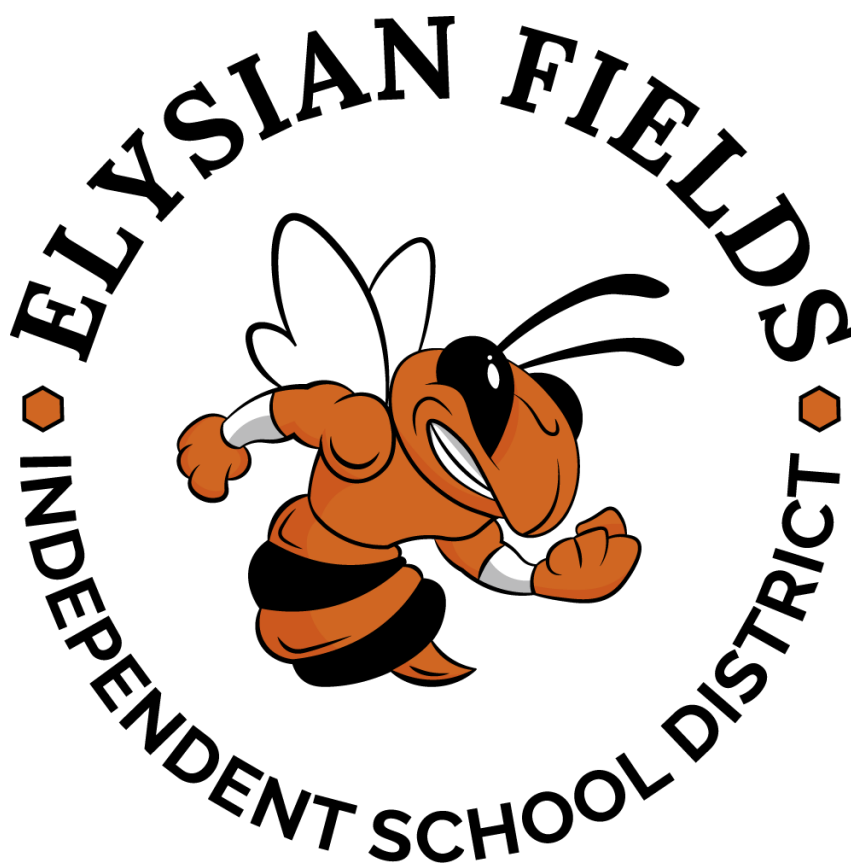


# Elysian Fields Independent School District

## 2023–2024 ESL Handbook



If you have difficulty accessing the information in this document, please email [randi.searle@efisd.org](mailto:randi.searle@efisd.org).

## **District Vision**

Preparing Students Today for Success Tomorrow

## **Program Purpose**

The purpose of the Elysian Fields ISD ESL program is to provide intensive instruction to develop proficiency in the English language in listening, reading, speaking and writing. This instruction takes place in the process of developing academic language and content knowledge.

# Introduction

The Elysian Fields ISD ESL Handbook has been created to assist campuses to understand the process in implementing the ESL programs. In order to close the achievement gap, Elysian Fields ISD will commit to ensure English Language Learners achieve a high level of academic achievement and reduce the dropout rates of students through the following goals:

- The ESL program will be an integral part of the existing elementary and secondary program.
- The instructional utilization of both the primary and English languages to achieve mastery of the English language as prescribed by the Texas Essential Knowledge and Skills (TEKS) and English Language Proficiency Standards (ELPS).
- Bilingual and English as a Second Language (ESL) programs will be implemented to facilitate English Language Learners to become proficient in the comprehension, speaking, reading and composition of the English language.
- Bilingual/ESL programs will emphasize the mastery of mathematics, science, and social studies as integral parts of the academic goals for all students by providing ample opportunities for Emergent Bilinguals (EBs) to participate equitably in school.
- Methods, instruction, pacing, materials and/or language of instruction must be accommodated to ensure that EB students have a full opportunity to master the essential knowledge and skills of the required curriculum.
- Involve the learning community by providing information and encouraging participation in public and professional development about the bilingual/ESL program and ELL students' needs on a continual basis.
- A separate document contains all necessary forms and records for the ESL teachers and LPAC committee to use during LPAC meetings and for program management and required documentation. This document may be found on

every campus in the principal's office and/or counselor's office.

## **Commissioner's Rules Concerning State Plan for Educating English Language Learners §89.BB. Chapter 89. Adaptations for Special Populations**

### **Subchapter BB. Commissioner's Rules Concerning State Plan for Educating English Language Learners**

*Statutory Authority: The provisions of this Subchapter BB issued under the Texas Education Code, §§29.051, 29.053, 29.054, 29.056, 29.0561, 29.060, and 29.066, unless otherwise noted.*

(a) It is the policy of the state that every student in the state who has a primary language other than English and who is identified as an English learner shall be provided a full opportunity to participate in a bilingual education or English as a second language (ESL) program, as required in the Texas Education Code (TEC), Chapter 29, Subchapter B. To ensure equal educational opportunity, as required in the TEC, §1.002(a), each school district shall:

- (1) identify English learners based on criteria established by the state;
- (2) provide bilingual education and ESL programs, as integral parts of the general program as described in the TEC, §4.002;
- (3) seek appropriately certified teaching personnel to ensure that English learners are afforded full opportunity to master the essential knowledge and skills required by the state; and
- (4) assess achievement for essential knowledge and skills in accordance with the TEC, Chapter 29, to ensure accountability for English learners and the schools that serve them.

(b) The goal of bilingual education programs shall be to enable English learners to become competent in listening, speaking, reading, and writing in the English language through the development of literacy and academic skills in the primary language and English. Such programs shall emphasize the mastery of English language skills, as well as mathematics, science, and social studies, as integral parts of the academic goals for all students to enable English learners to participate equitably in school.

(c) The goal of ESL programs shall be to enable English learners to become competent in listening, speaking, reading, and writing in the English language through the integrated use of second language acquisition methods. The ESL program shall emphasize the mastery of English language skills, as well as mathematics, science, and social studies, as integral parts of the academic goals for all students to enable English learners to participate equitably in school.

(d) Bilingual education and ESL programs shall be integral parts of the total school program. Such programs shall use instructional approaches designed to meet the specific language needs of English learners. The basic curriculum content of the programs shall be based on the Texas

Essential Knowledge and Skills and the English language proficiency standards required by the state.

*Source: The provisions of this §89.1201 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective May 28, 2012, 37 TexReg 3822.*

### **§89.1203. Definitions.**

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Bilingual education allotment--An adjusted basic funding allotment provided for each school district based on student average daily attendance in a bilingual education or special language program in accordance with Texas Education Code (TEC), §42.153.
- (2) Certified English as a second language teacher--The term "certified English as a second language teacher" as used in this subchapter is synonymous with the term "professional transitional language educator" used in TEC, §29.063.
- (3) Dual language immersion--A state-approved bilingual program model in accordance with TEC, §29.066.
- (4) Dual-language instruction--An educational approach that focuses on the use of English and the student's primary language for instructional purposes.
- (5) English as a second language program--A special language program in accordance with TEC, Chapter 29.
- (6) English language proficiency standards (ELPS)--Standards to be published along with the Texas Essential Knowledge and Skills for each subject in the required curriculum outlined in Chapter 74 of this title (relating to Curriculum Requirements), including foundation and enrichment areas, ELPS, and college and career readiness standards.
- (7) English learner--A student who is in the process of acquiring English and has another language as the primary language. The terms English language learner and English learner are used interchangeably and are synonymous with limited English proficient (LEP) student, as used in TEC, Chapter 29, Subchapter B.
- (8) Exit--The point when a student is no longer classified as LEP (i.e., the student is reclassified), no longer requires bilingual or special language program services, and is classified as non-LEP in the Texas Student Data System Public Education Information Management System (TSDS PEIMS). The term "exit" as used in this subchapter is synonymous with the description in TEC, Chapter 29, of "transferring out" of bilingual or special language programming.
- (9) Reclassification--The process by which the language proficiency assessment

committee determines that an English learner has met the appropriate criteria to be classified as non-LEP and is coded as such in TSDS PEIMS. (10) School district--For the purposes of this subchapter, the definition of a school district includes an open-enrollment charter school.

**§89.1205. Required Bilingual Education and English as a Second Language Programs.**

(a) Each school district that has an enrollment of 20 or more English learners in any language classification in the same grade level district-wide shall offer a bilingual education program as described in subsection (b) of this section for the English learners in prekindergarten through the elementary grades who speak that language. "Elementary grades" shall include at least prekindergarten through Grade 5; sixth grade shall be included when clustered with elementary grades.

(b) A school district shall provide a bilingual education program by offering dual-language instruction (English and primary language) in prekindergarten through the elementary grades, using one of the four bilingual program models described in §89.1210 of this title (relating to Program Content and Design).

(c) All English learners for whom a school district is not required to offer a bilingual education program shall be provided an English as a second language (ESL) program as described in subsection (d) of this section, regardless of the students' grade levels and primary language, and regardless of the number of such students, except in cases where a district exercises the option described in subsection (g) of this section.

(d) A school district shall provide ESL instruction by offering an ESL program using one of the two models described in §89.1210 of this title.

(e) School districts may join with other school districts to provide bilingual education or ESL programs.

(f) In addition to the required bilingual and/or ESL programs, school districts are authorized to establish a bilingual education program even if they have an enrollment of fewer than 20 English learners in any language classification in the same grade level district-wide and are not required to do so under subsection (a) of this section. Under this authorization, school districts shall adhere to all program requirements as described in §§89.1210, 89.1227, 89.1228, and 89.1229 of this title.

(g) In addition to the required bilingual and/or ESL programs, school districts are authorized to establish a bilingual education program at grade levels in which the bilingual education program is not required under subsection (a) of this section. Under this authorization, school districts shall adhere to all program requirements as described in §§89.1210, 89.1227, 89.1228, and 89.1229 of this title.

