

Language Proficiency Assessment Committee (LPAC) Decisions

Educator Guide



2022–2023

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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 emergent bilingual (EB) students participating in the Texas Assessment Program. With rare exceptions, EB students are required to participate in the State of Texas Assessments of Academic Readiness (STAAR®) and the Texas English Language Proficiency Assessment System (TELPAS).

Chapter 39 of the Texas Education Code (TEC) and Title 19, Chapter 101, of the Texas Administrative Code (TAC) require LPACs to make assessment decisions in accordance with administrative procedures established by TEA. In fulfilling its responsibilities, an LPAC must work as a committee to

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

Decisions LPACs make on behalf of EB students support the 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 EB student has been enrolled in a U.S. school. This information, which is submitted to TEA during the TELPAS and TELPAS Alternate administration, is used for TELPAS and TELPAS Alternate reporting, STAAR assessment decisions, accountability, and performance-based monitoring measures. It is vital that LPACs follow state-defined policies and procedures to determine and document this important data element annually. Refer to the *Other LPAC Resources* section of the [LPAC Resources](#) webpage for instructions on calculating years in U.S. schools.

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 language arts (RLA), 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. With rare exceptions, EB students are required to participate in one of the following academic assessments. For more information on student exemptions from participation in the STAAR program, refer to the *Other Assessment Decisions* section.

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| 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 EB students 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 EB student whose parent or guardian has declined bilingual or English as a second language (ESL) program services |
| STAAR Alternate 2 (grades 3–8 and EOC) | <ul style="list-style-type: none"> • available for students, including dual-identified EB students, who are receiving special education services and 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 |

For an EB student who receives special education services, the LPAC must work 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 receive most of their academic instruction in Spanish, may sometimes be appropriate for an EB student in an ESL program. Examples include the following:

- a Spanish speaker who has recently moved to the United States
- an EB student 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

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

For non-EB students participating in a dual-language bilingual education program, including one-way or two-way dual language programs, a student may be administered a STAAR Spanish assessment if the LPAC determines STAAR Spanish to be the most appropriate measure of the student's academic progress per TAC §101.1005(g). The LPAC must consider the student's language of instruction and the level of linguistic support that the student receives during classroom instruction when determining whether English or Spanish is the most appropriate assessment. This may differ by content area for the student and should be determined on an individual basis.

NOTE: An LPAC is not responsible for completing for non-EB students the many other LPAC duties carried out for EB students.

Test Participation Decisions—TELPAS or TELPAS Alternate

All EB students are required to be assessed annually with an English language proficiency assessment until they meet EB reclassification criteria and are reclassified as English proficient. This requirement includes students classified as EB/English learners 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 EB students in four language domains: listening, speaking, reading, and writing. LPACs are responsible for making and documenting participation decisions. In the case of a dual-identified EB student who is also receiving special education services, the LPAC and ARD must work in conjunction to make and document assessment participation requirements.

For EB students in kindergarten through grade 2 who do not have an 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.

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| <p>Grades K-1 (all domains)</p> | <p>For kindergarten and grade 1, listening, speaking, reading, and writing are holistically rated.</p> |
| <p>Students Receiving Special Education Services</p> | <p>EB students 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 EB student receiving special education services who is not eligible for TELPAS Alternate.</p> |

TELPAS Online Assessments

The TELPAS listening and speaking test and TELPAS reading and writing test for grades 2–12 are designed to determine where EB students are on the continuum of English language listening, speaking, reading, and writing proficiency as a measure of annual student progress. Because the span of listening, speaking, reading, and writing 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 EB students who receive special education services.

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| <p>Special Administration of Online Tests</p> | <p>In the following examples of rare and unavoidable circumstances that prevent a student from testing online, a student may be eligible for a special administration of a TELPAS online test (listening and speaking or reading and writing) for grades 2–12. Refer to the Special Administration of an Online Assessment subsection of the Registration section of the <i>District and Campus Coordinator Resources</i>.</p> <ul style="list-style-type: none"> • Accommodations cannot be applied: a student may need a testing accommodation that cannot be provided in an online setting. Prior to marking eligibilities for a student for 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 and the TELPAS reading and writing test online. In rare situations where appropriate technology is not available, students are eligible for a special administration. • A student is unable to participate in one domain: a student who is ARD exempt in one domain of the listening and speaking assessment or of the reading and writing assessment is eligible for 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 EB student receiving special education services should not be assessed in listening, speaking, reading, or writing due to a student’s particular disability. One example would be a student needing a holistic administration 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 nonparticipation decision is applicable only for an EB student 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 EB students 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, which can be found on the [TELPAS Alternate Resources](#) webpage, the ARD committee, in conjunction with the LPAC, should determine if an EB student in grades 2–12 who is receiving special education services is eligible for TELPAS Alternate. It is important to note that students who 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.

