



## English Learner Frequently Asked Questions

---

### Language Proficiency Assessment Committee (LPAC)

---

#### **Table of Contents**

#### **I. [LPAC Introduction](#)**

- A. [General](#)
- B. [LPAC / Admission Review and Dismissal \(ARD\) Collaboration](#)

#### **II. [Identification](#)**

- A. [General](#)
- B. [Home Language Survey \(HLS\)](#)

#### **III. [Placement](#)**

- A. [General](#)

#### **IV. [English Learner Services](#)**

- A. [General](#)
- B. [Bilingual Education](#)
- C. [English as a Second Language \(ESL\)](#)
- D. [Bilingual Education Exceptions / ESL Waivers](#) *(opens another document)*
- E. [Assessment / LPAC Decision-Making](#)

#### **V. [Review and Reclassification](#)**

- A. [General](#)

#### **VI. [Monitoring and Evaluation](#)**

- A. [General](#)

#### **VII. [Resources](#)**

- A. [Texas Education Agency](#)
- B. [State Statute and Rule](#)
- C. [Professional Development and Certification](#)
- D. [English Learner Data](#)

## 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 2020, there are 1,113,518 identified English learners in Texas from pre-kindergarten to twelfth grade. English learners make up 20% of the total student population in Texas.

89% of the identified ELs in Texas have a primary language of Spanish. The next five prominent language backgrounds of ELs in Texas are: Vietnamese (1.5%), Arabic (1.2%), Urdu (0.5%), Mandarin (0.5%), and Telugu (Telegu) (0.4%).

*Resource:* [English Learners in Texas Fact Sheet](#)

[Back to Table of Contents](#)

08-21-2020

#### 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.

[Back to Table of Contents](#)

09-14-2018

#### 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](#)

[Back to Table of Contents](#)

09-14-2018

**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.

[Back to Table of Contents](#)

10-19-2018

## I. LPAC Introduction

### B. LPAC / Admission 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)).

*Resource:* [Guidance Related to ARD and LPAC Collaboration](#) TEA webpage

[Back to Table of Contents](#)

09-14-2018

#### I. B-2. How is the English learner identification assessment utilized for students with a significant cognitive disability?

Per TAC 89.1226 (h), if a student's ability in English is so limited or the student's disabilities are so severe that the English language proficiency assessment for identification 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).

[Back to Table of Contents](#)

11-08-2019

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

An attempt must be made to administer the English language proficiency assessment for identification. 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.

*Resource:* LPAC Guidance for Deaf or Hard of Hearing English Learners [video](#) and [PowerPoint](#).

[Back to Table of Contents](#)

08-21-2020

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

Under TAC 89.1226(i), districts are required to use the [English Learner Reclassification Criteria Chart](#) to reclassify ELs as English proficient. The reclassification criteria under TAC 89.1226(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 89.1226(m), which gives special consideration to an EL for whom assessments and/or standards under TAC 89.1226(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 89.1226(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. An *Alternative English Learner Reclassification Rubric* for the subjective teacher evaluation portion of the reclassification criteria is currently under development.

The [Individualized Reclassification Process for a Student with a Significant Cognitive Disability](#) begins at the beginning of the school year by the LPAC and ARD in order for the individualized reclassification criteria to be utilized at the end of the school year.

*Resource:* [Guidance Related to ARD and LPAC Collaboration](#) TEA webpage

[Back to Table of Contents](#)

11-08-2019

**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 1050 (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](#)

[Back to Table of Contents](#)

12-18-2018

**I. B-6. Can the ARD and LPAC determine that an EL who receives special education services will not participate in the bilingual or ESL program?**

No. An English learner who receives special education services cannot be limited from access to the appropriate bilingual or ESL program. The joint colleague letter from the United States Department of Justice (DOJ) and the United States Department of Education, Office of Civil Rights (OCR) provided in January of 2015 clearly outlines the responsibility of LEAs to appropriately serve ELs with disabilities as follows:

*“School districts must provide EL students with disabilities with both the language assistance and disability-related services to which they are entitled under Federal law. Districts must also inform a parent of an EL student with an individualized education program (IEP) how the language instruction education program meets the objectives of the child’s IEP.*