**§89.1207. Bilingual Education Exceptions and English as a Second Language Waivers.**

(a) Bilingual education program. To be effective July 15, 2018

(1) Exceptions. A school district that is unable to provide a bilingual education program as required by §89.1205(a) of this title (relating to Required Bilingual Education and English as a Second Language Programs) because of an insufficient number of appropriately certified teachers shall request from the commissioner of education an exception to the bilingual education program and the approval of an alternative program. The approval of an exception to the bilingual education program shall be valid only during the school year for which it was granted. A request for a bilingual education program exception must be submitted by November 1 and shall include:

(A) a statement of the reasons the school district is unable to provide a sufficient number of appropriately certified teachers to offer the bilingual education program with supporting documentation;

(B) a description of the alternative instructional program and methods to meet the affective, linguistic, and cognitive needs of the English learners, including the manner through which the students will be given opportunity to master the essential knowledge and skills required by Chapter 74 of this title (relating to Curriculum Requirements) to include foundation and enrichment areas, English language proficiency standards (ELPS), and college and career readiness standards (CCRS);

(C) an assurance that appropriately certified teachers available in the school district will be assigned to grade levels beginning at prekindergarten followed successively by subsequent grade levels to ensure that the linguistic and academic needs of the English learners with beginning levels of English proficiency are served on a priority basis;

(D) an assurance that the school district will implement a comprehensive professional development plan that:

(i) is ongoing and targets the development of the knowledge, skills, and competencies needed to serve the needs of English learners;

(ii) includes the teachers who are not certified or not appropriately certified who are assigned to implement the proposed alternative program; and

(iii) may include additional teachers who work with English learners;

(E) an assurance that at least 10% of the bilingual education allotment shall be used to fund the comprehensive professional development plan required under subparagraph (D) of this paragraph;

(F) an assurance that the school district will take actions to ensure that the program required under §89.1205(a) of this title will be provided the subsequent year, including its plans for recruiting an adequate number of appropriately certified teachers to eliminate

the need for subsequent exceptions and measurable targets for the subsequent year; and

(G) an assurance that the school district shall satisfy the additional reporting requirements described in §89.1265(c) of this title (relating to Evaluation).

(2) Documentation. A school district submitting a bilingual education exception shall maintain written records of all documents supporting the submission and assurances listed in paragraph (1) of this subsection, including:

(A) a description of the proposed alternative instructional program designed to meet the affective, linguistic, and cognitive needs of the English learners;

(B) the number of teachers for whom a bilingual education exception is needed by grade level and per campus;

(C) a copy of the school district's comprehensive professional development plan; and

(D) a copy of the bilingual allotment budget documenting that a minimum of 10% of the funds were used to fund the comprehensive professional development plan.

(3) Approval of exceptions. Bilingual education program exceptions will be granted by the commissioner if the requesting school district: To be effective July 15, 2018

(A) meets or exceeds the state average for English learner performance on the required state assessments;

(B) meets the requirements and measurable targets of the action plan described in paragraph (1)(F) of this subsection submitted the previous year and approved by the Texas Education Agency (TEA); or

(C) reduces by 25% the number of teachers under exception for bilingual programs when compared to the number of exceptions granted the previous year.

(4) Denial of exceptions. A school district denied a bilingual education program exception must submit to the commissioner a detailed action plan for complying with required regulations for the following school year.

(5) Appeals. A school district denied a bilingual education program exception may appeal to the commissioner or the commissioner's designee. The decision of the commissioner or commissioner's designee is final and may not be appealed further.

(6) Special accreditation investigation. The commissioner may authorize a special accreditation investigation under the Texas Education Code (TEC), §39.057, if a school district is denied a bilingual education program exception for more than three consecutive years.

(7) Sanctions. Based on the results of a special accreditation investigation, the commissioner may take appropriate action under the TEC, §39.102.



(b) English as a second language (ESL) program.

(1) Waivers. A school district that is unable to provide an ESL program as required by §89.1205(c) of this title because of an insufficient number of appropriately certified teachers shall request from the commissioner a waiver of the certification requirements for each teacher who will provide instruction in ESL for English learners. The approval of a waiver of certification requirements shall be valid only during the school year for which it was granted. A request for an ESL program waiver must be submitted by November 1 and shall include:

(A) a statement of the reasons the school district is unable to provide a sufficient number of appropriately certified teachers to offer the ESL program;

(B) a description of the alternative instructional program, including the manner in which the teachers in the ESL program will meet the affective, linguistic, and cognitive needs of the English learners, including the manner through which the students will be given opportunity to master the essential knowledge and skills required by Chapter 74 of this title to include foundation and enrichment areas, ELPS, and CCRS;

(C) an assurance that appropriately certified teachers available in the school district will be assigned to grade levels beginning at prekindergarten followed successively by subsequent grade levels in the elementary school campus and, if needed, secondary campuses, to ensure that the linguistic and academic needs of the English learners with the lower levels of English proficiency are served on a priority basis;

(D) an assurance that the school district shall implement a comprehensive professional development plan that:

- (i) is ongoing and targets the development of the knowledge, skills, and competencies needed to serve the needs of English learners;
- (ii) includes the teachers who are not certified or not appropriately certified who are assigned to implement the proposed alternative program; and
- (iii) may include additional teachers who work with English learners;

(E) an assurance that at least 10% of the bilingual education allotment shall be used to fund the comprehensive professional development plan required under subparagraph (D) of this paragraph; To be effective July 15, 2018

(F) an assurance that the school district will take actions to ensure that the program required under §89.1205(c) of this title will be provided the subsequent year, including its plans for recruiting an adequate number of appropriately certified teachers to eliminate the need for subsequent waivers; and

(G) an assurance that the school district shall satisfy the additional reporting requirements described in §89.1265(c) of this title.

(2) Documentation. A school district submitting an ESL waiver shall maintain written records of all documents supporting the submission and assurances listed in paragraph (1) of this subsection, including:

- (A) a description of the proposed alternative instructional program designed to meet the affective, linguistic, and cognitive needs of the English learners;
- (B) the name and teaching assignment, per campus, of each teacher who is assigned to implement the ESL program and is under a waiver and the estimated date for the completion of the ESL supplemental certification, which must be completed by the end of the school year for which the waiver was requested;
- (C) a copy of the school district's comprehensive professional development plan;
- (D) a copy of the bilingual allotment budget documenting that a minimum of 10% of the funds were used to fund the comprehensive professional development plan; and
- (E) a description of the actions taken to recruit an adequate number of appropriately certified teachers.

(3) Approval of waivers. ESL waivers will be granted by the commissioner if the requesting school district:

- (A) meets or exceeds the state average for English learner performance on the required state assessments; or
- (B) meets the requirements and measurable targets of the action plan described in paragraph (1)(G) of this subsection submitted the previous year and approved by the TEA.

(4) Denial of waivers. A school district denied an ESL program waiver must submit to the commissioner a detailed action plan for complying with required regulations for the following school year.

(5) Appeals. A school district denied an ESL waiver may appeal to the commissioner or the commissioner's designee. The decision of the commissioner or commissioner's designee is final and may not be appealed further.

(6) Special accreditation investigation. The commissioner may authorize a special accreditation investigation under the TEC, §39.057, if a school district is denied an ESL waiver for more than three consecutive years.

(7) Sanctions. Based on the results of a special accreditation investigation, the commissioner may take appropriate action under the TEC, §39.102.

#### **§89.1210. Program Content and Design.**

(a) Each school district required to offer a bilingual education or English as a second language

(ESL) program shall provide each English learner the opportunity to be enrolled in the required program at his or her grade level. Each student's level of proficiency shall be designated by the language proficiency assessment committee in accordance with §89.1220(g) of this title (relating to Language Proficiency Assessment Committee). The school district shall accommodate the instruction, pacing, and materials to ensure that English learners have a full opportunity to master the essential knowledge and skills of the required curriculum, which includes the Texas Essential Knowledge and Skills and English language proficiency standards (ELPS). Students participating in the bilingual education program may demonstrate their mastery of the essential knowledge and skills in either their primary language or in English for each content area. To be effective July 15, 2018

(1) A bilingual education program of instruction established by a school district shall be a full-time program of dual-language instruction (English and primary language) that provides for learning basic skills in the primary language of the students enrolled in the program and for carefully structured and sequenced mastery of English language skills under Texas Education Code (TEC), §29.055(a).

(2) An ESL program of instruction established by a school district shall be a program of intensive instruction in English in which ESL teachers recognize and address language differences in accordance with TEC, §29.055(a).

(b) The bilingual education program and ESL program shall be integral parts of the general educational program required under Chapter 74 of this title (relating to Curriculum Requirements) to include foundation and enrichment areas, ELPS, and college and career readiness standards. In bilingual education programs, school districts shall purchase instructional materials in both program languages with the district's instructional materials allotment or otherwise acquire instructional materials for use in bilingual education classes in accordance with TEC, §31.029(a). Instructional materials for bilingual education programs on the list adopted by the commissioner of education, as provided by TEC, §31.0231, may be used as curriculum tools to enhance the learning process. The school district shall provide for ongoing coordination between the bilingual/ESL program and the general educational program. The bilingual education and ESL programs shall address the affective, linguistic, and cognitive needs of English learners as follows.

(1) Affective.

(A) English learners in a bilingual program shall be provided instruction using second language acquisition methods in their primary language to introduce basic concepts of the school environment, and content instruction both in their primary language and in English, which instills confidence, self-assurance, and a positive identity with their cultural heritages. The program shall be designed to consider the students' learning experiences and shall incorporate the cultural aspects of the students' backgrounds in accordance with TEC, §29.055(b).

(B) English learners in an ESL program shall be provided instruction using second language

acquisition methods in English to introduce basic concepts of the school environment, which instills confidence, self-assurance, and a positive identity with their cultural heritages. The program shall be designed to incorporate the students' primary languages and learning experiences and shall incorporate the cultural aspects of the students' backgrounds in accordance with TEC, §29.055(b).

(2) Linguistic.

(A) English learners in a bilingual program shall be provided intensive instruction in the skills of listening, speaking, reading, and writing both in their primary language and in English, provided through the ELPS. The instruction in both languages shall be structured to ensure that the students master the required essential knowledge and skills and higher order thinking skills in all subjects.

(B) English learners in an ESL program shall be provided intensive instruction to develop proficiency in listening, speaking, reading, and writing in the English language, provided through the ELPS. The instruction in academic content areas shall be structured to ensure that the students master the required essential knowledge and skills and higher-order thinking skills in all subjects.

(3) Cognitive.

(A) English learners in a bilingual program shall be provided instruction in language arts, mathematics, science, and social studies both in their primary language and in English, using second language acquisition methods in either their primary language, in English, or in both, depending on the specific program model(s) implemented by the district. The content area instruction in both languages shall be structured to ensure that the students To be effective July 15, 2018 master the required essential knowledge and skills and higher-order thinking skills in all subjects.

(B) English learners in an ESL program shall be provided instruction in English in language arts, mathematics, science, and social studies using second language acquisition methods. The instruction in academic content areas shall be structured to ensure that the students master the required essential knowledge and skills and higher-order thinking skills.

(c) The bilingual education program shall be implemented through at least one of the following program models.

(1) Transitional bilingual/early exit is a bilingual program model in which students identified as English learners are served in both English and another language and are prepared to meet reclassification criteria to be successful in English-only instruction not earlier than two or later than five years after the student enrolls in school. Instruction in this program is delivered by a teacher appropriately certified in bilingual education under TEC, §29.061(b)(1), for the assigned grade level and content area. The goal of early-exit transitional bilingual education is for program

participants to use their primary language as a resource while acquiring full proficiency in English. This model provides instruction in literacy and academic content through the medium of the students' primary language along with instruction in English that targets second language development through academic content.

