English Learner FAQ: Section Topics

Click on the links below to go directly to that section of the FAQ

- English Learner Program Services
- Language Proficiency Assessment Committee (LPAC) Procedures
  - General
  - English Learner Identification and Placement
  - 2019-2020 English Learner Reclassification

Note: This guidance only applies to the 2020-2021 school year and may include updates to guidance provided in response to the COVID-19 pandemic and resulting school closures during the 2019-2020 school year.

For information on instructional guidance and further detail on program implementation, see the SY 20-21 English Learner Program Implementation Guidance located on the COVID-19 Support: Special Populations webpage.

English Learner Program Services

1. **What are the expectations for bilingual and ESL teacher certification within remote and in-person learning?** ***Posted August 26, 2020***

   Teacher certification requirements for serving English learners and providing equitable access to the appropriate bilingual education or ESL program have not changed. If the LEA does not have the appropriately certified teachers to implement the bilingual education and/or ESL program, the LEA must apply for a bilingual education exception and/or ESL waiver on or before November 1st, 2020. For further information, see the Bilingual Education Exception and ESL Waiver FAQ.

   As the LEA considers staff and student learning arrangements, it is important to be mindful not to overly complicate student arrangements in order to bypass applying for a bilingual education exception or ESL waiver.

2. **What actions should be taken if a teacher who was on the LEA's 2019-2020 bilingual education exception or ESL waiver is unable to complete the appropriate certification during the 2019-2020 school year?** ***Posted July 2, 2020***

   Teachers who were placed on the LEA's 2019-2020 bilingual education exception or ESL waiver submitted to the State by November 1st, 2019 have until the 2020-2021 bilingual

education/ESL waiver deadline (November 1st, 2020) to complete the necessary certification requirements.

If a teacher has any unforeseen circumstances that prevent him/her from completing certification requirements in the appropriate timeframe (i.e. testing center closures due to COVID-19, personal or family medical circumstances, multiple failed assessment attempts, etc.), the LEA can

- document the reasons for which the teacher was unable to complete certification requirements during the given timeframe,
- establish and document a plan for expedited completion, and
- add the teacher to the 2020-2021 bilingual education exception/ESL waiver as necessary.

It is up to the LEA to determine the validity of the teacher's efforts to obtain the appropriate certification within the expected timeline. It is important to note that bilingual education exceptions and ESL waivers should only be submitted based on State certification requirements for bilingual education programs and ESL programs. An LEA may establish expectations that go above and beyond these requirements.

Reminder: Teachers who hold the necessary bilingual education or ESL **Probationary** or **Intern** certificate or for whom an **Emergency Permit** has been obtained (by the LEA) are appropriately certified and should NOT be added to the respective bilingual education exception or ESL Waiver. This includes teachers who have received an Intern or Probationary certificate under the conditions of the Governor's waivers related to the declaration of emergency (WINT or WPRO) and those for whom the Emergency Permit has been renewed for the 2020-2021 school year. For more information, please see the *Intern and Emergency Certification Waiver FAQ* on the TEA COVID-19 Support: Texas Educators webpage.

3. **Is the 2019-2020 annual bilingual education/ESL program evaluation for LEAs still required?** ***Posted August 6, 2020***

   Yes. Per TAC 89.1265, all school districts required to conduct a bilingual education or English as a second language (ESL) program shall conduct an annual evaluation and shall report to the board of trustees before November 1 of each year. Although LEAs will not have STAAR data and may not have completed TELPAS data, LEAs can still report on the other requirements as listed in TAC 89.1265 (b) and (c) as well as other district-based academic progress assessments/benchmarks. Based on the updated English learner reclassification criteria chart, LEAs can still note the number of English learners reclassified. Also, documentation of the district's professional development efforts, including all information on teachers under a bilingual education exception or ESL waiver, can be reported. Furthermore, LEAs may also consider other anecdotal programmatic data to include that can demonstrate growth, such as reflections from the Program Implementation rubrics.

LPAC Procedures – General

1. **What are the priority LPAC duties for the beginning of the 2020-2021 school year?** ***Posted August 26, 2020***

   Priority LPAC duties at the beginning of the 2020-2021 school year include the following:

- Identification of potential English learners within the first **four calendar weeks** of the students' enrollment.
- Completion of the **extended timeline** for determining English learner reclassification through the first **30 calendar days** of the 2020-2021 school year.
    - The extended timeline for the first 30 calendar days begins when the LEA resumes school for all students for the 2020-2021 school year regardless of in-person or remote learning setting.
    - If the LEA is unable to complete the reclassification process within the extended timeline in the fall, the LPAC documents the reasons for which the timeline was extended, including the plan for completing the process in a timely manner.
    - All 2019-2020 English learner reclassification assessment and decisions must be completed and documented by the PEIMS snapshot (last Friday in October 2020).
- Communication to parents/guardians on English learner progress and continued program participation decisions within the first **30 calendar days** of the 2020-2021 school year.