*The Departments (OCR and DOJ) are aware that some school districts have a formal or informal policy of “no dual services,” i.e., a policy of allowing students to receive either EL services or special education services, but not both. Other districts have a policy of delaying disability evaluations of EL students for special education and related services for a specified period of time based on their EL status. These policies are impermissible under the IDEA and Federal civil rights laws, and the Departments expect SEAs (State Education Agencies) to address these policies in monitoring districts’ compliance with Federal law. Further, even if a parent of an EL student with a disability declines disability-related services under the IDEA or Section 504, that student with a disability remains entitled to all EL rights and services as described in this guidance.”*

*Resource: The quote above can be found on pages 24-25 of the [joint colleague letter from the United States Department of Justice \(DOJ\) and the United States Department of Education, Office of Civil Rights \(OCR\) provided in January of 2015](#).*

**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) process for any new student to Texas public schools (including FES) to identify English learners and recommend appropriate program placement.

[Back to Table of Contents](#)

09-14-2018

**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.

**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.



[Back to Table of Contents](#)

09-14-2018

**II. A-3. When does the English learner identification process begin? Can students served in an Early Education (EE) setting be identified as English learners (ELs)?**

Beginning with enrollment in any 3- or 4- year old program (including EE), students should go through the state’s identification process as described in TAC 89.1226 and can be identified as English learners regardless of placement in a pre-kindergarten program or EE setting. More details are available in the [Guidance on Identification and Placement of English Learners Prior to Kindergarten.](#)

[Back to Table of Contents](#)

08-21-2020

**II. A-4. How has the English learner identification criteria changed with the shift to a single, statewide assessment?**

Beginning in the 2019-2020 school year, Texas Administrative Code (TAC) Chapter 89.1225 on Testing and Classification of Students has been replaced with TAC 89.1226. This [resource](#) on the shift from 89.1225 to 89.1226 provides a chart on slide 3 to explain changes in English learner identification criteria.

[Back to Table of Contents](#)

11-08-2019

**II. A-5. What is the state's single, statewide assessment for English learner identification?**

Data Recognition Corporation (DRC) LAS Links Battery of Assessments is the statewide assessment for EL identification.

*Resource: The [LAS Links Texas](#) site ([laslinks.com/texas](http://laslinks.com/texas)) provides districts with all information necessary for training and purchasing of the LAS Links Battery of Assessments.*

[Back to Table of Contents](#)

08-21-2020

## 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 used 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.

[Back to Table of Contents](#)

08-21-2020

#### II. B-2. Is a new HLS administered when a student is transferring from another Texas public school and the sending district does not provide the original?

There is no need to administer a new HLS if there is sufficient LPAC documentation from the sending district that shows that the student was identified as an English learner.

Examples of documentation include the following:

- TELPAS Scores
- LPAC documents, such as parental approval /denial forms and reports on student progress
- Prior PEIMS Student Data

The school district would need to document that the original HLS is not included in the student’s cumulative folder and document the attempts and/or the reason why the HLS was not obtained.

[Back to Table of Contents](#)

11-08-2019

### III. Placement

#### A. General

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

ELs with parental 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 parental 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.

[Back to Table of Contents](#)

10-19-2018

#### 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 General Prekindergarten FAQ #13, 14, and 15](#). Full prekindergarten program information is found in Section 7 of the [Student Attendance Accounting Handbook](#).*

[Back to Table of Contents](#)

08-21-2020

**III. A-3. Can students served in bilingual education and ESL programs be combined in the same class? Can English proficient students be combined in the bilingual education program classroom?**

Students served through bilingual education and ESL programs cannot be combined in the same general education classroom. The LPAC makes a recommendation for participation in one program or the other based on the individual student's needs. The goals, as well as teacher certification requirements, of each program are different. Therefore, bilingual education and ESL program models cannot be implemented with fidelity within the same classroom. Additional factors that would impede the joining of bilingual and ESL programs include students participating in ESL with a primary language other than the language of the bilingual program and students participating in ESL with a parental denial of the bilingual program that have accepted ESL program placement.