(2) Transitional bilingual/late exit is a bilingual program model in which students identified as English learners are served in both English and another language and are prepared to meet reclassification criteria to be successful in English-only instruction not earlier than six or later than seven years after the student enrolls in school. Instruction in this program is delivered by a teacher appropriately certified in bilingual education under TEC, §29.061(b)(2), for the assigned grade level and content area. The goal of late-exit transitional bilingual education is for program participants to use their primary language as a resource while acquiring full proficiency in English. This model provides instruction in literacy and academic content through the medium of the students' primary language along with instruction in English that targets second language development through academic content.

(3) Dual language immersion/one-way is a bilingual/biliteracy program model in which students identified as English learners are served in both English and another language and are prepared to meet reclassification criteria in order to be successful in English-only instruction not earlier than six or later than seven years after the student enrolls in school. Instruction provided in a language other than English in this program model is delivered by a teacher appropriately certified in bilingual education under TEC, §29.061. Instruction provided in English in this program model may be delivered either by a teacher appropriately certified in bilingual education or by a different teacher certified in ESL in accordance with TEC, §29.061. The goal of one-way dual language immersion is for program participants to attain full proficiency in another language as well as English. This model provides ongoing instruction in literacy and academic content in the students' primary language as well as English, with at least half of the instruction delivered in the students' primary language for the duration of the program.

(4) Dual language immersion/two-way is a bilingual/biliteracy program model in which students identified as English learners are integrated with students proficient in English and are served in both English and another language and are prepared to meet reclassification criteria in order to be successful in English-only instruction not earlier than six or later than seven years after the student enrolls in school. Instruction provided in a language other than English in this program model is delivered by a teacher appropriately certified in bilingual education under TEC, §29.061, for the assigned grade level and content area. Instruction provided in English in this program model may be delivered either by a teacher appropriately certified in bilingual education or by a different teacher certified in ESL in accordance with TEC, §29.061, for the assigned grade level and content area. The goal of two-way dual language immersion is for program participants to attain full proficiency in another language as well as English. This model provides ongoing instruction in literacy and academic content in English and another language with at least half of the instruction delivered in the non-English program language for the duration of the program. To be effective July 15, 2018

(d) The ESL program shall be implemented through one of the following program models.

(1) An ESL/content-based program model is an English acquisition program that serves students identified as English learners through English instruction by a teacher appropriately certified in ESL under TEC, §29.061(c), through English language arts and reading, mathematics, science, and social studies. The goal of content-based ESL is for English learners to attain full proficiency in English in order to participate equitably in school. This model targets English language development through academic content instruction that is linguistically and culturally responsive in English language arts and reading, mathematics, science, and social studies.

(2) An ESL/pull-out program model is an English acquisition program that serves students identified as English learners through English instruction provided by an appropriately certified ESL teacher under the TEC, §29.061(c), through English language arts and reading. The goal of ESL pull-out is for English learners to attain full proficiency in English in order to participate equitably in school. This model targets English language development through academic content instruction that is linguistically and culturally responsive in English language arts and reading. Instruction shall be provided by the ESL teacher in a pull-out or inclusionary delivery model.

(e) Except in the courses specified in subsection (f) of this section, second language acquisition methods, which may involve the use of the students' primary language, may be provided in any of the courses or electives required for promotion or graduation to assist the English learners to master the essential knowledge and skills for the required subject(s). The use of second language acquisition methods shall not impede the awarding of credit toward meeting promotion or graduation requirements.

(f) In subjects such as art, music, and physical education, English learners shall participate with their English speaking peers in general education classes provided in the subjects. As noted in TEC, §29.055(d), elective courses included in the curriculum may be taught in a language other than English. The school district shall ensure that students enrolled in bilingual education and ESL programs have a meaningful opportunity to participate with other students in all extracurricular activities.

(g) The required bilingual education or ESL program shall be provided to every English learner with parental approval until such time that the student meets exit criteria as described in §89.1225(i) of this title (relating to Testing and Classification of Students) or §89.1226(i) of this title (relating to Testing and Classification of Students, Beginning with School Year 2019-2020) or graduates from high school.

#### **§89.1215. Home Language Survey.**

(a) School districts shall administer only one home language survey to each new student

enrolling for the first time in a Texas public school in any grade from prekindergarten through Grade 12. School districts shall require that the survey be signed by the student's parent or guardian for each student in prekindergarten through Grade 8 or by the student in Grades 9-12 as permitted under the Texas Education Code, §29.056(a)(1). The original copy of the survey shall be kept in the student's permanent record.

(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 primary language whenever possible. The home language survey shall contain the following questions.

- (1) "What language is spoken in the child's home most of the time?"
- (2) "What language does the child speak most of the time?"

(c) If the response on the home language survey indicates that a language other than English is used, the student shall be tested in accordance with §89.1225 of this title (relating to Testing and Classification of Students) or §89.1226 of this title (relating to Testing and Classification of Students, Beginning with School Year 2019-2020).

(d) For students previously enrolled in a Texas public school, the receiving district shall secure the student records, including the home language survey. All attempts to contact the sending district to request records shall be documented. Multiple attempts to obtain the student's home language survey shall be made. If attempts to obtain the student's home language survey from the sending district are unsuccessful, the To be effective July 15, 2018 identification process shall begin while attempts to contact the sending district for records continue throughout the four-week testing and identification period.

#### **§89.1220. Language Proficiency Assessment Committee.**

(a) School districts shall by local board policy establish and operate a language proficiency assessment committee. The school district shall have on file policy and procedures for the selection, appointment, and training of members of the language proficiency assessment committee(s).

(b) The language proficiency assessment committee shall include an appropriately certified bilingual educator (for students served through a bilingual education program), an appropriately certified English as a second language (ESL) educator (for students served through an ESL program), a parent of an English learner participating in a bilingual or ESL program, and a campus administrator in accordance with Texas Education Code (TEC), §29.063.

(c) In addition to the three required members of the language proficiency assessment committee, the school district may add other trained members to the committee.

(d) No parent serving on the language proficiency assessment committee shall be an employee of the school district.

- (e) A school district shall establish and operate a sufficient number of language proficiency assessment committees to enable them to discharge their duties within four weeks of the enrollment of English learners.
- (f) All members of the language proficiency assessment committee, including parents, shall be acting for the school district and shall observe all laws and rules governing confidentiality of information concerning individual students. The school district shall be responsible for the orientation and training of all members, including the parents, of the language proficiency assessment committee.
- (g) Upon their initial enrollment and at the end of each school year, the language proficiency assessment committee shall review all pertinent information on all English learners identified in accordance with §89.1225(f) of this title (relating to Testing and Classification of Students) or §89.1226 of this title (relating to Testing and Classification of Students, Beginning with School Year 2019-2020) and shall:
- (1) designate the language proficiency level of each English learner in accordance with the guidelines issued pursuant to §89.1225(b)-(f) or §89.1226(b)-(f) of this title;
  - (2) designate the level of academic achievement of each English learner;
  - (3) designate, subject to parental approval, the initial instructional placement of each English learner in the required program;
  - (4) facilitate the participation of English learners in other special programs for which they are eligible while ensuring full access to the language program services required under the TEC, §29.053; and
  - (5) reclassify students, at the end of the school year only, as English proficient in accordance with the criteria described in §89.1225(i) or §89.1226(i) of this title.
- (h) The language proficiency assessment committee shall give written notice to the student's parent or guardian, advising that the student has been classified as an English learner and requesting approval to place the student in the required bilingual education or ESL program not later than the 10th calendar day after the date of the student's classification in accordance with TEC, §29.056. The notice shall include information about the benefits of the bilingual education or ESL program for which the student has been recommended and that it is an integral part of the school program.
- (i) Before the administration of the state criterion-referenced test each year, the language proficiency assessment committee shall determine the appropriate assessment option for each English learner as outlined in Chapter 101, Subchapter AA, of this title (relating to Commissioner's Rules Concerning the Participation of English Language Learners in State Assessments).
- (j) Pending parental approval of an English learner's entry into the bilingual education or ESL program recommended by the language proficiency assessment committee, the school district shall place the student To be effective July 15, 2018 in the recommended program. Only English learners with parent approval who are receiving services will be included in the bilingual education



allotment.

(k) The language proficiency assessment committee shall monitor the academic progress of each student who has met criteria for exit in accordance with TEC, §29.056(g), for the first two years after reclassification. If the student earns a failing grade in a subject in the foundation curriculum under TEC, §28.002(a)(1), during any grading period in the first two school years after the student is reclassified, the language proficiency assessment committee shall determine, based on the student's second language acquisition needs, whether the student may require intensive instruction or should be re enrolled in a bilingual education or special language program. In accordance with TEC, §29.0561, the language proficiency assessment committee shall review the student's performance and consider:

- (1) the total amount of time the student was enrolled in a bilingual education or special language program;
- (2) the student's grades each grading period in each subject in the foundation curriculum under TEC, §28.002(a)(1);
- (3) the student's performance on each assessment instrument administered under TEC, §39.023(a) or (c);
- (4) the number of credits the student has earned toward high school graduation, if applicable; and
- (5) any disciplinary actions taken against the student under TEC, Chapter 37, Subchapter A (Alternative Settings for Behavior Management).

(l) The student's permanent record shall contain documentation of all actions impacting the English learner.

(1) Documentation shall include:

- (A) the identification of the student as an English learner;
- (B) the designation of the student's level of language proficiency;
- (C) the recommendation of program placement;
- (D) parental approval of entry or placement into the program;
- (E) the dates of entry into, and placement within, the program;
- (F) assessment information as outlined in Chapter 101, Subchapter AA, of this title;
- (G) additional instructional interventions provided to address the specific language needs of the student;
- (H) the date of exit from the program and parental approval;
- (I) the results of monitoring for academic success, including students formerly classified as English learners, as required under the TEC, §29.063(c)(4); and
- (J) the home language survey.

(2) Current documentation as described in paragraph (1) of this subsection shall be forwarded in the same manner as other student records to another school district in which the student enrolls.

(m) A school district may identify, exit, or place a student in a program without written approval of the student's parent or guardian if:

- (1) the student is 18 years of age or has had the disabilities of minority removed;
- (2) the parent or legal guardian provides approval through a phone conversation or e-mail that is documented in writing and retained; or
- (3) an adult who the school district recognizes as standing in parental relation to the student provides written approval. This may include a foster parent or employee of a state or local governmental agency with temporary possession or control of the student. To be effective July 15, 2018

#### **§89.1225. Testing and Classification of Students.**

(a) Beginning with school year 2019-2020, the provisions of this section shall expire and be superseded by the provisions in §89.1226 of this title (relating to Testing and Classification of Students, Beginning with School Year 2019-2020).

