

# Prekindergarten Eligibility – Limited English Proficient (LEP)

## Overview

**Statute:** [TEC §29.153 \(b\)\(1\)](#), [19 TAC §89.1215\(b\)](#), [19 TAC §89.1226\(d\)](#), [19 TAC §89.1226\(g\)](#), [19 TAC §89.1205 \(a\) and \(c\)](#)

**Resources:** [Student Attendance and Accounting Handbook \(SAAH\)](#), **Section 6.2, 6.3, 6.10, and 7.2.2**

**Contact:** District or Campus Pre-k Enrollment Specialist or LPAC Coordinator

## Identification Process

Appropriate pre-k staff members determine that a student is eligible for pre-k based on not speaking and comprehending the English language by identifying the child as LEP/EL following this process:

- Upon enrollment in a Texas public school, a student’s parent completes a home language survey (HLS), indicating the language used in the home most of the time and the language used by the student most of the time (see [SAAH 6.10.1 Home Language Survey Requirements](#)).
  - If a language other than English is indicated on any portion of the survey, the district must assess the student for English language proficiency.
  - Corrections to the Home Language Survey can be made only if the student has not yet been assessed for English proficiency.
- Assess the student for English language proficiency using the [state-approved English language proficiency assessment](#).
  - A student will be identified as an English learner if the student’s ability in English is so limited or the student’s disabilities are so severe that the English language proficiency assessment cannot be administered ([19 TAC §89.1226\(g\)](#)).
- The language proficiency assessment committee (LPAC) convenes to identify the student as an English learner or as English proficient, based on the results of the English language proficiency assessment, and recommends placement of the identified English learner in either the bilingual or ESL education program, in accordance with [19 TAC §89.1205 \(a\) and \(c\)](#).
- The LPAC must give written notice to the student’s parents informing them that the student has been classified as an EL and requesting documented parental approval to place the student in the required bilingual or ESL education program.
- In cases where a parent or guardian denies placement in bilingual education or English as a Second Language (ESL) services after pre-k, the student:
  - Is identified in PEIMS as an English learner with a parental denial and remains classified as an English learner until the student meets reclassification criteria.  
Participates in the annual Texas English Language Proficiency Assessment System (TELPAS) until the student meets reclassification criteria. *Note: An English learner may not be reclassified as English proficient in prekindergarten or kindergarten. A school district must ensure that English learners are prepared to meet academic standards required by the TEC, §28.0211.*

For more information, please visit the **SAAH Section 6.2**

## Documentation

If the student is eligible for pre-k because the student does not speak and comprehend the English language, the following documentation must be on file.

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- **Home language survey.** [TAC §89.1215\(b\)](#) The home language survey shall be administered in English, Spanish, and Vietnamese. For students of other language groups, the home language survey shall be translated into the home language whenever possible. The survey shall contain the following questions:
  - “What language is spoken in the child’s home **most of the time**?”
  - “What language does the child speak **most of the time**?”
- Proof that the student’s score on the **English oral language proficiency test** is below the level designated for indicating English proficiency.
- Documentation of the **LPAC’s identification** of the student as an English language learner.

For more information, please visit the **SAAH Section 7.2.2.1**

## Key Points

- If a student qualifies for pre-k on the basis of not speaking and comprehending the English language, *is* receiving required services through the bilingual/ESL program, and then moves out of the district, the student would be qualified to attend pre-k in the new district provided that the documentation described in the [SAAH 7.2.2.1 Documentation Required](#) is made available to the new district.
  - This requirement also applies to pre-k LEP/EL three-year-olds who are promoted to the pre-k LEP/EL four-year-old program.
  - If the students *is not* receiving required services through the bilingual/ESL program because of a parental denial, the student remains eligible.
- If a district preregisters pre-k students to determine and plan for the size of the next school year’s pre-k program, the eligible students remain eligible without reverification prior to the next school year. However, your district must have all the documentation described on file before claiming a student as eligible for pre-k funding on the basis of the student’s being LEP/EL.
  - If preregistration has not occurred, starting on the first day of school, a district has up to four calendar weeks to complete this documentation. However, as stated before, a district may not claim a student as eligible for pre-k funding until this documentation is on file. For more information see [SAAH 6.10.1 Home Language Survey Requirements](#).

## Resources

[Parent Resources](#)

[English Learner Identification/Reclassification Flowchart](#)

Texas Administrative Code, [Chapter 89. Adaptations for Special Populations Subchapter BB. Commissioner's Rules Concerning State Plan for Educating English Learners](#)