The bilingual education program model designed for English proficient student participation is the two-way dual language immersion program model. It is the district's discretion (and should be elaborated in district policy) to allow an English proficient student to participate in any other bilingual education or ESL program model with parental approval.

While it is common and appropriate for English learners in an ESL program to receive program services alongside English proficient students in the same general education classroom, English proficient student participation in a bilingual education program must be part of an intentional instructional design to align with bilingual education program model goals, including dual-language instruction.

[Back to Table of Contents](#)

11-08-2019

## 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.

[Back to Table of Contents](#)

09-14-2018

#### 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 parental approval. Typically, this would be most applicable for students participating in a dual language immersion (DLI) program, due to the design of the program. In fact, based on the nature of the program, a dual language immersion program (one-way or two-way) is the only type of program for which the LPAC would recommend continuation after reclassification.

It is important to note that English proficient students enrolled in bilingual or ESL programs cannot exceed 40% of the total number of students enrolled in the program district-wide (TAC 89.1233).

This [Code Guide](#) resource provides details on how to code students in PEIMS after reclassification, specifically addressing students who exit program services and those who continue program services as well as if and to what extent these students generate Bilingual Education Allotment (BEA) funding.

[Back to Table of Contents](#)

08-21-2020

**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.

[Back to Table of Contents](#)

09-14-2018

**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 student's parents/guardians, 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% 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.

[Back to Table of Contents](#)

09-14-2018

**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.*

[Back to Table of Contents](#)

10-19-2018

#### **IV. A-6. How are the grade levels, course schedules, and English learner program placement handled for newcomer ELs, particularly those at the secondary level with little prior schooling documentation and limited proficiency in English?**

Grade placement of any student is a local decision. Districts and charters should NOT factor in English language proficiency when placing a student into an appropriate grade placement, as determined by age or prior school setting. However, there are several important factors to consider when determining grade placement for newcomer ELs:

- Prior schooling documentation from their home country that demonstrates grade completion,
- Current age of the student and estimated age of graduation (students can be enrolled in high school through age 21 as described in the [Student Attendance Accounting Handbook](#) in section 3.2.3 on Age Eligibility),
- Social-emotional factors associated with appropriate age placement.

Newcomer ELs should have equitable access to the same grade level courses as their peers without restrictive requirements for pre-requisite courses that do not generate credits toward graduation. Furthermore, the interests of the student should be taken into consideration in order to provide opportunities for course participation that ignites intrinsic motivation.

Language program placement for newcomer ELs should maximize the services provided through the ESL program, or the bilingual education program as available at the secondary level. In grades three through twelve, ELs at a beginning or intermediate English language proficiency level should receive focused, targeted, and systematic language instruction (TAC 74.4 (b)(4)). This means that LEAs should strategically place ELs at these levels with more robust services than their EL peers. The USDE resource listed below provides further information on language services for newcomer ELs.

*Resource:*

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

[Back to Table of Contents](#)

11-08-2019

#### **IV. A-7. What is the appropriate PEIMS coding for English learners and English proficient students participating in bilingual education or ESL programs? How are the following codes utilized: Alternative Language Program, Former EL, Bilingual/ESL Funding?**

The following resources provide details on the Texas Student Data System (TSDS) Public Education Information Management System (PEIMS) updates related to English learners and bilingual and ESL programs, that went into effective in the 2019-2020 school year.

- [Explanatory video](#) of revisions (Running time: 29:58)
- [PowerPoint](#) used in explanatory video
- LEP/EL [Decision Chart](#) for the Language Proficiency Assessment Committee (LPAC) with PEIMS codes (includes accessible version of flowchart)
- [Code Guide](#) for Bilingual and ESL Program Association
- [TSDS Web-Enabled Data Standards](#)

[Back to Table of Contents](#)

08-21-2020

## IV. English Learner Services

### B. Bilingual Education

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

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

[Back to Table of Contents](#)

09-14-2018

#### 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](#)).

[Back to Table of Contents](#)

09-14-2018

#### 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.

Keep in mind that the LOTE credit for completion of a dual language immersion program at the elementary level may not be awarded retroactively, meaning the credit must be awarded at the time of completion of the above requirements.