(b) Within four weeks of initial enrollment in a Texas public school, a student with a language other than English indicated on the home language survey shall be administered the required oral language proficiency test in prekindergarten through Grade 12 and norm-referenced standardized achievement instrument in Grades 2-12 as described in subsection

(c) of this section and shall be identified as an English learner and placed in the required bilingual education or English as a second language (ESL) program in accordance with the criteria listed in subsection (f) of this section. (c) For identifying English learners, school districts shall administer to each student who has a language other than English as identified on the home language survey:

- (1) in prekindergarten through Grade 1, an oral language proficiency test approved by the Texas Education Agency (TEA); and
- (2) in Grades 2-12, a TEA-approved oral language proficiency test and the English reading and English language arts sections from a TEA-approved norm-referenced assessment.

(d) School districts that provide a bilingual education program at the elementary grades shall administer an oral language proficiency test in the primary language of the student who is eligible to be served in the bilingual education program. If the primary language of the student is Spanish, the school district shall administer a Spanish TEA-approved oral language proficiency test. If a TEA-approved language proficiency test is not available in the primary language of the student, the school district shall determine the student's level of proficiency using informal oral language assessment measures.

(e) All of the language proficiency testing shall be administered by professionals or paraprofessionals who are proficient in the language of the test and trained in the language proficiency testing requirements of the test publisher.

(f) For entry into a bilingual education or ESL program, a student shall be identified as an English learner using the following criteria.

(1) In prekindergarten through Grade 1, the student's score on the English oral language proficiency test is below the level designated for indicating English proficiency.

(2) In Grades 2-12:

(A) the student's score on the English oral language proficiency test is below the level designated for indicating English proficiency; and

(B) the student's score on the English reading and/or English language arts sections of the TEA-approved norm-referenced standardized achievement instrument at his or her grade level is below the 40th percentile.

(g) A student shall be identified as an English learner if the student's ability in English is so limited that the English oral language proficiency or norm-referenced assessments described in subsection (c) of this section cannot be administered.

(h) The language proficiency assessment committee in conjunction with the admission, review, and dismissal (ARD) committee shall identify a student 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 oral language proficiency or norm referenced assessments described in subsection (c) of this section cannot be administered. The decision for entry into a bilingual education or ESL program shall be determined by the language proficiency assessment committee in conjunction with the ARD committee in accordance with §89.1220(f) of this title (relating to Language Proficiency Assessment Committee).

(i) For exit from a bilingual education or ESL program, a student may be classified as English proficient only at the end of the school year in which a student would be able to participate equally in a general education, all-English instructional program. This determination shall be based upon all of the following: To be effective July 15, 2018

1) English proficiency on the state's approved test that measures the extent to which the student has developed oral and written language proficiency and specific language skills in English;

(2) passing standard met on the reading assessment instrument under the Texas Education Code (TEC), §39.023(a), or, for students at grade levels not assessed by the aforementioned reading assessment instrument, a score at or above the 40th percentile on both the English reading and the English language arts sections of the state's approved norm-referenced standardized achievement instrument; and

(3) English proficiency on a TEA-approved criterion-referenced written test and the results of a subjective teacher evaluation using the state's standardized rubric.

(j) A student may not be exited from the bilingual education or ESL program in prekindergarten or kindergarten. A school district must ensure that English learners are prepared to meet academic standards required by the TEC, §28.0211.

(k) A student may not be exited from the bilingual education or ESL program if the language proficiency assessment committee has recommended designated supports or accommodations on the state reading or writing assessment instrument.

(l) For English learners who are also eligible for special education services, the standardized process for English learner program exit is followed in accordance with applicable provisions of subsection (i) of this section. However, annual meetings to review student progress and make recommendations for program exit must be made in all instances by the language proficiency assessment committee in conjunction with the ARD committee in accordance with §89.1230(b) of this title (relating to Eligible Students with Disabilities). Additionally, the language proficiency committee in conjunction with the ARD committee shall implement assessment procedures that differentiate between language proficiency and disabling conditions in accordance with §89.1230(a) of this title.

(m) For an English learner with significant cognitive disabilities, the language proficiency assessment committee in conjunction with the ARD committee may determine that the state's English language proficiency assessment for exit is not appropriate because of the nature of the student's disabling condition. In these cases, the language proficiency assessment committee in conjunction with the ARD committee may recommend that the student take the state's alternate English language proficiency assessment and shall determine an appropriate performance standard requirement for exit by language domain under subsection (i)(1) of this section;

(n) Notwithstanding §101.101 of this title (relating to Group-Administered Tests), all tests used for the purpose of identification, exit, and placement of students and approved by the TEA must be re-normed at least every eight years.

(o) The grade levels and the scores on each test that shall identify a student as an English learner or exit a student from a bilingual or ESL program shall be established by the TEA. The commissioner of education may review the approved list of tests, grade levels, and scores annually and update the list.

#### **§89.1227. Minimum Requirements for Dual Language Immersion Program Model.**

(a) A dual language immersion program model shall address all curriculum requirements specified in Chapter 74, Subchapter A, of this title (relating to Required Curriculum) to include foundation and enrichment areas, English language proficiency standards, and college and career readiness standards.

(b) A dual language immersion program model shall be a full-time program of academic instruction in English and another language.

(c) A dual language immersion program model shall provide equitable resources in English and the additional program language whenever possible.

- (d) A minimum of 50% of instructional time shall be provided in the language other than English for the duration of the program.
- (e) Implementation shall:
  - (1) begin at pre kindergarten or kindergarten, as applicable; To be effective July 15, 2018
  - (2) continue without interruption incrementally through the elementary grades; and
  - (3) consider expansion to middle school and high school whenever possible.
- (f) A dual language immersion program model shall be developmentally appropriate and based on current best practices identified in research.

**§89.1228. Two-Way Dual Language Immersion Program Model Implementation.**

- (a) Student enrollment in a two-way dual language immersion program model is optional for English proficient students in accordance with §89.1233(a) of this title (relating to Participation of English Proficient Students).
- (b) A two-way dual language immersion program model shall fully disclose candidate selection criteria and ensure that access to the program is not based on race, creed, color, religious affiliation, age, or disability.
- (c) A school district implementing a two-way dual language immersion program model shall develop a policy on enrollment and continuation for students in this program model. The policy shall address:
  - (1) eligibility criteria;
  - (2) program purpose;
  - (3) the district's commitment to providing equitable access to services for English learners;
  - (4) grade levels in which the program will be implemented;
  - (5) support of program goals as stated in §89.1210 of this title (relating to Program Content and Design); and
  - (6) expectations for students and parents.
- (d) A school district implementing a two-way program model shall obtain written parental approval as follows.
  - (1) For English learners, written parental approval is obtained in accordance with §89.1240 of this title (relating to Parental Authority and Responsibility).
  - (2) For English proficient students, written parental approval is obtained through a school district developed process.

**§89.1229. General Standards for Recognition of Dual Language Immersion Program Models.**

(a) School recognition. A school district may recognize one or more of its schools that implement an exceptional dual language immersion program model if the school meets all of the following criteria.

- (1) The school must meet the minimum requirements stated in §89.1227 of this title (relating to Minimum Requirements for Dual Language Immersion Program Model).
- (2) The school must receive an acceptable performance rating in the state accountability system.
- (3) The school must not be identified for any stage of intervention for the district's bilingual and/or English as a second language program under the performance-based monitoring system.

(b) Student recognition. A student participating in a dual language immersion program model or any other state-approved bilingual or ESL program model may be recognized by the program and its local school district board of trustees by earning a performance acknowledgement in accordance with §74.14 of this title (relating to Performance Acknowledgments).

**§89.1230. Eligible Students with Disabilities.**

(a) School districts shall implement assessment procedures that differentiate between language proficiency and disabling conditions in accordance with Subchapter AA of this chapter (relating to Commissioner's Rules Concerning Special Education Services) and shall establish placement procedures that ensure that placement in a bilingual education or English as a second language program is not refused solely because the student has a disability.

(b) Language proficiency assessment committee members shall meet in conjunction with admission, review, and dismissal committee members to review and provide recommendations with regard to the educational needs of each English learner who qualifies for services in the special education program.

**§89.1233. Participation of English Proficient Students.**

(a) School districts shall fulfill their obligation to provide required bilingual program services to English learners in accordance with Texas Education Code (TEC), §29.053.

(b) School districts may enroll students who are not English learners in the bilingual education program or the English as a second language program in accordance with TEC, §29.058.

(c) The number of participating students who are not English learners shall not exceed 40% of the number of students enrolled in the program district-wide in accordance with TEC, §29.058.

### **§89.1235. Facilities.**

Bilingual education and English as a second language (ESL) programs shall be located in the public schools of the school district with equitable access to all educational resources rather than in separate facilities. In order to provide the required bilingual education or ESL programs, school districts may concentrate the programs at a limited number of facilities within the school district. Recent immigrant English learners shall not remain enrolled in newcomer centers for longer than two years.

### **89.1240. Parental Authority and Responsibility.**

(a) The parent or legal guardian shall be notified in English and the parent or legal guardian's primary language that their child has been classified as an English learner and recommended for placement in the required bilingual education or English as a second language (ESL) program. They shall be provided information describing the bilingual education or ESL program recommended, its benefits to the student, and its being an integral part of the school program to ensure that the parent or legal guardian understands the purposes and content of the program. The entry or placement of a student in the bilingual education or ESL program must be approved in writing by the student's parent or legal guardian in order to have the student included in the bilingual education allotment. The parent's or legal guardian's approval shall be considered valid for the student's continued participation in the required bilingual education or ESL program until the student meets the reclassification criteria described in §89.1225(i) of this title (relating to Testing and Classification of Students) or §89.1226(i) of this title (relating to Testing and Classification of Students, Beginning with School Year 2019-2020), the student graduates from high school, or a change occurs in program placement.

(b) The school district shall give written notification to the student's parent or legal guardian of the student's reclassification as English proficient and his or her exit from the bilingual education or ESL program and acquire written approval as required under the Texas Education Code, §29.056(a). Students meeting exit requirements may continue in the bilingual education or ESL program with parental approval but are not eligible for inclusion in the bilingual education allotment.

(c) The parent or legal guardian of a student enrolled in a school district that is required to offer bilingual education or ESL programs may appeal to the commissioner of education if the school district fails to comply with the law or the rules. Appeals shall be filed in accordance with Chapter 157 of this title (relating to Hearings and Appeals).

### **§89.1245. Staffing and Staff Development.**

(a) School districts shall take all reasonable affirmative steps to assign appropriately certified teachers to the required bilingual education and English as a second language (ESL) programs in accordance with the Texas Education Code (TEC), §29.061, concerning bilingual education and special language program teachers. School districts that are unable to secure a sufficient number

of appropriately certified bilingual education and/or ESL teachers to provide the required programs shall request activation of the appropriate permits in accordance with Chapter 230 of this title (relating to Professional Educator Preparation and Certification). To be effective July 15, 2018

(b) School districts that are unable to employ a sufficient number of teachers, including part-time teachers, who meet the requirements of subsection (a) of this section for the bilingual education and ESL programs shall apply on or before November 1 for an exception to the bilingual education program as provided in §89.1207(a) of this title (relating to Bilingual Education Exceptions and English as a Second Language Waivers) or a waiver of the certification requirements in the ESL program as provided in §89.1207(b) of this title as needed.

