

The Language Proficiency Assessment Committee (LPAC) Decisions

Educator Guide



2021-2022

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OVERVIEW

This Texas Education Agency (TEA) publication is designed to guide language proficiency assessment committees (LPACs) in making assessment and designated supports decisions for English learners (ELs) participating in the Texas Assessment Program. All ELs (with few exceptions) are required to participate in the State of Texas Assessments of Academic Readiness (STAAR®) and the Texas English Language Proficiency Assessment System (TELPAS). Note that when this resource refers to English learners, it applies to students identified as emergent bilingual (EB), per the terminology changes made in the 87th Texas Legislature.

The procedures in this publication implement the EL assessment requirements for STAAR in Chapter 39 of the Texas Education Code (TEC) and Chapter 101, Subchapter AA, Division 1, of the Texas Administrative Code (TAC) and for TELPAS and TELPAS Alternate in Section 101.1003 of the TAC.

These regulations require LPACs to make assessment decisions in accordance with administrative procedures established by TEA. In fulfilling their responsibilities, LPACs must

- adhere to the administrative procedures in this guide,
- **make assessment decisions on an individual student basis,**
- work as a committee to make decisions, and
- maintain required documentation.

The role LPACs have in making assessment decisions for ELs supports appropriate implementation of both the content area Texas Essential Knowledge and Skills (TEKS) and the Texas English Language Proficiency Standards (ELPS).

In addition to making assessment decisions, LPACs are also required to determine and document the number of school years an EL has been enrolled in a U.S. school. This information, which is reported to TEA in conjunction with TELPAS and TELPAS Alternate, is used in reporting, accountability, and performance-based monitoring measures. It is vital that LPACs follow state-defined policies and procedures to determine and annually document this important data element. Refer to the *Other LPAC Resources* section of the [Language Proficiency Assessment Committee Resources](#) webpage for instructions.

TEST PARTICIPATION DECISIONS—STAAR, STAAR SPANISH, OR STAAR ALTERNATE 2

The STAAR program encompasses STAAR, STAAR Spanish, and STAAR Alternate 2. The STAAR program for grades 3–8 includes assessments of mathematics, reading, science, and social studies. STAAR end-of-course (EOC) assessments are available for Algebra I, English I, English II, Biology, and U.S. History. LPACs must make and document test participation decisions in accordance with STAAR program requirements. All ELs (with few exceptions) are required to participate in one of the following academic assessments. For more information on exemptions for student participation in the STAAR program, refer to the *Other Assessment Decisions* section.

STAAR (grades 3–8 and EOC)	<ul style="list-style-type: none"> • General statewide assessment • Designated supports available for students who meet eligibility found on the Accommodation Resources webpage • Taken by ELs not eligible for an assessment listed below
STAAR Spanish (grades 3–5)	<ul style="list-style-type: none"> • Available for students in grades 3–5 for whom a Spanish version of STAAR most appropriately measures their academic progress • Designated supports available for students who meet eligibility found on the Accommodation Resources webpage • Not permitted for an EL whose parent or guardian has declined bilingual/ESL program services
STAAR Alternate 2 (grades 3–8 and EOC)	<ul style="list-style-type: none"> • Available for students receiving special education services, including those who are ELs, who meet requirements for an alternate assessment based on alternate achievement standards • Participation requirements and information regarding available accommodations found on the STAAR Alternate 2 Resources webpage

In the case of an EL who receives special education services, the LPAC is responsible for working in conjunction with the student’s admission, review, and dismissal (ARD) committee to make and document assessment participation decisions.

In making STAAR assessment decisions, LPACs should keep in mind that STAAR Spanish, in addition to being appropriate for students in bilingual programs who are receiving most of their academic instruction in Spanish, may sometimes be appropriate for an EL in an English as a second language (ESL) program. Examples include the following:

- a Spanish speaker who has recently moved to the U.S.
- an EL who recently moved from a campus with a Spanish bilingual education program to a campus with only an ESL program

- a student in an ESL program who receives substantial academic support in Spanish

It is recommended that LPACs make final assessment decisions as close as possible to the time of the test administration to consider the student's progress in learning English.

TEST PARTICIPATION DECISIONS—TELPAS OR TELPAS ALTERNATE

All ELs are required to be assessed annually with one of the following English language proficiency assessments until they meet English learner reclassification criteria and are reclassified as English proficient. This requirement includes ELs classified as EB in the Public Education Information Management System (PEIMS) whose parents have declined bilingual/ESL program services (PEIMS Parental Permission Code C).