The LPAC Beginning-of-Year (BOY) Guidance Checklist provides details on LPAC duties for closing out the 2019-2020 school year and starting the 2020-2021 school year.

2. **What continued adjustments to the LPAC responsibilities are available during the 2020-2021 school year?** ***Posted July 2, 2020***

The LPAC may use the following provisions:

- **Alternative meeting methods**, such as
    - Phone or video conferencing
    - Use of electronic signatures that adhere with LEA policy
- **Optional LPAC parent representation** (although highly encouraged)

NEW 10/8/2020

3. **In some cases we are having difficulty getting information from a student's former district related to EL placement. How does our LEA proceed with EL placement? Are we allowed to test again?** ***NEW October 8, 2020***

For students transferring from other Texas public schools, previous Language Proficiency Assessment Committee (LPAC) documentation of the student should be obtained. The receiving school district may call the sending school district and ask if the student was previously identified as an English learner and receiving program services. The phone call should be documented.

A district can also look at PEIMS codes, TELPAS results, etc., to see if the student was previously identified as an English learner. The student may be "provisionally" placed in program services, subject to parental consent, until there is enough documentation that showed the student was an English learner.

NEW 10/8/2020

4. **We are running into the issue that parents aren't willing to have their children tested for initial identification. These children have chosen remote learning for 20-21 and**

aren't willing to bring them in to test and will not allow them to be tested remotely. How do we identify these students? ***NEW October 8, 2020***

If the Home Language Survey has a response of "other than English" and the student cannot be assessed for identification, the district can "provisionally" identify the student for receipt of program services, subject to parental consent prior to receipt of program services

The student should not be coded in PEIMS as an English learner until the student is assessed and the identification process has been completed.

LPAC Procedures – English Learner Identification and Placement

1. **With potential for on-campus and remote learning during the 2020-2021 school year, are LPACs required to complete the English learner identification process within the required four calendar weeks of a student's initial enrollment in Texas public schools?** ***Posted August 6, 2020***

   As with other circumstances beyond the LEA's control, the LPAC attempts to complete the English learner identification process within the **four calendar weeks** requirement, as feasible, and documents in the student's permanent record the reasons for which the timeline was extended. Important notes:

   - The English learner identification assessment (preLAS/LAS Links) can be administered in person (using DRC LAS Test Administration Guidelines) or virtually (beginning on August 17th). See the July 28th DRC Texas Tuesday for more information, and additional guidance and resources for virtual assessments will be forthcoming on the LAS Links Texas webpage. The use of the virtual preLAS/LAS Links test administration is optional.
   - If a student is assessed for English proficiency prior to a period of school closure, the LPAC may meet through alternative meeting methods (phone or video conference) in order to complete the identification.
     - The participation of the LPAC parent is optional.
     - If the student is identified by the LPAC, the student's parent is notified of identification, and parental approval may be obtained in writing or through an email or documented phone conversation.
   - The summer or intermittent breaks (holidays, planned or unplanned periods of closure, etc.) can be used to complete the identification process, per local health regulations. Calendar days during intermittent breaks within the school year are included in the required timeframe of **four calendar weeks** for identification.
   - No special form is needed for documenting reasons for delayed identification.
   - For students transferring from other Texas public schools, previous LPAC identification documentation should be obtained and utilized to continue program services.

2. **Can a student be placed in a bilingual education or ESL program while English learner identification is pending?** ***Posted July 2, 2020***

   Yes. Generally, TAC 89.1220 (j) allows for identified English learners who are awaiting parental approval to be temporarily placed in a bilingual education or ESL program. During periods of school closures or intermittent breaks due to the coronavirus pandemic, LEAs may

similarly provide temporary instructional support for potential English learners to ensure prompt access to program services when the identification process is delayed.

- Potential English learners include those for whom the Home Language Survey indicates a language other than English is used either in the home or by the student most of the time, but the identification assessment has not yet been administered.
- Additional anecdotal data may be collected on the potential English learner to determine instructional supports, such as informal analysis of English proficiency using the ELPS Proficiency Level Descriptors, educational history from student and/or family interview/survey, analysis of previous school records from another state or country, etc.
- A student cannot be formally placed in program services (by indicating in TSDS – PEIMS) and cannot generate Bilingual Education Allotment (BEA) funds as an English learner until he/she has been identified as an English learner by the LPAC and parental approval for program services has been received. Funding for program participation as an English learner begins on the date of parental approval for program services.