(c) Teachers assigned to the bilingual education program and/or ESL program may receive salary supplements as authorized by the TEC, §42.153.

(d) School districts may compensate teachers and aides assigned to bilingual education and ESL programs for participation in professional development designed to increase their skills or lead to bilingual education or ESL certification.

(e) The commissioner of education shall encourage school districts to cooperate with colleges and universities to provide training for teachers assigned to the bilingual education and/or ESL programs.

(f) The Texas Education Agency shall develop, in collaboration with education service centers, resources for implementing bilingual education and ESL training programs. The materials shall provide a framework for:

- (1) developmentally appropriate bilingual education programs for early childhood through the elementary grades;
- (2) affectively, linguistically, and cognitively appropriate instruction in bilingual education and ESL programs in accordance with §89.1210(b)(1)-(3) of this title (relating to Program Content and Design); and
- (3) developmentally appropriate programs for English learners identified as gifted and talented and English learners with disabilities.

#### **§89.1250. Required Summer School Programs.**

Summer school programs that are provided under the Texas Education Code (TEC), §29.060, for English learners who will be eligible for admission to kindergarten or Grade 1 at the beginning of the next school year shall be implemented in accordance with this section.

- (1) Purpose of summer school programs.
  - (A) English learners shall have an opportunity to receive special instruction designed to prepare them to be successful in kindergarten and Grade 1.
  - (B) Instruction shall focus on language development and essential knowledge and skills appropriate to the level of the student. (



- C) The program shall address the affective, linguistic, and cognitive needs of the English learners in accordance with §89.1210(b) of this title (relating to Program Content and Design).
- (2) Establishment of, and eligibility for, the program.
- (A) Each school district required to offer a bilingual or English as a second language (ESL) program in accordance with the TEC, §29.053, shall offer the summer program.
- (B) To be eligible for enrollment:
- (i) a student must be eligible for admission to kindergarten or to Grade 1 at the beginning of the next school year and must be an English learner; and
- (ii) a parent or guardian must have approved placement of the English learner in the required bilingual or ESL program following the procedures described in §89.1220(g) of this title (relating to Language Proficiency Assessment Committee) and §89.1225(b)-(f) of this title (relating to Testing and Classification of Students) or §89.1226(b)-(f) of this title (relating to Testing and Classification of Students, Beginning with School Year 2019-2020). To be effective July 15, 2018
- (3) Operation of the program.
- (A) Enrollment is optional.
- (B) The program shall be operated on a one-half day basis, a minimum of three hours each day, for eight weeks or the equivalent of 120 hours of instruction.
- (C) The student/teacher ratio for the program district-wide shall not exceed 18 to one.
- (D) A school district is not required to provide transportation for the summer program.
- (E) Teachers shall possess certification as required in the TEC, §29.061, and §89.1245 of this title (relating to Staffing and Staff Development).
- (F) Reporting of student progress shall be determined by the board of trustees. A summary of student progress shall be provided to parents at the conclusion of the program. This summary shall be provided to the student's teacher at the beginning of the next regular school term.
- (G) A school district may join with other school districts in cooperative efforts to plan and implement programs.
- (H) The summer school program shall not substitute for any other program required to be provided during the regular school term, including those required in the TEC, §29.153.
- (4) Funding and records for programs.
- (A) A school district shall use state and local funds for program purposes.
- (i) Available funds appropriated by the legislature for the support of summer school programs provided under the TEC, §29.060, shall be allocated to school districts in accordance with this subsection.
- (ii) Funding for the summer school program shall be on a unit basis in such an allocation system to ensure a pupil/teacher ratio of not more than 18 to one. The numbers of students required to earn units shall be established by the commissioner. The allotment per unit shall be determined by the commissioner

based on funds available.

(iii) Any school district required to offer the program under paragraph (2)(A) of this subsection that has fewer than 10 students district-wide desiring to participate is not required to operate the program. However, those school districts must document that they have encouraged students' participation in multiple ways.

(iv) Payment to school districts for summer school programs shall be based on units employed. This information must be submitted in a manner and according to a schedule established by the commissioner in order for a school district to be eligible for funding.

(B) A school district shall maintain records of eligibility, attendance, and progress of students.

#### **§89.1265. Evaluation.**

(a) All school districts required to conduct a bilingual education or English as a second language (ESL) program shall conduct an annual evaluation in accordance with Texas Education Code (TEC), §29.053, collecting a full range of data to determine program effectiveness to ensure student academic success. The annual evaluation report shall be presented to the board of trustees before November 1 of each year and the report shall be retained at the school district level in accordance with TEC, §29.062.

(b) Annual school district reports of educational performance shall reflect:

- (1) the academic progress in the language(s) of instruction for English learners;
- (2) the extent to which English learners are becoming proficient in English; To be effective July 15, 2018
- (3) the number of students who have been exited from the bilingual education and ESL programs; and
- (4) the number of teachers and aides trained and the frequency, scope, and results of the professional development in approaches and strategies that support second language acquisition.

(c) In addition, for those school districts that filed in the previous year and/or will be filing a bilingual education exception and/or ESL waiver in the current year, the annual district report of educational performance shall also reflect:

- (1) the number of teachers for whom an exception or waiver was/is being filed;
- (2) the number of teachers for whom an exception or waiver was filed in the previous year who successfully obtained certification; and
- (3) the frequency and scope of a comprehensive professional development plan, implemented as required under §89.1207 of this title (relating to Bilingual Education Exceptions and English as a Second Language Waivers), and results of such a plan if an exception and/or waiver was filed in the previous school year.

(d) School districts shall report to parents the progress of their child in acquiring English as a

result of participation in the program offered to English learners.

(e) Each school year, the principal of each school campus, with the assistance of the campus level committee, shall develop, review, and revise the campus improvement plan described in the TEC, §11.253, for the purpose of improving student performance for English learners.

## **SUMMARY OF STATE ESL GUIDELINES**

With foundation in the Texas Education Code §21.451, 1987, “English is the basic language of the State of Texas.” The State legislature proposes that “mastery of basic English language skills is a prerequisite for effective participation” in the State’s educational program. The goal of the bilingual/English as a Second Language (ESL) program is to facilitate the Limited English Proficient (LEP) student’s integration into the regular program so they can be successful in school. Bilingual and ESL programs are transitional and must prepare the student to acquire English easily and effectively, so that the student may eventually perform proficiently in the regular classroom. The bilingual and ESL programs will be evaluated annually to determine the effectiveness of the programs. The Texas Education Agency has established guidelines for the bilingual and ESL programs and informs the districts of any changes in the State guidelines. The following items highlight some of the more important points of Chapter 89.BB. Commissioner’s Rules Concerning State Plan for Educating Limited English Proficient Students 1.

### **1. STATE POLICY ON LEP STUDENTS**

It is the policy of the State Board of Education that every LEP student “be provided a full opportunity to participate” in either bilingual education or ESL. The goal of such programs shall be to enable LEP students to become competent in the comprehension, speaking, reading and composition of the English language through the development of literacy and academic skills in the primary language and English (for bilingual education) and through the integrated use of second language methods (for ESL instruction). The basic curriculum content of the programs shall be based on the Texas Essential Knowledge Skills (TEKS) required by the State. (TAC, Chapter 89.1201)

### **2. DISTRICTS OFFERING SPECIAL LANGUAGE PROGRAMS**

Any school district whose enrollment is at least 20 or more LEP students in any language classification in the same grade level, e.g. 20 Spanish speakers in grade 1, must offer a bilingual education program. Otherwise, **ESL must be offered.**

### **3. CONTENT AND DESIGN**

Each school district required to offer a bilingual education or ESL program shall provide each LEP student the opportunity to be enrolled in the required program at his or her grade level. Instruction, pacing, and materials should be modified to ensure that LEP students have a full opportunity to master the essential knowledge and skills of the required curriculum. Students participating in the bilingual education program may demonstrate their mastery of the TEKS in either their home language or in English. Students in the bilingual education and ESL programs

shall participate with their English-speaking peers in such subjects as art, music and physical education.

#### **4. CLASSES AND CLASSROOMS**

- a) Bilingual/ESL students must attend music, PE, and art classes with their English speaking peers in regular classes. Secondary students shall be given equal opportunity to enroll in these classes and all extra curricular activities. (TAC Chapter 89.1210g).
- b) Bilingual/ESL classes shall be located in regular public schools rather than in separate facilities.
- c) Instruction must be appropriate for the students' level of educational attainment. Records must be kept of educational level and student progress.

#### **5. INSTRUCTIONAL TIME – ESL CLASSES**

“The amount of instruction provided in ESL shall be commensurate with the student’s level of English proficiency and his/her level of academic achievement. The student’s level of English proficiency and academic achievement shall be designated by the LPAC. In Pre-Kindergarten through grade 8, instruction in ESL may vary from the amount of time accorded to instruction in English language arts in the regular program for non-limited English proficient students to a full-time instructional setting utilizing second language methods. In high school, the ESL program shall be consistent with graduation requirements under Chapter 74 (relating to curriculum requirements). The LPAC may recommend appropriate services that may include content courses provided through sheltered instructional approaches by trained teachers, enrollment in ESL courses, additional State elective English courses, and special assistance provided through locally determined programs.” (TAC, Chapter 89.BB, Section 1210.d.)

#### **6. HOME LANGUAGE SURVEY**

The Home Language Survey is given to each student new to the district in order to determine the student’s language classification. Parents or guardians of students in grade Pre-Kindergarten through grade 8, or students in grades 9 through 12 are required to sign the survey. The original HLS document becomes part of the student’s permanent record. No more than one HLS original is permissible.

#### **7. ROLE OF LPAC**

The role of the LPAC is to review all pertinent information on all LEP students upon their initial enrollment and at the end of each school year. The LPAC designates the language proficiency and academic levels of each LEP student; designates initial instructional/program participation in other programs for which they are eligible; classifies students as English proficient and recommends their exit from the bilingual education or ESL program; notifies parents (in writing) of students classification as LEP, requests approval for placement in the bilingual education or ESL program, and monitors the academic progress of students exited from the program within the past two years.

#### **8. LEP IDENTIFICATION PROCESS**


Each student with a language other than English on the Home Language survey (HLS) shall be administered the following assessments to determine English language proficiency:

- (a) in grades Pre-Kindergarten through 12, a Texas Education Agency approved oral language proficiency test; and
- (b) in grades 2 through 12, the English reading and English language arts sections from an approved norm-referenced assessment instrument unless the student's ability in English is so limited that the administration (at his or her grade level) is not valid.
- (c) Students who score below the designated level indicating limited oral English proficiency (grades Pre-Kindergarten through 12) or who score below the 40th percentile on either the English reading or English language arts sections of the approved standardized assessment instrument in grades 2 – 12 are designated as LEP and are recommended for placement in either the bilingual education or the ESL program.