The TELPAS program encompasses TELPAS and TELPAS Alternate. Both assessments measure the English language proficiency of ELs in four language domains: listening, speaking, reading, and writing. LPACs are responsible for making and documenting participation decisions. In the case of an EL who receives special education services, the LPAC is responsible for working in conjunction with the student's ARD committee to make and document assessment participation decisions.

For ELs in kindergarten through grade 2 who do not have ARD or Section 504 committee, the LPAC is not required to meet to determine participation decisions regarding unmodified English language proficiency assessments.

TELPAS Holistically Rated Assessments

TELPAS holistically rated assessments are based on student classwork and ongoing classroom observations of students in daily instruction. For these assessments, trained teachers use proficiency level descriptors (PLDs) from the ELPS to determine students' English language proficiency levels.

Grades K-1 (all domains)	For kindergarten and grade 1, listening, speaking, reading, and writing are holistically rated.
Grades 2-12 Writing	For grades 2-12, teachers use collections of classroom-based student writing when assessing the English language writing proficiency of students.
Students Receiving Special Education Services	<p>ELs receiving special education services should be evaluated relative to how well they are able to understand and use English to access the general curriculum at their enrolled grade level in accordance with their individualized education program (IEP).</p> <p>Participation must be considered on a domain-by-domain basis. The reason for not assessing the student must be well-supported and documented appropriately in the student's permanent record file by the LPAC.</p> <p>With rare exceptions, students should be able to be observed and rated meaningfully in each holistically rated domain. If the LPAC and ARD committee collaboratively decide that an assessment is inappropriate because of a student's particular disability, the decision is recorded at the time of testing, and the student is not holistically rated in the applicable domain.</p> <p>This non-participation decision is applicable only for an EL receiving special education services who is not eligible for TELPAS Alternate.</p>

TELPAS Online Assessments

The TELPAS listening and speaking test and TELPAS reading test for grades 2–12 are designed to determine where ELs are on the continuum of English language listening, speaking, and reading proficiency as a measure of annual student progress. Because the span of listening, speaking, and reading abilities is so broad and the purpose is to measure annual growth in English acquisition, these assessments should be appropriate for the vast majority of ELs who receive special education services.

<p>Special Administration of Online Test(s)</p>	<p>In rare circumstances that prevent a student from testing online, TEA may grant approval for a special administration of a TELPAS online test (listening and speaking or reading) for grades 2–12.</p> <ul style="list-style-type: none"> • Accommodations cannot be applied—a student may need a testing accommodation that is not possible to provide in an online setting. Prior to requesting a special administration of the assessment, consideration should be given to accessibility features, locally-approved designated supports, and designated supports requiring TEA approval. For information on designated supports, refer to the Accommodation Resources webpage. • Technology access is precluded—districts must make every effort to administer the TELPAS listening and speaking test online and TELPAS reading test online. In rare situations where computers or technology are not available, districts may seek permission for a special administration. • Unable to participate in one domain—for a student who is ARD exempt in one domain of the listening and speaking assessment, districts may request a special administration.
<p>Students Receiving Special Education Services</p>	<p>There are circumstances in which a student may not be required to participate in the general TELPAS or in one or more language domains. In rare cases, it may be necessary for the ARD committee, in conjunction with the LPAC, to determine if an EL receiving special education services should not be assessed in listening, speaking, or reading due to a student’s particular disability. One example would be a student needing a signed version of an online test.</p> <p>Participation must be considered on a domain-by-domain basis. The reason for not assessing the student must be well supported and documented in the student’s IEP by the ARD committee and documented appropriately in the student's permanent record file by the LPAC.</p> <p>This non-participation decision is applicable only for an EL receiving special education services who is not eligible for TELPAS Alternate.</p>

TELPAS Alternate Holistic Inventory

TELPAS Alternate is an alternate English language proficiency assessment for ELs with the most significant cognitive disabilities. It is a holistic inventory aligned to the ELPS and is based on alternate PLDs that were created to address the specific needs of this population. Using the [TELPAS Alternate Participation Requirements](#), the ARD committee, in conjunction with the LPAC, should determine if an EL in grades 2–12 who is receiving special education services is eligible for TELPAS Alternate. It is important to note that students that are eligible for TELPAS Alternate must be evaluated in all four language domains. There are no domain-specific exemptions. For guidance on students that may qualify for “No Authentic Academic Response” or a “Medical Exception,” refer to the applicable form on the [TELPAS Alternate Resources](#) webpage.

