

# Resources

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## Comparison of State Bilingual Education and NCLB Title III Requirements

Activity	State Law and Rules	Title III NCLB
Program Content	Bilingual education (BE) [89.1205(a)(b)] and/or  English as a second language (ESL) [89.1205(d)(e)]  Meets students' affective, linguistic, and cognitive needs (89.1210)ESL [89.1210(f)]  Provided until exit criteria are met [89.1210(h)]  Adopted and supplementary Materials used [89.1210(c)(e)]	<b>Language Instruction Educational Program:</b> “The term means an Instruction course in which a limited English proficient child is placed for the purpose of developing and attaining English proficiency, while meeting challenging State academic content and student academic achievement standards that may make instructional use of both English and a child’s native language to enable the child to develop and attain English proficiency.” [Title III, Part C, Sec.3301(8)] Local Plan Requirement, (Title III, Part A, Sec. 3116
Student Identification	Home Language Survey (89.1215) Oral Language Proficiency Test (PK-12) Norm-referenced Test (2-12) [89.1225(a)(b)(c)(d)(e)(f)] Program placement within 4 weeks of enrollment [89.1225(g)]	No specific criteria specified in law other than use of “limited English proficient students, including immigrant children, and youth” terminology throughout the law

Activity	State Law and Rules	Title III NCLB
Parent Approval of Eligibility	<p>Notice that student has been classified as limited English proficient LEP Program benefits explained.</p> <p>Approval must be obtained [89.1220(j) &amp; 89.1240(a)]  Only one approval required (not annually) [89.1240(a)]</p>	<p>Within 30 days of the beginning of the school year, or within 2 weeks of students enrollment after beginning of school year</p> <p><b>Contents:</b>  Reasons for identification as LEP  Level of English proficiency  Methods of instruction to be used  How the program will meet the needs of the child  How the program will help the child learn English and meet achievement standards  Program exit requirements  Expected rate of transition into an all-English program  Expected rate of graduation  How the program meets IEP requirements, if applicable  Description of certain parental rights [Title III, Part C, Sec.3302 (a)(c)(d)]</p>
Language Proficiency Assessment & Admission, Review, and Dismissal Committees	<p>LPAC must be established and operated [89.1220(a-f)]  ARD Committee in conjunction with LPAC shall determine appropriate assessments for identification, placement, and exit for students with a disability [89.1225(f)(4)(k)]  The LPAC must work in conjunction with the ARD [89.1225(f)(4)(k)]</p>	<p>No requirement of processing committee in law</p>

Activity	State Law and Rules	Title III NCLB
Records to be Kept	Student record must include: Identification of student as LEP Language proficiency level Placement recommendation Parent approval/denial Dates of entry/placement Date of exit Monitoring results [89.1220(m)] Exemptions from the state assessment, as applicable [89.1220(h)(i)(m)]	No requirement in law; however, data necessary for evaluation and reporting requirements (Title III, Part A, Sec. 3121, (a-d), and Title III, Part B, Sec. 3217
Student Assessment	Oral Language Proficiency Test, Norm-Referenced Test, State Criterion-Referenced Assessment, (89.1225) For Students with Disabilities, [89.1230, (a)] TAKS (Gr. 3-12) 19TAC 101	Parents must be advised of students' failure to make progress [Title III, Part C, Sec. 3302(b)] Assessment of development of English language proficiency Assessment of reading, writing, speaking, listening, and comprehension (Title III, Part A, Sec. 3121, 3122, 3123 and Part B, Sec. 3217)
Program Exit	Demonstrate oral and written language proficiency in English [TEC §29.056(g)(1)] AND Pass the state assessment Reading & Writing <u>or</u> If enrolled in first or second grade, score at or above 40th percentile on Reading & Language Arts sections of an English standardized test. [TEC§29.056(g)(2)] AND Agency-approved criterion-referenced test and the results of a subjective teacher evaluation [TEC §29.056(g)(3)] (No program exit before the end of Grade 1) [89.1225(i)]	Part of parental notification... The success of the student is included in the program's annual measurable achievement objectives (AMAO) and adequate yearly progress (AYP). Parent has the right to remove the student and the option given for other available programs for the development of language. [Title III, Part C, Sec. 3302, (a)(6), (8)]