## **9. TIMELINE FOR LEP IDENTIFICATION**

Students must be identified and enrolled in the appropriate program within four Calendar weeks of their initial enrollment in the district. Every LEP student must have an initial LPAC on file.

## 10. RECLASSIFICATION TO NON-LEP STATUS (ENGLISH PROFICIENT)



# Emergent Bilingual/English Learner Reclassification Criteria Chart

At the end of the school year, a district may reclassify an emergent bilingual (EB) student/English Learner (EL) as English proficient if the student is able to participate equally in an English instructional program with no second language acquisition supports as determined by satisfactory performance in the following assessment areas below and the results of a subjective teacher evaluation using the state’s Emergent Bilingual/English Learner Reclassification Rubric. An EB student/EL may not be reclassified as English proficient in prekindergarten or kindergarten as per Texas Administrative Code §89.1226(j). The language proficiency assessment committee (LPAC) will recommend for reclassified students to exit bilingual or English as a second language (ESL) program services or to continue participation if in a dual language immersion (DLI) bilingual program. Parental approval for exit or continuation in program beyond reclassification must be obtained.

Grade(s)	1 <sup>st</sup> /2 <sup>nd</sup>	3 <sup>rd</sup> through 8 <sup>th</sup>	9 <sup>th</sup>	10 <sup>th</sup>	11 <sup>th</sup> /12 <sup>th</sup>
English Language Proficiency Assessment	Texas English Language Proficiency Assessment System (TELPAS) <b>Advanced High</b> in each domain of Listening, Speaking, Reading, and Writing				
State Standardized Reading Assessment	TEA Approved Norm-Referenced Standardized Achievement Test: Iowa, Form F Reading <u>and</u> Language Arts 40 <sup>th</sup> percentile or above on each	STAAR Reading (English)*	STAAR English I EOC*	STAAR English II EOC*	TEA Approved Norm-Referenced Standardized Achievement Test: Iowa, Form F Reading <u>and</u> Language Arts 40 <sup>th</sup> percentile or above on each
Subjective Teacher Evaluation	Form: <a href="#">Emergent Bilingual/English Learner Reclassification Rubric</a>				


*\*Satisfactory performance on STAAR Reading/English EOC includes Approaches, Meets, and Masters Grade Level performance levels.*

Notes:

- Students for whom the LPAC recommends the use of Oral Administration or Content and Language Supports as designated supports for English reading or English EOC assessments, may not be considered for reclassification at the end of the school year.
- EB students/ELs with significant cognitive disabilities who are receiving special education services may qualify to be reclassified using the following: [Individualized Reclassification Process for a Student with a Significant Cognitive Disability](#).
- For an EB student/EL who is deaf/hard of hearing (DHH) and exempt from participating in the listening and/or speaking domains of TELPAS due to the inability to perform these components of the exam, the decision to reclassify as English proficient should be based on the information from the remaining components of the state criteria for reclassification.
- For an EB student/EL who is blind/visually impaired (VI), braille versions of the TELPAS Reading test will be available and can be provided to an eligible student based on a decision of the ARD committee in conjunction with the LPAC. If the student is not eligible for a braille version of TELPAS Reading and is exempt from participating in the reading domain of TELPAS due to the inability to perform this component of the exam based on the student's disability, the decision to reclassify as English proficient should be based on the information from the remaining components of the state criteria for reclassification.
- The LPAC shall monitor the academic progress of each student who has met reclassification criteria during the first two years after reclassification.

Additional Information:

- [TEA Approved Norm-Reference Standardized Achievement Test](#) (new site)
- [State Assessments for English Learners](#)
- [Guidance Related to ARD Committee and LPAC Collaboration](#)
- [LPAC Guidance for Deaf or Hard of Hearing English Learners](#) and associated training [video](#)



English Learner Support Division - September 2022

## **11. DOCUMENTS IN STUDENT'S PERMANENT RECORD**

The following documentation shall be included in the student's permanent record (TAC, Ch.89BB, section 1220m):

- Home Language Survey
- ENTRY/RE-ENTRY LPAC document
  - Identification of student as LEP
  - Designation of the student level of language proficiency
  - Recommendation of program placement
  - Dates of entry into the program
- Program permission/parental approval of entry letter
  - Pre STAAR LPAC/ dates of exemptions from the criterion-referenced test, criteria used for this determination, additional instructional interventions provided to students to ensure adequate yearly progress;
  - EXIT LPAC/ the dates of exit from the program and signed parent notification; and
  - TRACKING LPAC/ the results of monitoring for academic success.



# ELYSIAN FIELDS I.S.D. ESL PROGRAM

## 1. PROGRAM GOAL

- The long-term goal of the ESL program is to facilitate ELL students to participate equitably in school.
- The ESL program enables the ELL students to become competent in the comprehension, speaking, reading, and composition of English language through the integrated use of second language methods.

## 2. ENGLISH AS A SECOND LANGUAGE PROGRAM

a) Intensive instruction in the English language is stressed. It is based on an integrated development of listening, speaking, reading, and writing skills. The use of ESL strategies shall not impede the awarding of credit towards meeting promotion or graduation requirements.

b) ELL students will be provided instruction in mathematics, science, health, and social studies in English using developmentally appropriate instructional strategies. The content area instruction will be structured to ensure students master the required essential knowledge and skills and higher order thinking skills in all subjects.

c) Each ELL student needs daily content and language objectives, activities, and evaluation.

d) In subjects such as art, music and physical education, ELL students will participate with their English-speaking peers in regular classes provided in these subjects. English Language Proficiency Standards are also required. Located in the Texas Administrative Code, Chapter 74.4, the ELPS apply to all grade levels and all subject areas. They are designed to outline language proficiency levels and student expectations for English Language Learners (ELLs)

e) Methods, pacing, materials, and/or language of instruction must be accommodated to assist the ELL student in mastering the essential knowledge and skills. General education teachers will accommodate ELL students' needs.

f) The most appropriate level of the state-adopted ESL texts shall be used.

g) Each ELL student's cultural background and prior learning experiences are integrated into the student's curriculum.

h) ELL students will be provided instruction, which uses developmentally appropriate instructional strategies to introduce basic concepts of the school environment, and instruction in English which instills confidence, self-assurance, and a positive identity with their cultural heritages.

i) History and cultural patterns of the United States and of the country of the student's primary language will be integrated into the program.

j) Continuous communication concerning the ESL student's program and progress will occur between the ESL teacher and foundation teachers.

k) ELL students will have a meaningful opportunity to participate with other students in all extracurricular activities.

l) The ESL program will address the affective, linguistic, and cognitive needs of ELL students as follows:

**Affective** – ELL students will be provided instruction using second language methods in English to introduce basic concepts of the school environment which instills confidence, self-assurance, and a positive identity with their cultural heritages. The program will address the history and cultural heritage associated with both the students' home language and the United States;

**Linguistic** – ELL students will be provided intensive instruction to develop proficiency in the comprehension, speaking, reading, and composition of the English language. The instruction in academic content areas will be structured to ensure students master the required essential knowledge and skills and higher order thinking skills in all subjects; and

**Cognitive** – ELL students will be provided instruction in English in mathematics, science, health and social studies using second language methods. The instruction in academic content areas will be structured to ensure students master the required essential knowledge and skills and higher order thinking skills.

## ESL LITERACY AND ACADEMIC LANGUAGE PLAN

The ESL program in Elysian Fields ISD reflects the National standards. Our goals are to:

- use English to communicate
- use English to achieve academic success
- use English in socially appropriate settings

English Language Learners will understand the many advantages of communicating effectively in English. However, the intent is not to cause students to lose their native language proficiency.

Students need to:

- participate in social interaction through the use of both spoken and written English for personal expression and enjoyment
- use learning strategies to extend their communicative competence

Competence in English language is critical for the ELL student to succeed and to achieve academic success. Students must use spoken and written English in their schoolwork in order to compete academically with native-English-speaking peers. Expectations must be high so that students:

- interact in English
- use English to obtain, process, construct, and provide subject matter information in spoken and written form
- use appropriate learning strategies to construct and apply academic knowledge

ELL learners need to be able to adapt and interact in multiple social settings. They must be able to communicate effectively with peers and adults who are linguistically and culturally different than they are. Students will:

- use the appropriate language variety, register, and genre according to audience, purpose, and setting
- use nonverbal communication appropriate to audience, purpose and setting
- use appropriate learning strategies to extend their socio-linguistic and socio-cultural competence

## **ENGLISH LANGUAGE PROFICIENCY LEVELS IN TEXAS – NCLB COMPLIANCE**

Elysian Fields ISD will abide by each of the following State of Texas expectations. The State of Texas has a philosophy of language learning that builds on the knowledge of the primary language and adds the English language on that foundation. English is not intended to replace the home language, but students are clearly expected to learn academic English in order to pass State exams and graduate successfully from high school. The State values the students' culture and native language and uses the native language in bilingual classrooms not only as a building block for successful transition into the English language, but also to keep the student on grade level academically.

The State of Texas monitors academic achievement with the STAAR test in English and Spanish in grades 3-5, and English only in grades 6-12. It also monitors reading of all students in grades K-2.

Additionally, for all students in K-12 identified as emergent bilinguals (EBs), the State monitors the progress in language proficiency in the four domains of language with the annual administration of the Texas English Language Proficiency Assessment System (TELPAS) test until they are reclassified as English proficient. The TELPAS results categorize student proficiency in English by language skill, i.e., Listening, Speaking, Reading and Writing, as well as providing a "Composite" score of proficiency.

The following pages show the Proficiency Level Descriptors in each domain. Students fall into four categories: Beginner, Intermediate, Advanced and Advanced High.

The Federal government has set Results Driven Indicators from the RDA to monitor progress and attainment of English proficiency. These objectives use the TELPAS results to determine the effectiveness of programs for English Language Learners.

Students who are reading below grade level in English (in ESL) will be instructed using the State adopted textbook as well as leveled readers.

Students who are reading on or above grade level in English will be instructed using content area State adopted materials.

In response to NCLB, Texas' TELPAS Descriptors are located in a separate document.

# **ELYSIAN FIELDS ISD ENGLISH AS A SECOND LANGUAGE PROGRAM FORMATS AND EXPECTATIONS**

## **STUDENT EXPECTATIONS**

All English language learners are expected to succeed in school; their proficiency in English alone is not a factor that determines promotion or retention. All English language learners are expected to learn the Texas Essential Knowledge and Skills.

## **PROGRAM FORMATS**

The district offers elementary ESL instruction in various formats: pull-out and content-based. The middle school and high schools offer a content-based program, with students receiving instruction in the regular English classroom.