<p>Grades K-1</p>	<p>ELs in kindergarten and grade 1 will be assessed with the general TELPAS holistically rated assessment for all four language domains and not with the TELPAS Alternate assessment. This decision was based on feedback from various stakeholders that the general TELPAS holistically rated assessment was accessible and appropriate for students at this early age, and that some students in kindergarten and grade 1 have not yet been identified with a disability (i.e., non-categorical).</p> <p>Additionally, there was an overall reluctance to assign labels to young students that would make them eligible for an alternate assessment.</p>
<p>Grade 2</p>	<p>For ELs in grade 2, the ARD committee, in conjunction with the LPAC, will be required to make an assessment determination for TELPAS Alternate as there is no STAAR Alternate 2 assessment for grade 2. The TELPAS Alternate Participation Requirements are posted on the TELPAS Alternate Resources webpage.</p>
<p>Grades 3-12</p>	<p>ELs in grades 3-12 who are eligible to take STAAR Alternate 2 will take TELPAS Alternate. (ELs in grades 11 or 12 who previously met STAAR Alternate 2 eligibility, and completed all STAAR testing requirements, will take TELPAS Alternate.)</p>

STAAR DESIGNATED SUPPORTS DECISIONS

LPAC Responsibilities with Designated Supports Decisions

In order to make appropriate designated supports decisions, LPACs are responsible for

- coordinating with the content area teachers of ELs to make designated supports decisions in accordance with the TEA policies described in the [Educator Guide to Accessibility within the STAAR Program](#), and
- maintaining required documentation of the decisions.

Designated Supports: Instructional Use and Assessments

While some designated supports may be appropriate for instructional use, they may not be appropriate or allowable on a statewide assessment. Providing unfamiliar or inappropriate designated supports during statewide assessments may hinder rather than help a student.

For ELs taking STAAR in English, the LPAC, as a sole authority, makes designated supports decisions only for:

- Content and Language Supports
- Extra Time
- Oral/Signed Administration

For ELs taking STAAR Spanish, the LPAC does not have sole authority to make designated supports decisions for Content and Language Supports, Extra Time, and Oral/Signed Administration. These designated supports decisions must be made by the student's ARD committee, Section 504 committee, response to intervention [RtI] team, or the appropriate team of people at the campus level, in conjunction with the LPAC.

For an EL with a disability, LPACs are required to work in conjunction with the applicable committee (student's ARD committee, Section 504 committee, RtI team, or student assistance team) in making both designated supports decisions related to an EL's language proficiency and designated supports decisions related to the student's disability. This collaboration helps ensure that factors related to disabling conditions and second language acquisition are both carefully considered. Comprehensive information regarding designated supports can be found on the [Accommodation Resources](#) webpage.

It is recommended that LPACs make final designated supports decisions as close as possible to the time of the test administration to consider the student's progress in learning English.

For STAAR EOC assessments, designated supports decisions can be carried over from fall to the spring and summer administrations.

Designated Supports and Reclassification

Students for whom the LPAC recommends the following designated supports for any STAAR English reading or English EOC assessments may not be considered for reclassification at the end of the school year:

- Oral Administration
- Content and Language Supports
- Extra Time

For questions about the reclassification process or policy, contact the Division of English Learner Support at (512) 463-9414 or EnglishLearnerSupport@tea.texas.gov.

TELPAS DESIGNATED SUPPORTS DECISIONS

For TELPAS, all designated supports decisions **MUST** be made in conjunction with the ARD committee, Section 504 committee, or appropriate team of people at the campus level (e.g., Rtl team or student assistance team).

OTHER ASSESSMENT DECISIONS

STAAR Exemption

Section 101.1005 of the TAC allows the exemption of certain qualifying EL asylees and refugees from being administered a STAAR assessment in grades 3–8.

Exemption

An EL who meets the eligibility criteria below shall not be required to take a STAAR assessment in grades 3–8.

Eligibility Criteria

This exemption applies to an EL who

- qualifies as an unschooled asylee or refugee,
- is in the first year of enrollment in U.S schools, and
- is in grades 3–8.