Activity	State Law and Rules	Title III NCLB
Parent Notification of Exit	Parent approval required to exit program [89.1240(b) & TEC §29.056(a)]	Requires parent notification of exit requirements of program [Title III, Part C, Sec. 3302(a)(6)]
Monitoring after Program Exit	Monitored for two years [89.1220(l)] Must consider: Amount of time enrolled in BE or ESL program Grades each grading period in foundation curriculum Performance on the state assessment Number of credits, if applicable Disciplinary actions under Subchapter A, Chapter 37 [TEC §29.0561(b)(1-5)]	Evaluation includes students who are no longer receiving services after 2 years [Title III, Part S, Sec. 3121(4)]
Staffing	All teachers certified/endorsed [89.1245(a)]  OR Exception for BE [89.1207(a)(1)] and/or waiver of ESL certification [89.1207(b)(1)] must be submitted [89.1245(b)]  Sheltered Instruction trained. (secondary) [89.1210(d)]	Teachers fluent in English Title III, Part A, Sec. 3116(c)  “Highly qualified” teachers as defined in NCLB  Aides must be supervised by “highly qualified” teachers
Staff Development	Focus on teacher training is on districts that are unable to employ the necessary certified staff: 10% of BE allotment must be used if a waiver and/or exception is granted [89.1207 (a)(1)(b)(1)]; Training guides [89.1245(g)] OLPT administrators must be trained [89.1225©] LPAC members must be trained (board policy) [89.1220(a)]	Designed to improve instruction Designed to enhance ability of teachers Research based Sufficient intensity and duration [Title III, Sec. 3115© (2)]

Activity	State Law and Rules	Title III NCLB
Annual Evaluation	<p>Report of student progress to parents at least annually [89.1265©].</p> <p>Annual report to be maintained by the district.</p> <p><b>Components:</b></p> <p>Periodic assessment and continuous diagnosis in the language(s) of instruction</p> <p>Determination of academic progress</p> <p>Extent to which students are becoming proficient in English</p> <p>Number of exited students</p> <p>Number of teachers and aides trained</p> <p>Frequency, scope and results of training [89.1265(a)(b)]</p>	<p><b>Biennial report:</b></p> <p>Type(s) of program(s) offered</p> <p>Percent of students making progress in attaining English proficiency including the percentage of children who have achieved English proficiency (comprehension, speaking, listening, reading, and writing skills in English)</p> <p>Student attainment of challenging state student academic achievement standards on assessments described in section 1111(b)(c)(3) and,</p> <p>Progress in meeting the annual measurable achievement objectives described in section 3122 [Title III, Part A, Sec. 3121(d) and 1111(b)(3)(c)]</p>
Expenditure of Funds	<p>85% of BE allotment must be spent on:</p> <p>Evaluation materials</p> <p>Staff development</p> <p>Supplementary expenses</p> <p>Smaller class size</p> <p>[TEC §42.153(c)]</p>	<p>Supplementary [Title III, Part A, Sec. 3115(g)]</p> <p>Two percent administrative expenditures allowed [Title III, Part A, Sec. 3115(b)]</p>
Private Schools		<p>Initial contact</p> <p>Consultation Services Provided (SAS, Schedule 5) Public Law 107-110, Section 9501 (a)(c)</p>

Activity	State Law and Rules	Title III NCLB
Immigrant Students	<p>Limited English Proficient Resided outside of U.S. for at least two consecutive years (For the state assessment exemption only— detailed in LPAC Decision Making Manual) 9TAC101.1005; 101.1007 A student who was not born in the U.S. (for ESOL I &amp; ESOL II credit only) 19TAC 74.11(d)(1)(A) Subchapter B. Graduation Requirements</p>	<p>Aged 3-21 years Not born in any state Has not been in school in the U.S. For more than 3 years (used to count for PEIMS and funding) [Title III, Part C, Sec. 3301(6)]</p>
Summer School	<p>For LEP student eligible for Kindergarten and Grade 1 in subsequent school year. ½ day, 3 hours, 120 hours total All districts must aggressively attempt to encourage student participation. Districts must provide only if ten or more eligible students desire to participate [89.1250]</p>	<p>No requirements of summer school for any grade level in law.</p>

## **2011-2012 PEIMS Data Standards**

<http://www.tea.state.tx.us/index4.aspx?id=2147497193>

## **PEIMS Foreword**

The following document was developed by the PEIMS Division of TEA to assist districts with the reporting requirements for Limited English Proficient (LEP) students.