## **ADDITIONAL RECOMMENDATIONS FOR TEACHERS OF ELL STUDENTS**

Teachers must create learning conditions and opportunities that encourage language acquisition and development. The use of many ESL methods and strategies will be strengthened by incorporating the following elements into lesson plans:

- daily use of ESL/ELA methods
- daily use of pair/share activities in Math, Science or Social Studies which create opportunities for language use and language negotiation between students
- daily use of SIOP (Sheltered Instruction Observation Protocol) in any subject area
- systematic integration of TEKS objectives and HOTS (Higher Order Thinking Skills) beginning in PK

In summary, ESL teachers will ensure the academic success of English language learners and will develop the students' English language proficiency by utilizing the Texas Essential Knowledge and Skills, ELPS English Language Proficiency Standards, and monitoring student growth in accordance with the Texas English Language Proficiency Assessment System and State assessments.

Teachers will review and utilize TELPAS scores to determine the level of support that the student needs. The use of ESL methods decreases according to the higher English proficiency of the student. Beginning level students require accommodations at all times. Beginning students need more contextual support than the intermediate student. Intermediate students can function without extra support in familiar settings with familiar topics only. Advanced and Advanced High students require support when the texts are new and/or complicated due to vocabulary, structure or content.

# LPAC COMMITTEE

Each campus shall have a Language Proficiency Assessment Committee.

(a) Members of Elementary LPAC:

- 1) an ESL or bilingual teacher
- 2) transitional educator or classroom teacher
- 3) an administrator (the principal or the designee)
- 4) a parent of a bilingual/ESL student (NOTE: A parent employed by the District may not serve as a member of the LPAC.)
- 5) Other: Anyone else you wish to invite may attend an LPAC meeting: a counselor, a regular education teacher, the parent of the student, ARD committee, 504 committee, or other committees serving the student

(b) Members of Secondary LPAC:

- 1) an ESL teacher
- 2) teacher (optional)
- 3) an administrator (the principal or the designee)
- 4) a parent of an ESL student (NOTE: A parent employed by the Elysian Fields ISD may not serve as a member of the LPAC.)
- 5) Other: Anyone else you wish to invite may attend an LPAC meeting: a counselor, a regular education teacher, the parent of the student, etc.

(c) LPAC Training In order to ensure that everyone who signs the LPAC is aware of what they are signing, the committee members must receive a thorough training on their responsibilities as a committee member. They must also sign the LPAC Oath. All LPAC members must attend a training session offered by an ESC Region 7 or district ESL personnel every year.

(d) Responsibilities

Members of the LPAC shall maintain confidentiality of all information concerning LEP students. Their responsibilities are:

**1) Identification –**

Review all pertinent information on LEP students, such as the Home Language Survey (HLS) forms, the oral language proficiency test results in English and, if applicable, in Spanish, the achievement test results for grades 2-12, and any prior educational placement.

**2) Placement –**

Recommend appropriate program placement for the LEP student to attain his/her educational goals. The student's language proficiency level shall be designated on the LPAC form.

### **3) English Learner Services–**

- a. Original placement will be at an age appropriate level.
- b. A student's enrollment in the bilingual/ESL program does not constitute a reason for or against retaining the student. A LEP student cannot be retained because of Limited English Proficiency alone.

### **4) Review and Reclassification –**

- a. Review annually each LEP student's progress to determine appropriate placement by noting oral and written test scores, grades, parental opinion, and teacher evaluations.
- b. For two years after reclassification as non-LEP, monitor the progress of each student who was formerly classified as LEP and recommend future appropriate placement.
- c. When a former or current LEP student does not progress appropriately, the LPAC committee must review the student, make instructional recommendations for interventions and accommodations to consider, if applicable, for placement in other programs (e.g. dyslexia, special education, 504). The committee should review all pertinent information, such as teachers' evaluations, achievement tests, grades, and parental opinion.

### **5) Monitoring and Evaluation-**

- a. The LPAC shall monitor the academic progress of each student who has met criteria for reclassification in accordance with TEC, §29.056(g) for the first two years after reclassification.
- b. Monitoring for the first two years after reclassification includes students who had a parental denial.
- c. The LPAC's sole responsibility for students in monitoring years 3 and 4 is to coordinate with PEIMS to ensure that students are coded appropriately.
- d. The LPAC does not monitor academic progress of students in monitoring years 3 and 4

#### **Evaluation-**

- a. All school districts required to conduct a bilingual education or English as a second language (ESL) program shall conduct an annual evaluation in accordance with Texas Education Code (TEC), §29.053, collecting a full range of data to determine program effectiveness to ensure student academic success.
- b. The annual evaluation report shall be presented to the board of trustees before November 1 of each year and the report shall be retained at the school district level in accordance with TEC, §29.062.

Annual school district reports of educational performance shall reflect

- (1) the academic progress in the language(s) of instruction for English learners;
- (2) the extent to which English learners are becoming proficient in English;
- (3) the number of students who have been exited from the bilingual education and ESL

programs; and

(4)the number of teachers and aides trained and the frequency, scope, and results of the professional development in approaches and strategies that support second language acquisition.

## LPAC MEETINGS

The LPAC should meet as frequently as necessary to fulfill its responsibilities and duties on each campus with a Bilingual or ESL program. Each campus will conduct biannual LPAC meetings or as needed to meet the requirement of identifying and placing LEP students within four weeks of their enrollment.

### REASONS FOR LPAC MEETINGS

#### (A) IDENTIFICATION

- After initial testing (To Identify and Place a student in the appropriate program) LPAC must meet within 4 weeks of student's enrollment in Elysian Fields ISD.

#### (B) PLACEMENT

- **Parent Denial** – A student whose parent knowingly refuses the services for which his/her child is eligible. LPAC meets to discuss this student when the student is struggling in the all-English classroom.
- **Student moves** – If a student moves out of the district, the LPAC for him/her needs to be held at the next regularly scheduled LPAC meeting. The LPAC should state that the student moved but was not dismissed from the program. No LPAC is necessary when the student moves to another school within the district.
- **Student returns** – If a student returns to Elysian Fields ISD, a re-entry LPAC or No Longer Qualifies LPAC is needed.
- **Reclassification** – At the end of the year when a student qualifies for reclassification from the program, the student will need to have an reclassification LPAC

#### (C) MONITORING AND EVALUATION

- **Monitoring** – Two years of monitoring students who have exited the Bilingual or ESL program is done to assure success in the regular classroom and an additional two years of monitoring through coding in PEIMS

## LPAC TIMELINES

**August – September**

- Most, but not all, *initial* LPAC meetings take place within the first 4 weeks of school to identify and place students in appropriate programs which fall in mid-September.
- Identify and LPAC any students who have moved into Elysian Fields ISD who were identified at the last Texas school they attended. For students moving to another campus within the Elysian Fields ISD, inform the parents as to which campus their students will attend. Inform the receiving campus of any all ELL students.
- Send and retrieve appropriate parental approval letters as needed within ten days of initial program placement by the LPAC.

### **October - April**

- Conduct Determination of Appropriate Assessment LPAC for students in the bilingual/ESL program and parent denials in grades K-12 to determine which assessments students will take. There is no set deadline for assessment decision LPACs but the guidance states it is recommended that LPACs make final assessment decisions as close as possible to state assessments to allow ample time for the student to make progress in learning English.
- Secondary campuses need to meet before the fall EOC tests are administered.
- Review recommendations for students experiencing difficulties in their current instructional placements.
- Test, identify and place newly enrolled ELL students. \*\*At any time during the year when a student enrolls for the first time in a Texas public or charter school the four calendar week deadline applies.
- Meet as necessary with new students.
- Monitor progress of identified ELL students throughout the year.
- Monitor Parent Denials, M1 students (those who exited/reclassified one year before) and M2 students (those who exited/reclassified two years before). LPAC will also convene as needed throughout the year if the exited or parent denial student earns a failing grade in the core curriculum during any grading period in the first two school years after exit using the Failure Report.

### **May**

- Conduct end-of-year LPACs to:
  - Review program placement for ELL students for the next year
  - Review Parent Denials
  - Reclassify/Exit students who meet criteria
  - Send and retrieve program exit notification letters from parents of students exited from the Bilingual/ESL program
  - Conduct reviews of students who have been exited or reclassified within the past two years. -Update information on the student's LPAC form in PRC (continue in program, exit, reclassification of parent denials, etc.)
- Elementary and secondary campuses will collaborate to provide receiving schools information on ELL students.

*\*In making this "eligibility for TELPAS / STAAR" determination, the LPAC shall consider the general and specific criteria for each newcomer student as required by the State of Texas. These State*



*criteria appear on the following pages:*

## **COMMISSIONER'S RULES REGARDING THE PARTICIPATION OF LIMITED ENGLISH PROFICIENT STUDENTS IN STATE ASSESSMENTS**

### **§101.1001 English Language Proficiency Assessments**

In kindergarten through Grade 12, limited English proficient students, as defined by the Texas Education Code, Chapter 29, Subchapter B, shall be administered State-identified English language proficiency assessments annually in listening, speaking, reading, and writing to fulfill State requirements under the Texas Education Code, Chapter 39, Subchapter B, and federal requirements under the No Child Left Behind Act of 2001. Amended 2/17/2005

### **§101.1003 Role of the Language Proficiency Assessment Committee**

In accordance with the Texas Education Code, §39.023(a), (l), and (m), the language proficiency assessment committee (LPAC) shall select the appropriate assessment option for each limited English proficient student as outlined in §101.1005 of this title (relating to Limited English Proficient Students at the Exit Level) and §101.1007 of this title (relating to Limited English Proficient Students at Grades Other Than the Exit Level). Assessment decisions must be made on an individual student basis and in accordance with administrative procedure established by the Texas Education Agency. The LPAC must document in the student's permanent record file the reason for the postponement authorized in §101.1005 or for the exemption authorized in §101.1007. A school district shall make a reasonable effort to determine a student's previous testing history.

### **§101.1005 Limited English Proficient Students at the Exit Level**

Limited English proficient (LEP) students are not eligible for an exemption from the exit level assessment of academic skills on the basis of limited English proficiency. However, LEP students who are recent immigrants may postpone the initial administration of the exit level test. The term "recent immigrant" in this section is defined as an immigrant who first enrolls in U.S. schools no more than 12 months before the administration of the test from which the postponement is sought. Amended 2/17/2005

### **Limited English Proficient Students at Grades Other Than Exit Level**

Except as provided below, all students, other than students who are assessed under Education Code 39.023(b) (alternative assessment instrument) or 39.023(l) (LEP students) or exempted under Education Code 39.027, shall be assessed in: 1. Mathematics, annually in grades 3–8; 2. Reading, annually in grades 3–8; 3. Writing, including spelling and grammar, in grades 4 and 7; 4. Social studies in grade 8; 5. Science in grades 5 and 8; and 6. Any other subject and grade required by federal law. Education Code 39.023(a)

### **Exception**

Except as required for purposes of federal accountability, a student shall not be administered a grade-level assessment if the student:

1. Is enrolled in a course or subject intended for students above the student's enrolled grade level

and will be administered a grade-level assessment instrument developed under the list above that aligns with the curriculum for that course or subject within the same content area; or

2. Is enrolled in a course for high school credit in a subject intended for students above the student's enrolled grade level and will be administered an EOC assessment instrument that aligns with the curriculum for that course or subject within the same content area.

