

DATE:	July 16, 2026
SUBJECT:	Changes to Emergent Bilingual (EB) Identification and Reclassification Practices
CATEGORY:	Special Populations Policy and Compliance Division
NEXT STEPS:	Share with school system administrators

Overview

The purpose of this communication is to inform Texas public school systems of certain policy changes related to the identification and reclassification of emergent bilingual (EB) students effective beginning with the 2026-2027 school year (SY).

In late 2024, TEA underwent a consolidated performance review process conducted by the U.S. Department of Education (Department), Office of Elementary and Secondary Education (OESE). This process included a review of fiscal and programmatic requirements across OESE programs, and one program included in this review was Title III, Part A.

As a result of that review process, TEA is updating some of its policies, procedures and guidance that will apply beginning with the 2026-2027 SY. Proposed amendments to 19 Texas Administrative Code, Chapter 89, Subchapter BB, are forthcoming to reflect these updates.

Identification

School systems will be expected to comply with the following related to the EB identification process:

- American Sign Language (ASL), when identified on the home language survey (HLS), will no longer, by itself, initiate the identification process for potential EB students.
- If a student was identified as EB in Texas, moves out of Texas, and returns to a Texas school after more than 12 months (as measured from the first day of the current school year), the Language Proficiency Assessment Committee (LPAC) will review that child's permanent record and LPAC documentation from their previous Texas school district to identify previous program participation, and:
 - If records indicate the student's parents previously denied program participation in Texas, the new district will inform the parent of bilingual or ESL programs available in the current district and distribute a new home language survey if the parent consents to that distribution;
 - If records from the previous Texas district indicate the student did participate in a program in Texas, the LPAC will review records from the most recent out-of-state school to determine if the student was reclassified under that state's criteria.
 - If the student met reclassification criteria in the other state, the LPAC will determine the need for monitoring if the student would be in their first two years of monitoring under Texas standards; or
 - If the student did not meet reclassification criteria under that state, or if the records are unclear, the new Texas district will begin a new identification process with distribution of a new home language survey.

Reclassification

School systems will be expected to comply with the following regarding reclassification of EB students:

- Children in prekindergarten and kindergarten must be offered the opportunity to demonstrate English language proficiency annually; a modified reclassification criteria chart and guidance on this will be forthcoming.
- Parental approval will no longer be required to reclassify an EB student as English proficient if the EB student has met the reclassification criteria. Notice must be sent to a parent when a student has met the reclassification criteria, and the student must no longer be reported through the Public Education Information Management System (PEIMS) as an EB student.
- Students with the most significant cognitive disabilities who also meet eligibility for STAAR-Alternate 2 will undergo a standardized alternative reclassification process.

Next Steps

As mentioned above, amendments to commissioner of education rules related to EB students and programs will be proposed later in July. Because the above changes in practice are a result of the performance review process conducted by the Department, TEA is taking the opportunity to notify school systems ahead of the 2026-2027 SY of these changes. School systems are encouraged to start updating their local operating procedures to reflect these changes.

Questions and Support

If you have questions, please email the Special Populations Compliance Unit at SPM@tea.texas.gov.