3. **If a student's prekindergarten placement is dependent upon English learner eligibility, can the student be placed in prekindergarten while English learner identification is pending?** ***Posted August 6, 2020***

   Yes. If the student does not meet any other prekindergarten eligibility criteria, the student may temporarily participate in prekindergarten until English learner identification is completed. Parents/families must be informed that continued prekindergarten participation is pending based on English learner eligibility. Please see the *Early Childhood Education Guidance FAQ* on the TEA COVID-19 Support: Academics webpage for more information and updates.

4. **Can an LEA administer the Home Language Survey (HLS) remotely?** ***Posted August 6, 2020***

   Yes. In addition to written documentation, the answers to the HLS can be obtained from the parent/guardian through an email or phone conversation that is documented in writing and retained. The use of these alternative approval methods that are typically allowable for parental approval of program placement and exit are now extended to the HLS.

LPAC Procedures – 2019-2020 English Learner Reclassification

1. **Can an LEA choose not to reclassify any of their English learners for the 2019-2020 school year?** ***Posted July 2, 2020***

   No. The LPAC must consider English learners' individual readiness for reclassification. Additionally, the LPAC cannot make statements that would indicate a refusal to reclassify any of their English learners. It is important that English learners are provided the opportunity to demonstrate language proficiency, **particularly those who have demonstrated a potential for reclassification**. These students include those for whom the LPAC and/or classroom teachers have documented readiness for successful participation in grade-level content instruction delivered without second language acquisition supports.

2. **How can reclassification be determined for English learners who were unable to complete all four domains of the 2019-2020 TELPAS?** ***Posted August 6, 2020***

   The English Language Proficiency Assessment component of the reclassification criteria cannot be fulfilled with partial TELPAS data. If all four domains of the 2019-2020 TELPAS were not completed, the LEA may administer the LAS Links Assessment only to English learners **who have demonstrated a potential for reclassification** with an extended testing window through the first **30 calendar days** of the 2020-2021 school year (Grade 1: Listening and Speaking; Grades 2-12: Listening, Speaking, Reading, and Writing).

   - The extended timeline for the first 30 calendar days begins when the LEA resumes school for all students for the 2020-2021 school year regardless of in-person or remote learning setting.
   - If the LEA is unable to complete the reclassification process within the extended timeline in the fall, the LPAC documents the reasons for which the timeline was extended, including the plan for completing the process in a timely manner.
   - All 2019-2020 English learner reclassification assessment and decisions must be completed and documented by the PEIMS snapshot (last Friday in October 2020).

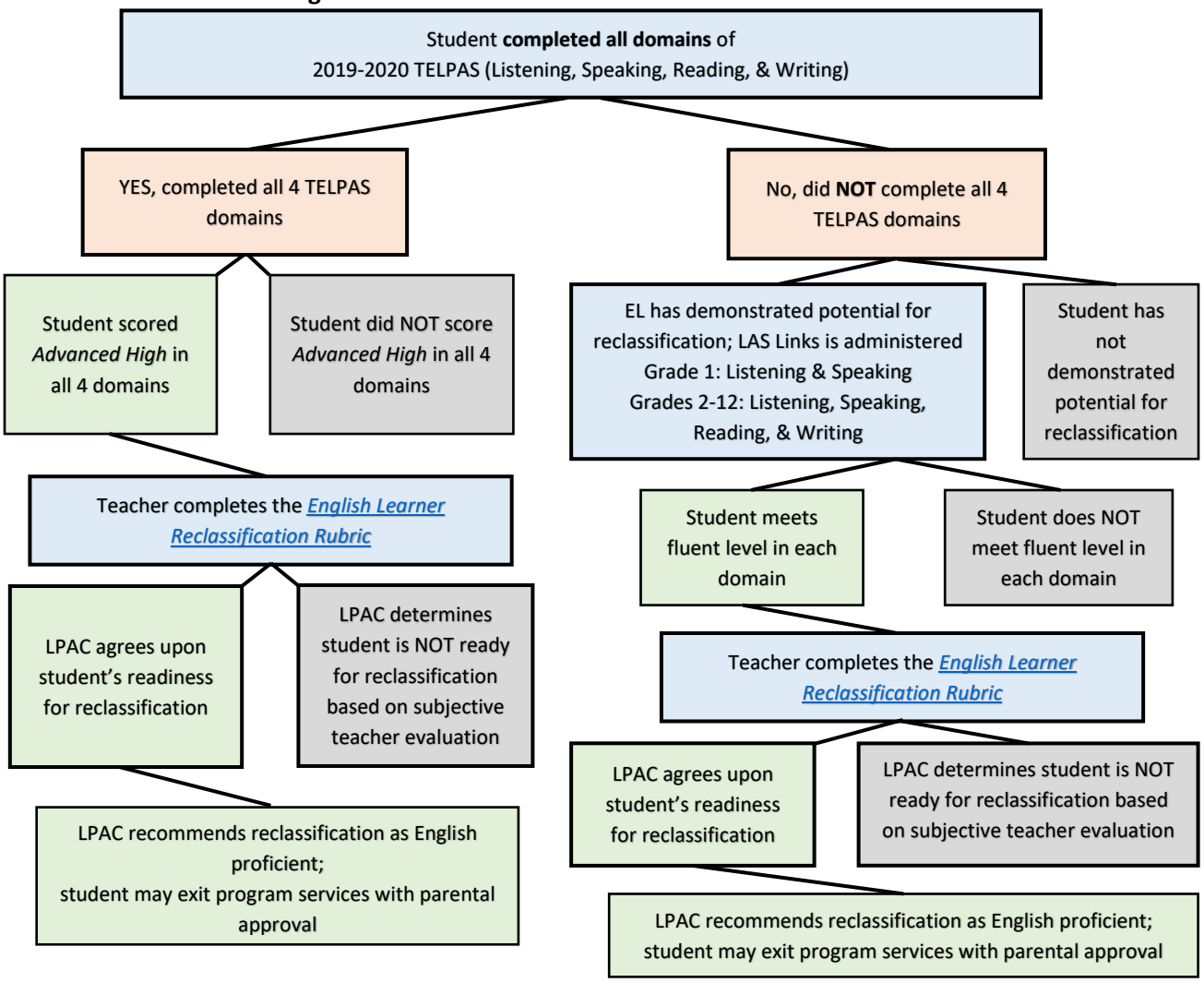
   It is important to note that TELPAS and LAS Links scores cannot be combined to meet reclassification criteria. Also, if the LAS Links assessment is used at the beginning of the 2020-2021 school year to determine reclassification from the previous year, the student should be assessed with the grade level assessment for which the student was enrolled in the 2019-2020 school year.

