Guidance on Identification and Placement of English Learners Prior to Kindergarten

The purpose of this guidance document related to identification and placement of English learners prior to Kindergarten is to distinguish between key terms, explain key elements of the enrollment process, and to clarify common enrollment process scenarios. Particularly, this resource explains the interrelatedness of services for students served through special education and the identification process for English learners to be dually served in bilingual or English as a Second Language (ESL) programs.

Enrollment Prior to Kindergarten

For any student initially enrolling in a three- or four-year-old public-school program, a Home Language Survey (HLS) shall be administered and the state process followed for identification as an English learner (LEP/EL).

- This includes:
  - students with or without identified special needs.
  - students who are enrolled, not in membership due to attending school for less than 2 instructional hours per day.
  - students in a Head Start or private school program that are dually enrolled in a local education agency (LEA), based on the district's partnership with the Head Start/private school program.
- The EL identification and placement process shall be completed within four calendar weeks of enrollment per 19 TAC §89.1226(b). This is new under the Every Student Succeeds Act (ESSA), whereas twenty school days had previously been allowable.
- If a parent believes an error was made when completing the HLS, the parent may request a correction, only if: 1) the child has not yet been assessed for English proficiency; and 2) corrections are made within two calendar weeks of the child's enrollment date.
- English learners qualify for prekindergarten (PK); however, ELs may be coded as Early Education (EE) based on special education services in conjunction with their language program services.
  - Formerly, a PEIMS fatal error occurred for ELs in EE.
  - This error has been corrected through PEIMS revisions, effective 2019-2020.

Enrollment Process Scenarios

What if…

- **the child is identified as EL during registration, but the child does not enroll?**
  The HLS and EL identification become applicable when coupled with initial enrollment during the same school year. If the child does not attend school during the school year for which he/she has been classified as an EL, then the HLS and EL identification are not applicable, but shall be retained with documentation. If the student comes back to enroll in the following school year, he/she would be given a new HLS and the state's process for identification would begin again.

What if…

- **the child is not yet three years old during spring or summer registration when EL identification assessments are occurring?**
  The English learner identification assessment cannot be administered before the child is three as it is not valid until age three.

- **the three- or four-year-old attends school for less than two hours of instruction per day for special education services?**
  Although this child would be enrolled, not in membership, the HLS will be administered, and the state's English learner identification process followed at this time. If the child is identified as an English learner, the LPAC in conjunction with the ARD committee will collaborate to ensure that the child has access to both the special education and bilingual/ESL program services. The LPAC in conjunction with the ARD committee may determine:
  - that the child will participate in the district's available full-time prekindergarten program (in the appropriate age level), since the child has met prekindergarten eligibility based on English learner status;
  - that the child will receive his/her special education and bilingual/ESL program services in the district's early education (EE) setting; or
  - that the child will only receive drop-in services at this time.
    - In this scenario of drop-in services only, the district would not have a way to provide the required bilingual or ESL program yet for this child.
    - This child is still identified as an English learner, but his/her English learner services will begin when the child is able to participate in a full-time prekindergarten program or early education setting.
    - In the interim, the LPAC will use PEIMS Parent Permission code 8 (Parent/Guardian was not contacted) and will have a Bilingual, ESL, and Alternative Language Program code of 0 for students in this unique situation. It's important to understand that the parent will be contacted for notification of English learner identification, but program placement with parental approval can only occur once the student has a full-time setting in which the bilingual/ESL program can be provided. The TEA is working to revise PEIMS codes for a more appropriate solution moving forward.
    - It will be vital for the LPAC and ARD committee to ensure the full participation of the child in a bilingual or ESL program once the child has a full-time program to attend.

- **the child has been receiving special education services prior to age three and is now turning three?**
  A child with a particular disability, such as blind/visually impaired or deaf/hard of hearing, may be receiving supportive services prior to his/her third birthday. However, the HLS administration and EL identification process do not begin prior to age three. When the child turns three, the ARD committee meets and determines eligibility for Early Childhood Special Education (ECSE) services. If the ARD committee determines that the child is eligible for ECSE services beginning at age three, the HLS is administered, and the EL identification process is initiated. If identified, the English learner will receive the bilingual or ESL program through the ECSE services. However, although a student identified as an EL qualifies for a 3-year-old prekindergarten program (if available), the student must be three by Sept. 1 of the current school year to be eligible for prekindergarten program entry.

Definition of Terms

Student Distinction:

English learner (EL)

A student who is in the process of acquiring English and has been identified using the state's process for identification as outlined in TEC Chapter 29, Subchapter B and TAC Chapter 89, Subchapter BB; synonymous with the term of limited English proficient (LEP)

Programs:

Early Childhood Intervention (ECI)

A program within the Texas Health and Human Services Commission for families with children birth up to age three, with developmental delays, disabilities or certain medical diagnoses that may impact development.

Early Childhood Special Education (ECSE)

Special education services provided to children aged three through five years. To receive ECSE services, a child aged three through five years must meet the same eligibility requirements as other special education students. An Admission Review and Dismissal (ARD) committee must meet and document in the student's record that the student is eligible to receive services through this program.

Prekindergarten (Pre-K)

A program that a district is required to offer if they identify 15 or more eligible children. To be eligible, a child must be at least four years of age by September 1 of the current school year and meet at least one of the seven criteria for eligibility. A district may offer a pre-K program for three-year-old children using the same eligibility criteria but is not required to do so.

Processes and PEIMS Distinctions:

Early Education (EE)

A grade level assigned to students with disabilities who are either not eligible for pre-kindergarten, or eligible but only receives special education services in a self-contained setting, prior to kindergarten.

Enrolled, Not in Membership

Students who participate in fewer than two hours of instruction per day and do not generate ADA (and do not participate in an alternative attendance accounting program).

Enrollment

Receiving instruction and services in a public school and generating average daily attendance (ADA), as opposed to being registered but not yet receiving instruction and services.

Registration

Gathering of necessary documentation for enrollment, which may include initiation of the English learner identification process in accordance with a district's local procedures.