*Resources:*

- [Languages Other Than English FAQs – TEA Curriculum Division](#)
- [TAC Chapter 74 Subchapter B – Graduation Requirements](#)

[Back to Table of Contents](#)

11-08-2019

**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	<p><b>Course 1:</b> Language/literacy (e.g. Spanish Language Arts, Pre-AP/AP Spanish Language, Pre-AP/AP Spanish Literature, etc.)</p> <p><b>Course 2:</b> 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.)</p>	<p><b>Course:</b> English Language Arts/Reading (ELAR), and other* related English language/literacy/communications course (e.g. ESOL 1, ESOL 2, speech, debate, journalism, etc.)</p>	<p><b>All DLI teachers:</b> Certified for content area/grade level</p> <p><b>DLI partner language teachers (serving English learners):</b> Also certified in bilingual education</p> <p><b>DLI ELAR/other* teachers (serving English learners):</b> Also certified in ESL</p>

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).

**IV. B-5. What is the appropriate procedure for a student who registers at his/her zoned campus (home campus), is identified as an English learner (EL), and is eligible for placement in the district's bilingual education program, but the bilingual program is located on another campus?**

- The LPAC at the home campus
  - includes (at a minimum) the LPAC administrator, an ESL certified teacher, and an LPAC parent. It is not necessary to include a bilingual certified teacher if one is not present on the home campus.
  - should be able to explain the benefits of the bilingual program and why it is recommended for the student. Parents must be fully aware of access to and benefits of the bilingual program in order to make an informed decision.
  - should not hesitate to recommend the bilingual education program even though it is not offered on the home campus. There should be a district procedure for connecting the family to the appropriate bilingual campus (clear communication between the two campuses, busing information, knowledge about exact location of bilingual campus, etc.).
  - should not present both the bilingual education and ESL program simultaneously to the parents, especially when both programs are not available on the home campus, because bilingual and ESL program placement is an LPAC recommendation. The LPAC should make its recommendation based on the best program for the student, not the program's location.
- If parents
  - accept bilingual program placement, the home campus should ensure a smooth transition between the home and bilingual campus.
  - deny bilingual program placement, denial of program services paperwork should be signed. Then the home campus should explain the benefits of the ESL program provided on the home campus and offer parents the opportunity for ESL program participation.

[Back to Table of Contents](#)

11-08-2019

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

#### Resources:

- [ESL Waiver Scenario Chain](#): *This resource explains the various ways in which an ESL program can be implemented at the elementary and secondary levels, including appropriate PEIMS coding.*
- [Teacher Assignments: TAC 231](#)

[Back to Table of Contents](#)

08-21-2020

**IV. C-2. When and how are the ELLA and ELDA courses administered?**

The English Learners Language Arts (ELLA) TEKS for grade 7 (TAC 128.22) and grade 8 (TAC 128.23), adopted in 2017, were available for implementation 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 available for implementation in classrooms beginning in the 2020-2021 school year. They have been designed to provide instructional opportunities for recent immigrant students with little or no English proficiency.

The ELDA course satisfies 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.

*Resources:*

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

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

[Back to Table of Contents](#)

08-21-2020

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

No. TESOL certification is not listed as an approved certification for teaching in an ESL program in Texas. 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/>.

[Back to Table of Contents](#)

09-14-2018

**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.

[Back to Table of Contents](#)

10-19-2018

**IV. C-5. When will the newly adopted ESL certification standards be implemented? When will the ESL Supplemental certification test change?**

The [new ESL Supplemental certification standards](#) were adopted to be effective July 21, 2019. However, the TEA is in the process of facilitating development for a new TExES ESL Supplemental #154 test framework and test items.

[Back to Table of Contents](#)

11-08-2019

## IV. English Learner Services

### D. Bilingual Education Exceptions / ESL Waivers

See the [Bilingual Education Exceptions and ESL Waivers FAQ](#)

## 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](#).

[Back to Table of Contents](#)

09-14-2018

#### 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](#).

[Back to Table of Contents](#)

09-14-2018

#### IV. E-3. If an EL has met all curriculum course requirements for graduation but is enrolled in school for special education transition services only, is the student required to take TELPAS?