A student is only eligible to take an assessment instrument intended for use above the student's enrolled grade if the student is receiving instruction in the entire curriculum for that subject. A student in grade 5 or 8 described above may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument above the student's grade level. Education Code 28.0211(p), 39.023(a-2); 19 TAC 101.3011

School districts may administer the assessment of academic skills in Spanish to a student who is not identified as limited English proficient but who participates in a two-way bilingual program if the LPAC determines the assessment in Spanish to be the most appropriate measure of the student's academic progress. However, the student may not be administered the Spanish-version assessment for longer than three years. 33 Revised October 2020

#### **§101.1009 Limited English Proficient Students Who Receive Special Education Services**

(a) The provisions of this subchapter apply to limited English proficient (LEP) students who receive special education services except as otherwise specified in this section.

(b) Decisions regarding the selection of assessments for LEP students who receive special education services shall be made by the admission, review, and dismissal (ARD) committee, which includes a language proficiency assessment committee (LPAC) member to ensure that issues related to the student's language proficiency, are duly considered.

(c) A LEP student who receives special education services may be exempted from the English language proficiency assessments required by §101.1001 of this title (relating to English Language Proficiency Assessments) only if the ARD committee determines that these assessments cannot provide a meaningful measure of the student's annual growth in English language proficiency for reasons associated with the student's disability.

(d) The provisions of §101.1007(b) and (c) of this title (relating to Limited English Proficient Students at Grades Other Than the Exit Level) apply to the assessment of academic skills and the State-developed alternative assessment of academic skills.

(e) A LEP student who receives special education services and whose parent or guardian has declined the services required by the Texas Education Code, Chapter 29, Subchapter B, is not eligible for an exemption on the basis of limited English proficiency. Amended 2/17/2005

## ESL STUDENT Reclassification PROVISIONS

- **Reclassification CRITERIA** For reclassification from a bilingual education or English as a second language program for the first time or a subsequent time, a student may be classified as English proficient **at the end of the school year** in which a student would be able to participate equally in a regular, all – English instructional program.

**NOTE:** A student may not be exited/reclassified from bilingual education or English as a second language program during pre-kindergarten or kindergarten. A district/campus must ensure that English Language Learners (ELLs) are prepared to meet State academic standards. (TAC, Chapter 89.BB, Section 1225 I)

- Exit determination shall be based upon the reclassification chart provided above.

**AND**, one of the following:

(A)**Grades 1 and 2** students are considered English proficient when they score at or above the 40th percentile on both the Reading and English Language Arts sections of a TEA approved norm referenced standardized achievement test,

(B)**Grades 3 – 12** students are considered English proficient when they meet the passing standard on ELAR STAAR without designated supports recommended by the LPAC.

**Periodically there is a student who repeatedly scores below the passing standard on STAAR. The LPAC must:**

1. Recommend that the student remain in the program longer.
2. Determine further accommodations and additional services for this student.
3. Look at the instructional program to determine the unmet student needs.
4. NOT reclassify a student in order to place him/her in Special Education.

### ● **Reclassification PROCEDURES**

1. The student meets requirements listed in the previous section.
2. When a student does qualify for reclassification, complete information on the student's LPAC form.
3. Conduct LPAC to reclassify students.
4. Send home a **Notice of Reclassification** to the parents. When returned, the white original goes in the Bilingual/ESL folder in the student's PRC, and give a copy to the parent.

- **RESPONSIBILITY AFTER Reclassification TWO-YEAR Tracking or Monitoring** - For every reclassified Bilingual/ESL student, the LPAC must review the student's progress for three years after reclassification to determine whether the student should be re-enrolled in a bilingual

education or ESL program. LPAC shall review and consider:

- (a) the total amount of time the student was enrolled in a bilingual or ESL program
- (b) the students' grades during each grading period in each subject in the core curriculum
- (c) student's performance on all STAAR assessments
- (d) the number of credits the student has earned toward high school graduation, if applicable
- (e) any disciplinary actions taken against the student

The LPAC shall convene to conduct M1 and M2 LPAC documents at the end of the year AND during any grading period in the first two school years after reclassification if the student earns a failing grade in a subject in the core curriculum. After an evaluation, the LPAC may require intensive instruction for the student or re-enroll the student in a bilingual education or ESL program.

## **ESL DOCUMENTATION**

### **ESL FOLDER DOCUMENTS**

Students served by the ESL program should each have a RED ESL folder inside their PRC/PRF/CUM folder. This folder shall contain the following documents:

- a. **Original Home Language Survey (HLS)**
- b. **All Bilingual/ESL testing should be placed on top of the HLS.**
- c. **All Parent Forms such as Bilingual/ESL Permission/Denial/Notification of Program Exit should be placed on top of testing.** *NOTE: If a student exits from Bilingual/ESL, the folder must have Parent Notice of Exit. If a parent denies Bilingual or ESL, the folder must have a Parent Denial Conference Form.*
- d. **All LPAC Cards should be placed on top of Parent Forms- Latest LPAC information on top.**

### **FOLDER WITH MISSING DOCUMENTS**

(A) If the Parent Permission or Home Language Survey is missing, document what is missing with a written explanation

(B) If an LPAC document is missing:

-Contact the previous or sending school if the student was at another EFISD school.

(C) Notify the principal / special programs director if you have questions.

### **DETERMINATION OF GRADES**

A) For students in ESL classes, the grading procedure is parallel to that of the mainstream education classes using second language instruction methods.

B) Too much reliance on paper and pencil tasks causes problems for children who cannot yet read in English. Instead, the accommodation that the law requires could include asking the student to do a project that gives the student an opportunity to show what he knows without having to rely on verbal skills in English.

**ELYSIAN FIELDS ISD will not fail a student on the basis of English language proficiency alone.** This is not to say that an ELL student who does not meet other requirements is exempt from failure. In

summary, an English language learner should never fail solely because they do not yet know sufficient English. Second language acquisition is a lengthy process. It is our job to provide comprehensible access to the core curriculum

## **MODIFICATIONS vs. ACCOMMODATIONS**

- Elysian Fields ISD emphasizes that ELL students do not need below grade level material.
- Elysian Fields ISD uses accommodations rather than modifications for ELL students because the standards and expectations are the same for mainstream education students and ELL students.
- “Modifications” are needed for students with learning disabilities e.g., those in Special Education and “accommodations” are needed for all other students, e.g., the visual learner and/or ELL students. Individual ELL students may, however, need modification due to other reasons

## **HOME LANGUAGE SURVEY (HLS)**

### *Enrollment:*

- The student’s guardian fills out the Home Language Survey and enrollment card.
- Campus will ask the guardian if the student has ever attended an EFISD school.
- Campus needs to make sure that if the Home Language Survey indicates a language other than English, the student must be tested. For example, English/Spanish must be tested.
- IF the student has attended Blooming Grove ISD previously, check the inactive folders for the original HLS code. The ORIGINAL Home Language Survey must be used and all other copies should be discarded.
- If the student is eligible for ESL services:
  1. They will begin receiving those services based on HLS responses
  2. While the LPAC process takes place the student will continue receiving services and
  3. Parent permission will need to be obtained

## **TESTS FOR INITIAL PLACEMENT**

School districts shall by local board policy establish and operate a language proficiency assessment committee. The school district shall have on file policy and procedures for the selection, appointment, and training of members of the language proficiency assessment committee(s).

## **PROCEDURES FOR TESTING AND PLACEMENT:**

Every student enrolling in a Texas school must complete a Home Language Survey (HLS) to determine if an oral proficiency test in English needs to be given. If the response of the HLS is “English/English,” no further action is required. 38 Revised October 2020

If the HLS indicates “English/Any other language,” the student must be assessed with the LAS LINKS English Language Proficiency Assessment, if he/she has not been given that already, for the LPAC committee to review in making placement decisions.

Hold **Initial LPAC meeting within 4 calendar weeks of new student's enrollment** in Elysian Fields ISD to review assessment results, and determine whether or not the student is placed in ESL. Based on the results of the Language Proficiency Assessment, the LPAC fills out the LPAC documentation and recommends the appropriate instructional program of ESL.

Within 10 days after the LPAC meeting, the Parent Permission form in a language the parent can understand must be sent home to inform the parents about the student's placement and to acquire permission for the student to continue receiving bilingual/ESL services.

After the LPAC has sent home the Parent Permission form notifying parents of program placement, the PRC documentation must be reviewed to verify that all documentation has been obtained. For example, obtain the parent permission form if it has not been secured.

## **PARENT DENIAL OF ESL PROGRAM**

The parents can deny the program but they cannot deny the initial testing for placement in the program.

If a student qualifies for ESL services but his/her parents do not want the child to attend ESL classes, the campus must conference with the parents to explain the benefits of the ESL program and the students' testing results that demonstrate a need for the services in a language they understand. If the parent continues to deny the program, a Parent Denial Conference must be signed by the parent, principal/designee and teacher to document the conference.

It is the obligation of school district employees to inform parents that teachers in the ESL program have special certification to work with students with home languages other than English. Parents must be made aware that they may be contacted annually to reconsider their denial. Parents may also be contacted more frequently if their child is not performing satisfactorily in class.

A school employee shall not recommend denial of the ESL program.

## **REQUIRED SUMMER PROGRAM FOR ELL STUDENTS**

### **ENGLISH AS A SECOND LANGUAGE K-1ST SUMMER ENRICHMENT PROGRAM**

**For ELL Children entering K and First Grade the Following Year**

A summer school program is provided for children of limited English proficiency (ELL) who will be eligible for admission to kindergarten or first grade at the beginning of the next school year in accordance with State mandates. This program addresses the affective, linguistic and cognitive needs of the students and provides instruction on language development and essential knowledge and skills (TEKS) appropriate to the level of the student. The program is 120 hours in duration.

Eligible Students: Students currently enrolled in the Elysian Fields ISD ESL pre-kindergarten and kindergarten program are automatically eligible, as well as all future students to Elysian Fields ISD

who qualify for bilingual/ESL classes in grade K and 1 during the following school year.

Parents of currently enrolled ELL students will be notified of the program, along with parents of students enrolled in Kindergarten or First Grade during “Roundup” in April that indicate a language other than English is spoken in the home. Those new students will be tested in May to determine if they will be eligible for English as a Second Language services and their parents will be notified of the summer program availability. Students will need to go through the LPAC process and parents will need to give permission for participation in order to meet the requirement of being identified as an EB for participation in summer school and ***if there are 10 eligible students***, the program will be conducted during the summer.