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| Grades K-1 | EB students 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). Additionally, there was an overall reluctance to assign labels to young students that would make them eligible for an alternate assessment. |
| Grade 2 | For EB students 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. |
| Grades 3-12 | EB students in grades 3–12 who are eligible to take STAAR Alternate 2 will take TELPAS Alternate. (EB students in grades 11 or 12 who previously met STAAR Alternate 2 eligibility and completed all STAAR testing requirements will take TELPAS Alternate.) |

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 who serve EB students to make designated supports decisions in accordance with the TEA policies described in the *STAAR Accessibility Educator Guide*, available on the [Accommodations Resources](#) webpage, 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 EB students taking STAAR in English, the LPAC as a sole authority, makes designated supports decisions for only the following:

- Content and Language Supports
- Oral Administration

For EB students taking STAAR Spanish, the LPAC does not have sole authority to make designated supports decisions for Content and Language Supports and Oral 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 EB student 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 those designated supports decisions related to an EB student's language proficiency and those related to the student's disability. This collaboration helps ensure that factors related to disabling conditions and second language acquisition are 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 the fall administration to the spring and summer administrations.

Designated Supports and Reclassification

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

- Content and Language Supports
- Oral Administration

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, student assistance team).

Other Assessment Decisions

STAAR Exemption

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

Exemption

An EB student 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 EB student 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

TAC §101.1007 includes a STAAR English I EOC assessment provision for EB students served in bilingual/ESL programs who meet specified eligibility criteria.

Special Provision

An EB student 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 EB student enrolled in an English I course or an English for Speakers of Other Languages (ESOL) I course if the EB student

- 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 EB student whose parent or guardian has declined bilingual/ESL program services is not eligible for this provision.

This provision acknowledges the unique circumstances of specific EB students and the challenges they could encounter when engaging with high school English language arts course material due to having had insufficient time in the United States 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 STAAR English I assessment. LPACs must maintain documentation of eligibility for the special provision, which can be found on the [LPAC Resources](#) webpage. 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, a student must meet each of the following criteria:

- The student must be identified as an EB student as defined by state law in TEC §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 §400.41 or a refugee as defined by 8 United States Code §1101 and

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

The LPAC 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 United States and lacked basic primary language literacy upon enrollment in a U.S. school;
- 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 United States.

An EB student 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 STAAR exemptions for grades 3–8 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

The LPAC must maintain documentation of participation decisions for STAAR, STAAR Spanish, STAAR Alternate 2, TELPAS, and TELPAS Alternate and of designated supports decisions for STAAR and/or TELPAS in each EB student’s permanent record file.

For participation and designated supports decisions LPACs make in conjunction with the ARD committee, Section 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 LPAC Resources webpage. Refer to Appendix A for additional information on the participation and designated supports forms.

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 all 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 EB students 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 TAC §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: | | | | LPAC Date: | | | |
| School District/Charter School: | | | | Campus: | | | |
| Student Name: | | | | Enrolled Grade: | | | |
| *If student is enrolled in K, grade 1 or grade 2, skip to Part II. | | | | | | | |
| PART I: STAAR Participation and Designated Supports Decision | | | | | | | |
| Participation | | Designated Supports ¹ | | | Justification <i>(Attach additional information if more room is required.)</i> | | |
| Assessment | English | Spanish ² | Content and Language Supports | Oral Administration | | None | |
| STAAR | Mathematics | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | Reading Language Arts (RLA) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | Science (grade 5 only) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 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 Content 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> | | | | Math: | | | |
| | | | | RLA: | | | |
| | | | | Science: | | | |
| ¹ Students for whom the LPAC recommends Content and Language Supports 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 STAAR assessment in Spanish, that decision must be made by another committee or appropriate team at the campus level, in conjunction with the LPAC, as noted in each designated supports policy document. | | | | | | | |

For Grades 6–12

| Decisions Regarding Assessment Participation and Designated Supports (Grades 6–12) | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-----------------------------------------------------------------------------------|
| Academic Year: | | | LPAC Date: | | |
| School District/Charter School: | | | Campus: | | |
| Student Name: | | | Enrolled Grade: | | |
| PART I: STAAR and EOC Participation and Designated Supports Decisions | | | | | |
| Participation | | Designated Supports* | | | Justification <i>(Attach additional information if more room is required.)</i> |
| Assessment | Content and Language Supports | Oral Administration | None | | |
| STAAR | Mathematics Algebra I | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | Reading Language Arts (RLA) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | English I | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | English II | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | Science Biology | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | Social Studies U.S. History | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 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 content areas. | | | |
| Signature of Student's Teacher for Content Area | | Mathematics: | | | |
| 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. | | RLA: | | | |
| | | Science: | | | |
| | | Social Studies: | | | |
| *Students for whom the LPAC recommends Content and Language Supports or Oral Administration for any English reading or English EOC assessments, may not be considered for reclassification at the end of the school year. | | | | | |

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 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 IEP. |
| | <input type="checkbox"/> The ARD committee, in conjunction with the LPAC, has determined that the student will receive designated supports, as noted in student's IEP. |
| | <input type="checkbox"/> The ARD committee, in conjunction with the LPAC, has determined that the student will have a special administration of an online test(s), as noted in student's IEP or 504 paperwork. |
| 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 student's IEP. |

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, such as accessibility features to be provided based on the student's need, may also be recorded in this section.

Part IV: LPAC Signatures

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

Digital signatures and initials that ensure authentication meet FERPA requirements and are allowable.

Appendix B: Common Questions About Asylees and Refugees

1. In determining how long an asylee or refugee has been enrolled 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 found in the *Other LPAC Resources* section of the [LPAC Resources](#) webpage. 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 from the student, if he or she is 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?

TAC §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 a 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@usccb.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.