No. If an English learner has met all curriculum course requirements for graduation and is only receiving transition services through special education, he or she is not required to take TELPAS. TELPAS is only for ELs enrolled in grades K-12, and a student receiving transition services only is likely not coded at any of these grade levels.

Similarly, if an EL has met all curriculum course requirements for graduation but is in school only for STAAR EOC completion requirements, the student would not be required to take TELPAS.

[Back to Table of Contents](#)

12-18-2018

**IV. E-4. For the English Language Proficiency Assessment portion of the English learner reclassification criteria, can the TELPAS composite score be utilized to meet this criterion?**

No. The student would need to reach **Advanced High in each** TELPAS domain of Listening, Speaking, Reading, and Writing to meet the English Language Proficiency Assessment portion of the [reclassification criteria](#).

[Back to Table of Contents](#)

11-08-2019

## 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 parental 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 parental 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.

[Back to Table of Contents](#)

10-19-2018

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

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

*Other similar scenarios:*

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

[Back to Table of Contents](#)

08-21-2020

#### 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](#)).

[Back to Table of Contents](#)

09-14-2018

**V. A-4. How has the English learner reclassification criteria changed with the shift to a single, statewide assessment?**

Beginning in the 2019-2020 school year, Texas Administrative Code (TAC) Chapter 89.1225 on Testing and Classification of Students has been replaced with TAC 89.1226. This [resource](#) on the shift from 89.1225 to 89.1226 provides a chart on slide 4 to explain changes in English learner reclassification criteria.

[Back to Table of Contents](#)

11-08-2019

**V. A-5. What is the state's single, statewide assessment for the norm-referenced achievement test portion of the English learner reclassification criteria?**

The Riverside Insights Iowa Assessment, Form F is the statewide assessment for the norm-referenced achievement test portion of the English learner reclassification criteria.

*Resource: The [Riverside Insights Texas](#) site ([www.riverside-assessments.com/texas-assessment](http://www.riverside-assessments.com/texas-assessment)) provides districts with all information necessary for training and purchasing of the Iowa Assessment, Form F.*

[Back to Table of Contents](#)

NEW 8-21-2020

## 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.

[Back to Table of Contents](#)

09-14-2018

#### VI. A-2. What is the purpose of the Former LEP/EL Student PEIMS LEP Indicator code, and what is the responsibility of the LPAC for these students?

The PEIMS LEP Indicator Code 5 (new as of the 2019-2020 school year) is to be assigned to former English learners who have completed their 4<sup>th</sup> year of monitoring after reclassification. This code (5) Former LEP/EL status will apply to the student through the remainder of his/her school years in Texas. The LPAC is not responsible for monitoring these students. With this code, a district will be able to track the progress of former English learners in order to evaluate the effectiveness of the district's bilingual education and/or ESL programs. The 2019-2020 school year was the first year to implement the new code, only including students who were a LEP Indicator Code 4 for the reclassified student's fourth year of monitoring in the 2018-2019 school year.

[Back to Table of Contents](#)

08-21-2020

#### VI. A-3. When are parental reports on progress sent and for what purpose?

Based on federal requirements in the Every Student Succeeds Act (ESSA), parental reports on English learner progress are provided within the first 30 days of the school year. The purpose is to ensure parents are informed about their student's language acquisition progress and the continued placement within bilingual education and ESL programs. This [2020-2021 Beginning-of-Year \(BOY\) LPAC Checklist](#) begins with information provided within the [2019-2020 End-of-Year \(EOY\) LPAC Checklist](#) on sending home parental reports on student progress.