STAAR English I Special Provision

Section 101.1007 of the TAC includes a STAAR English I EOC assessment provision for ELs served in bilingual/ESL programs who meet specified eligibility criteria.

Special Provision

An EL who meets the eligibility criteria below shall not be required to retake the STAAR English I assessment each time it is administered if the student passes the course but fails to meet the passing standard on the assessment.

Eligibility Criteria

This provision applies to an EL enrolled in an English I course or an English for Speakers of Other Languages (ESOL) I course if the EL

- has been enrolled in U.S. schools for three school years or less or qualifies as an unschooled asylee or refugee enrolled in U.S. schools for five school years or less, and
- has not attained a TELPAS advanced high reading rating in grade 2 or above.

An EL whose parent or guardian has declined bilingual/ESL program services is not eligible for this provision.

This provision acknowledges the unique circumstances of specific ELs and the challenges they could encounter when engaging with high school English language arts course material, due to insufficient time in the U.S. and insufficient time to learn English. These students may depend heavily on instructional scaffolding, including linguistic supports based on their second language acquisition needs, that cannot be provided as designated supports during the standardized STAAR English I assessment. LPACs must maintain [documentation of eligibility for the special provision](#). Eligibility must be determined in conjunction with the student's enrollment in English I/ESOL I.

Qualifying as an Unschooled Asylee or Refugee

To qualify as an unschooled asylee or refugee, each of the following criteria must be met.

- The student must be identified as EB/EL as defined by state law in TEC, Section 29.052, and must participate in a state-approved bilingual or ESL program.
- The student's permanent record file must contain appropriate documentation of asylee or refugee status. The student must
 - be an asylee as defined by 45 Code of Federal Regulations, Section 400.41 or a refugee as defined by 8 United States Code, Section 1101, *and*

- have a Form I-94 Arrival/Departure record, or a successor document, issued by the United States Citizenship and Immigration Services that is stamped with "Asylee," "Refugee," or "Asylum."

The [Language Proficiency Assessment Committee Resources](#) webpage includes a TEA form that may be used in the rare case that a campus has compelling evidence of a student's asylee or refugee status but is unable to obtain official documentation by the time of the applicable test administration.

The student's permanent record file must document that

- the student had little or no formal schooling outside the U.S. and lacked basic primary language literacy upon enrollment in school in the U.S.;
- the student is being provided designated supports and other ongoing interventions by the district to meet the student's unique affective, linguistic, and cognitive needs; and
- as of the semester of the test administration, the student continues to lack the necessary foundation in the TEKS as a direct result of the student's inadequate schooling outside the U.S.

An EL who qualifies as an unschooled asylee or refugee may be eligible for the STAAR English I EOC assessment special provision during the student's fourth or fifth school year of enrollment in a U.S. school if all other requirements are met. Refer to the *Other Assessment Decisions* section of this document for information about unschooled asylees or refugees in their first year in U.S. schools.

Refer to Appendix B for additional information on unschooled asylees and refugees.

DOCUMENTING AND COMMUNICATING DECISIONS

For each EL, the LPAC must maintain documentation of STAAR, STAAR Spanish, STAAR Alternate 2, TELPAS, and TELPAS Alternate participation decisions and the decision to provide STAAR and/or TELPAS designated supports in the student's permanent record file.

For participation and designated supports decisions LPACs make in conjunction with the ARD committee, 504 committee, Rtl team, or student assistance team

- the ARD committee will document decisions in the student's IEP,
- the Section 504 committee will document decisions in the student's individual accommodation plan (IAP), and
- other student assistance teams will document decisions in the student's permanent record file.

NOTE: For electronic documents and files, districts must ensure the Family Educational Rights and Privacy Act (FERPA) requirements are met.

Sample forms are provided to assist LPACs in meeting documentation requirements and are available on the [Language Proficiency Assessment Committee Resources](#) webpage.

Keep the following in mind when accessing the forms:

- There are separate sample forms for students in grades K–5 and grades 6–12.
- LPACs may modify or reformat the forms. If forms are modified, school districts must ensure that components of required state documentation are included.
- School districts may require additional supporting documentation and evidence.

LPACs are responsible for providing testing personnel with assessment decisions as well as STAAR and/or TELPAS designated supports information for ELs in time for appropriate testing arrangements to be made.