   If utilizing LAS Links for 2019-2020 reclassification decisions, the assessment can be administered in person (using DRC LAS Test Administration Guidelines) or virtually (beginning on August 17th). See the July 28th DRC Texas Tuesday for more information, and additional guidance and resources for virtual assessments will be forthcoming on the LAS Links Texas webpage. The use of the virtual LAS Links test administration is optional.

3. **How is 2019-2020 English learner reclassification criteria determined?** ***Posted July 2, 2020***

   The *English Learner Reclassification LPAC Decision Flowchart* below guides LEAs on how to determine 2019-2020 English Learner reclassification criteria for students in grades 1-12. This LPAC process for determining English learner reclassification, generally completed at the end of the school year, has been extended through the first **30 calendar days** of the 2020-2021 school year.

English Learner Reclassification LPAC Decision Flowchart



4. Can students within the same LEA have different 2019-2020 EL reclassification criteria based on their situation? ***Posted July 2, 2020***

Yes. The LEA must develop a consistent district-wide plan for determining reclassification criteria for English learners. This plan **may include differences in reclassification criteria for some students based on individual situations**. For example, if in a single grade level at a campus, half of the students completed all four domains of TELPAS prior to school closure, and half of the students in the same grade level did not, the students with completed TELPAS will use TELPAS, and those that did not may need to default to LAS Links. Keep in mind that LAS Links would only then be administered to those who have demonstrated a potential for reclassification and were unable to complete all four domains of TELPAS. Another reason for differences in reclassification criteria among student groups could be due to differences in feasibility for completing TELPAS prior to the extended TELPAS window in the spring. For example, the completion of holistic ratings for grade 1 may have been more feasible than online testing and writing sample collections in grades 2-12.

The LEA's plan for reclassification criteria should be based on the individual student's situation. If a student has completed all four domains of TELPAS, he or she should NOT take

LAS Links because other students did not complete TELPAS. Over-assessment of students is not a recommended practice. Providing the option to use LAS Links is only available to ensure that students who are being considered for reclassification have access to demonstrate English proficiency when TELPAS cannot be completed in all four domains. Keep in mind that TELPAS and LAS Links scores cannot be combined. The Revised English Learner Reclassification Chart provides the specific levels needed for meeting reclassification criteria using either assessment.

5. **What assistance is provided to LEAs who opt to use the LAS Links Assessment for 2019-2020 EL reclassification?** ***Posted July 2, 2020***

   LEAs can score the assessments for reclassification locally, or DRC can complete the scoring for a fee. If LEAs choose to have DRC score the assessments for reclassification, their local funds or Bilingual Education Allotment (BEA) funds can be used. Additionally, only for the 2019-2020 school year, the LEA can use Title III, Part A-ELA funds for DRC scoring of the LAS Links assessment used for reclassification. Please visit the Texas-dedicated LAS Links website for information on scoring by DRC.