[Back to Table of Contents](#)

08-21-2020

## VII. Resources

### A. Texas Education Agency

#### English Learner Support Web Resources

- [Supporting English Learners in Texas \(EL Portal\)](#)
- [TEA Bilingual and ESL Programs](#) webpage
- [LPAC Framework](#)
- [Title III, Part A](#) webpage

#### Quick Access to Key Resources

- [Parent Brochures](#) for Bilingual Programs and ESL Programs in English, Spanish, and Vietnamese
- [Building Bilingual and ESL Programs](#) LEA Leader Tool
- House Bill (HB) 3 Bilingual Education Allotment [Video](#)

[Back to Table of Contents](#)

08-21-2020

#### English Learner Support Division

- EL Support Email: [EnglishLearnerSupport@tea.texas.gov](mailto:EnglishLearnerSupport@tea.texas.gov)
- LPAC Framework questions: [lpac@tea.texas.gov](mailto:lpac@tea.texas.gov)
- Phone: 512-463-9414
- Julie Lara-Martinez, Director of English Learner Support: [Julie.Martinez@tea.texas.gov](mailto:Julie.Martinez@tea.texas.gov)
- Amy Johnson, Bilingual Program Coordinator: [Amy.Johnson@tea.texas.gov](mailto:Amy.Johnson@tea.texas.gov)
- Roberto Manzo, English Learner Program Coordinator: [Roberto.Manzo@tea.texas.gov](mailto:Roberto.Manzo@tea.texas.gov)
- Rickey Santellana, Title III Program Coordinator: [Rickey.Santellana@tea.texas.gov](mailto:Rickey.Santellana@tea.texas.gov)
- Xóchitl Anabel Rocha, Dual Language Coordinator: [Xochitl.Rocha@tea.texas.gov](mailto:Xochitl.Rocha@tea.texas.gov)
- Carlene Thomas, ESL Program Coordinator: [Carlene.Thomas@tea.texas.gov](mailto:Carlene.Thomas@tea.texas.gov)

[Back to Table of Contents](#)

08-21-2020

**Assessment Division**

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

[Back to Table of Contents](#)

09-14-2018

**Curriculum Division**

- [TEA Curriculum](#) webpage
- General Email: [curriculum@tea.texas.gov](mailto:curriculum@tea.texas.gov)
- Phone: 512-463-9581
- Spanish Language Arts and Reading ([SLAR](#)) [TEKS Resources](#)

[Back to Table of Contents](#)

11-08-2019

**Certification Division**

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

[Back to Table of Contents](#)

09-14-2018

**VII. Resources**

<b>B. State Statute and Rule</b>	
<b>Texas Education Code</b>	
<ul style="list-style-type: none"> <li>• <a href="#">Chapter 29, Subchapter B: Bilingual Education and Special Language Programs</a></li> </ul>	
<b>Texas Administrative Code</b>	
<ul style="list-style-type: none"> <li>• <a href="#">Chapter 89, Subchapter BB: Commissioner's Rules Concerning State Plan for Educating English Learners</a></li> <li>• <a href="#">Chapter 231. Requirements for Public School Personnel Assignments</a></li> </ul>	
<a href="#">Back to Table of Contents</a>	08-21-2020

**VII. Resources**

<b>C. Professional Development and Certification</b>	
<b>Pearson</b>	
<ul style="list-style-type: none"> <li>• <a href="#">Texas Educator Certification Examination Program</a></li> </ul>	
<b>Texas Gateway</b>	
<ul style="list-style-type: none"> <li>• <a href="#">Home</a> webpage</li> <li>• <a href="#">Sheltered Instruction Training Series</a></li> <li>• <a href="#">Title III Early Childhood Education for English Learners</a></li> <li>• <a href="#">Title III, Part A: Strengthening and Increasing Parental Outreach</a></li> </ul>	
<a href="#">Back to Table of Contents</a>	09-14-2018

**VII. Resources**

<b>D. English Learner Data</b>	
<b><a href="#">PEIMS Standard Reports</a></b>	
<ul style="list-style-type: none"> <li>• <a href="#">ELL Student Reports by Category and Grade</a></li> <li>• <a href="#">ELL Student Reports by Language and Grade</a></li> </ul>	
<b><a href="#">Texas Assessment Management System</a> – Analytic Portal</b>	
<ul style="list-style-type: none"> <li>• <a href="#">Data Intersection for Texas Student Assessments</a></li> </ul>	
<a href="#">Back to Table of Contents</a>	12-18-2018