APPENDIX A: LPAC DOCUMENTATION FORMS

LPACs may use the [sample forms](#) to document and justify STAAR, STAAR Spanish, STAAR Alternate 2, TELPAS, and TELPAS Alternate participation decisions as well as designated supports decisions, as required by the TAC, Sections 101.1005 and 101.1003.

PART I: STAAR Participation, Designated Supports, and Justification

The table in Part I may be used by the LPAC to document the student's participation in and designated supports decisions for STAAR assessments. Keep the following in mind when completing the table in Part I of the form.

- For STAAR, it is enough to include a general statement such as, "The LPAC has determined STAAR to be the most appropriate assessment," or "The student does not meet participation requirements for other assessments."
- For STAAR Spanish, the justification must specifically relate to the participation requirements and must specifically validate the assessment decision.
- For STAAR Alternate 2, the justification is based on the LPAC and the ARD committee determining the student meets eligibility for STAAR Alternate 2 for reasons specific to the student's disability. The STAAR Alternate 2 Participation Requirements may be found on the [STAAR Alternate 2 Resources](#) webpage.

For Grades K-5

Decisions Regarding Assessment Participation and Designated Supports (Grades K-5)								
Academic Year: <small>Click or tap here to enter text.</small>				LPAC Date: <small>Click or tap to enter a date.</small>				
School District/Charter School: <small>Click or tap here to enter text.</small>				Campus: <small>Click or tap here to enter text.</small>				
Student Name: <small>Click or tap here to enter text.</small>				Grade: <small>Click here to select grade level.</small>				
*If student is enrolled in K, grade 1 or grade 2, skip to Part II								
PART I: STAAR Participation and Designated Supports Decisions								
Assessment	Participation		Designated Supports ¹				Justification <i>(Attach additional information if more room is required.)</i>	
	English	Spanish ²	Content and Language Supports ³	Extra Time	Oral/Signed Administration ⁴	None		
STAAR	Mathematics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<small>Click or tap here to enter text.</small>
	Reading	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<small>Click or tap here to enter text.</small>
	Science (grade 5 only)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<small>Click or tap here to enter text.</small>
STAAR Alternate 2	<input type="checkbox"/>	The ARD committee, in conjunction with the LPAC, has determined that the student is eligible and will participate in STAAR Alternate 2.						
Signature of Student's Teacher for Subject Area			Math:					
For STAAR designated supports decisions the signature of the student's teacher affirms that the supports marked are based both on the student's need and the student's routine use of the support in classroom instruction and testing.			Reading/Language Arts:					
			Science:					
¹ Students for whom the LPAC recommends Content and Language Supports, Extra Time, or Oral Administration for any English reading assessment, may not be considered for reclassification at the end of the school year. ² The LPAC may make decisions on the language of a student's assessment. However, if a student needs designated supports on a Spanish assessment, that decision must be made by another committee or team at the campus level, in conjunction with the LPAC, as noted in each designated supports policy document. ³ Students eligible for an Oral Administration and Content and Language Supports should take STAAR online since these supports are best delivered online.								

For Grades 6–12

Decisions Regarding Assessment Participation and Designated Supports (Grades 6–12)						
Academic Year: <small>Click or tap here to enter text.</small>			LPAC Date: <small>Click or tap to enter a date.</small>			
School District/Charter School: <small>Click or tap here to enter text.</small>			Campus: <small>Click or tap here to enter text.</small>			
Student Name: <small>Click or tap here to enter text.</small>			Enrolled Grade: <small>Click here to select grade level.</small>			
PART I: STAAR and EOC Participation and Designated Supports Decisions						
Participation		Designated Supports ¹			Justification <small>(Attach additional information if more room is required.)</small>	
Assessment	Content & Language Supports ²	Extra Time	Oral/Signed Administration ²	None		
STAAR	Mathematics Algebra I	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<small>Click or tap here to enter text.</small>
	Reading	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<small>Click or tap here to enter text.</small>
	English I	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<small>Click or tap here to enter text.</small>
	English II	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<small>Click or tap here to enter text.</small>
	Science Biology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<small>Click or tap here to enter text.</small>
STAAR Alternate 2	<input type="checkbox"/>	The ARD committee, in conjunction with the LPAC, has determined that the student is eligible and will participate in STAAR Alternate 2 for all subject areas.				
Signature of Student's Teacher for Subject Area <small>For STAAR designated supports decisions the signature of the student's teacher affirms that the supports marked are based both on the student's need and the student's routine use of the support in classroom instruction and testing.</small>		Mathematics: Reading/Language Arts: Science: Social Studies:				
<small>¹ Students for whom the LPAC recommends Content and Language Supports, Extra Time or Oral Administration for any English reading or English EOC assessments, may not be considered for reclassification at the end of the school year.</small>						
<small>² Students eligible for an Oral Administration and Content and Language Supports should take STAAR online since these supports are best delivered online.</small>						

PART II: TELPAS Participation and Documentation

The table in Part II may be used by the LPAC to document the student's participation in TELPAS (K–12) or TELPAS Alternate (2–12) and designated supports decisions.

