). In November 2007, the SBOE adopted the ELPS as part of 19 TAC Chapter 74, Curriculum Requirements, to comply with NCLB requirements. The adopted ELPS in §74.4 clarified that state standards in English language acquisition must be implemented as an integral part of the instruction in each foundation and enrichment subject. Additionally, English language proficiency levels of beginning, intermediate, advanced, and advanced high in the domains of listening, speaking, reading, and writing were established as part of the ELPS, as required by NCLB. The superseded second language acquisition standards in 19 TAC Chapter 128 were also repealed in September 2008 during the process of revising the Texas Essential Knowledge and Skills (TEKS) in 19 TAC Chapters 110 and 128.

The SBOE began review and revision of the ELPS in 2019, in accordance with the SBOE's approved TEKS and instructional materials review schedule. Applications to serve on ELPS review work groups were posted on the Texas Education Agency (TEA) website in December 2018, and TEA distributed a survey to collect information from educators regarding the current ELPS. Work groups were convened in March, May, August, September, and October 2019. In September 2019, the USDE indicated that Texas only partially met the requirements of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, and requested additional evidence that the ELPS are aligned to the state's academic content standards and contain language proficiency expectations needed for emergent bilingual students to demonstrate achievement of the state academic standards appropriate to each grade level/grade band in at least reading language arts, mathematics, and science.

In response to feedback from work group members and the USDE, TEA staff convened a panel of experts in second language acquisition from Texas institutions of higher education to complete an analysis of the work group recommendations and current research on English language acquisition. Based on the panel's findings and direction from the SBOE, TEA executed personal services contracts with the panel members and a representative of an education service center to prepare a draft of revisions to the ELPS. Text of the draft ELPS completed by the expert panel was presented to the SBOE at the June 2023 SBOE meeting.

Applications to serve on the 2023-2024 ELPS review work groups were collected by TEA from June 2023 through January 2024. TEA staff provided SBOE members with applications for approval to serve on ELPS work groups in July, September, and December 2023 and January 2024. ELPS review work groups were convened in August, September, and November 2023 and March 2024 with the charge of reviewing and revising the expert panel's draft. In April 2024, the SBOE held a discussion item on the proposed new ELPS, and in May and June 2024, TEA convened a final work group to complete the recommendations for the new ELPS.

In September 2024, the SBOE adopted new ELPS for implementation in the 2026-2027 school year to ensure the standards are current and comply with federal requirements. The adopted repeal removes the ELPS in §74.4 that will be superseded by the new ELPS in 19 TAC §120.20 and §120.21 beginning with the 2026-2027 school year.

The SBOE approved the repeal for first reading and filing authorization at its January 30, 2026 meeting and for second reading and final adoption at its April 10, 2026 meeting contingent upon approval by the Committee on Instruction within 60 days. The Committee on Instruction held a special-called meeting on April 21, 2026, and approved the repeal.

In accordance with Texas Education Code, §7.102(f), the SBOE approved the repeal for adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2026-2027 school year. The

earlier effective date will remove the ELPS and related implementation language that will be superseded by 19 TAC §120.20 and §120.21 beginning with the 2026-2027 school year to avoid confusion. The effective date is August 1, 2026.

**SUMMARY OF COMMENTS AND RESPONSES:** The public comment period on the proposal began February 27, 2026, and ended at 5:00 p.m. on March 30, 2026. The SBOE also provided an opportunity for registered oral and written comments at its April 2026 meeting in accordance with the SBOE board operating policies and procedures. No public comments were received.

**STATUTORY AUTHORITY.** The repeal is adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; and TEC, §29.051, which establishes bilingual education and special language programs in public schools and provides supplemental financial assistance to help school districts meet the extra costs of the programs.

**CROSS REFERENCE TO STATUTE.** The repeal implements Texas Education Code, §§7.102(c)(4), 28.002(a), and 29.051.

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**§74.4. English Language Proficiency Standards.**