PART II: TELPAS Participation* and Designated Supports Decisions	
Assessment	Participation
TELPAS	<input type="checkbox"/> The student will take the general Texas English Language Proficiency System (TELPAS) in all four language domains.
	<input type="checkbox"/> The ARD committee, in conjunction with the LPAC, has determined that the student will not be assessed in one or more of the four language domains, as noted in student's individualized education program (IEP).
	<input type="checkbox"/> The ARD committee, Section 504 committee, or appropriate team of people at the campus level, in conjunction with the LPAC, has determined that the student will receive designated supports, and noted accordingly.
	<input type="checkbox"/> The ARD committee, Section 504 committee, or appropriate team of people at the campus level, in conjunction with the LPAC, has determined that the student will have a special administration of an online TELPAS assessment pending TEA approval.
TELPAS Alternate	<input type="checkbox"/> The ARD committee, in conjunction with the LPAC, has determined that the student meets the TELPAS Alternate eligibility and will be assessed with TELPAS Alternate, as noted in the student's IEP.

* For English Learners (ELs) in kindergarten through grade 2 who do not have ARD or Section 504 committees, the LPAC is not required to meet to determine participation decisions regarding unmodified English language proficiency assessments.

Part III: Notes

This section can be used to record any other information pertinent to assessment administrations, including designated supports requiring TEA approval and designated supports requested by a committee other than the LPAC. Additional notes pertinent to the assessment administration can also be recorded in this section; for example, accessibility features to be provided based on the student's need.

Part IV: LPAC Signatures

LPAC signatures affirm that the decisions recorded have been made by the LPAC in full accordance with the state policies and procedures.

Digital signatures (signatures ensuring authentication) meet FERPA requirements and are allowable. This includes digital initials.

APPENDIX B: COMMON QUESTIONS ABOUT ASYLEES AND REFUGEES

1. In determining how long an asylee or refugee has been in U.S. schools, do we go by the arrival date on the Form I-94 Arrival/Departure record or the student's first school year of enrollment in U.S. schools?

Follow the instructions for the Years in U.S. Schools data collection for TELPAS. In accordance with this data collection, start with the student's first school year of enrollment in U.S. schools but do not include enrollment in a U.S. school prior to grade 1.

2. From whom should a school district obtain documentation of a student's asylee or refugee status?

Documentation should come from the parent or legal guardian (or student if 18 or older). If applicable, a resettlement agency or other social services provider that assisted the student at the time of initial enrollment in U.S. schools may be contacted for possible assistance with this process.

3. What successor documentation can be used in place of Form I-94?

19 TAC, Section 101.1005 (c)(2) states that the student must have "a Form I-94 Arrival/Departure record, or a successor document, issued by the United States Citizenship and Immigration Services that is stamped with 'Asylee,' 'Refugee,' or 'Asylum.'" One example of an authorized "successor document" is a green card, which will contain a code indicating status as a refugee (RE6, RE7, RE8, or RE9) or asylee (AS6, AS7, or AS8).

Other forms of acceptable documentation for humanitarian populations that are included in refugee services as defined in 45 Code of Federal Regulations §400.41 and 8 United States Code §1101 and referenced in TAC 101.1005 (c)(1) can be found on the [U.S. Office of Refugee Resettlement \(ORR\)](#) webpage.

For questions regarding whether a document other than Form I-94 or green card is an acceptable form of documentation, contact Kathleen Gillen, Children's Service Specialist of Refugee School Impact (RSI) Migration and Refugee Services at the United States Conference of Catholic Bishops (USCCB) via email at KGillen@uscgb.org or by phone at (202) 541-5406. USCCB is the replacement designee for the federal Refugee School Impact grant.

Specific written documentation must be maintained in the student's permanent record file verifying the determination by USCCB that the form of documentation available to the district is acceptable.