In order to achieve a comprehensive understanding of the progression of information contained in the document, it is recommended that it be read from beginning to end in its entirety.

<b>PEIMS Reporting Requirements for Students Identified as LEP</b>	
<b>PEIMS Submissions Impacted by LEP Data Reporting:</b>	<b>Also known as:</b> Submission 1: Fall Snapshot Submission 3: Summer Submission Submission 4: Extended Year Submission
<b>PEIMS Reporting Timeframe</b>	Submission 1: Represents the state of the district on the last Friday in October
	Submission 1: Cumulative submission representing all activity during the course of the regular school year
	Submission 1: Represents program participation for separate regular school year

<b>PEIMS Records Containing LEP Related Data Elements</b>		
<b>Submission</b>	<b>Record Name</b>	<b>Data Element Name</b>
1	110 STUDENT DATA ENROLLMENT	LEP INDICATOR CODE
		HOME LANGUAGE CODE
		PARENTAL PERMISSION CODE
3	400 BASIC ATTENDANCE DATA-STUDENT	TOTAL-ELIG BILINGUAL/ESL DAYS PRESENT
		LEP-INDICATOR-CODE
4	101 STUDENT DATA DEMOGRAPHIC	BILINGUAL/ESL SUMMER SCHOOL INDICATOR CODE

<b>Explanation of PEIMS Record(s) Layout</b>	Each PEIMS record is comprised of data elements which have their own unique number and definition (located in Section 3 of the Data Standards) and as applicable some data elements have a corresponding code table which is numbered and may or may not be a unique set of codes (located in Section 4 of the Data Standards)
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<b>LEP Related Data Elements Crosswalk</b>			
<b>Data Element Name</b>	<b>Data Element Number</b>	<b>Code Table Name</b>	<b>Code Table Number</b>
LEP INDICATOR CODE	E0790	LEP INDICATOR CODE	C061
HOME LANGUAGE CODE	E0895	HOME LANGUAGE CODE	C092
PARENTAL PERMISSION CODE	E896	PARENTAL PERMISSION	C093
BILINGUAL PROGRAM TYPE CODE	E1042	BILINGUAL PROGRM TYPE CODE	C175
ESL PROGRAM TYPE CODE	E1043	ESL PROGRAM TYPE CODE	C176
TOTAL ELIG BILINGUAL/ESL DAYS PRESENT	E0938	NONE	NONE
BILINGUAL/ESL SUMMER INDICATOR CODE	E1028	PARTICIPATION INDICATOR CODE	C088

<b>Data Element Definitions</b>		
<b>Data Element Name</b>	<b>Data Element Number</b>	<b>Data Element Definition</b>
LEP INDICATOR CODE	E0790	LEP INDICATOR CODE indicates whether the student has been identified as limited English proficient by the Language Proficiency Assessment Committee (LPAC) or English proficient (19 TAC §89.1220) according to criteria established in 19 TAC §89.1225.
HOME LANGUAGE CODE	E0895	HOME LANGUAGE CODE indicates the language spoken in the student's home, as determined by the student's home language survey. (See 19 TAC §89.1215.)
PARENTAL PERMISSION CODE	E0896	PARENTAL PERMISSION CODE indicates whether the student's parent or legal guardian has approved placement of the student in the required Bilingual or English as a Second Language (ESL) program. (See 19 TAC §89.1240.)
BILINGUAL PROGRAM TYPE CODE	E1042	BILINGUAL PROGRAM TYPE CODE indicates whether the student is participating in a state-approved bilingual education program which is a full-time program of dual language instruction through the TEKS in the content areas (mathematics, science, health and social studies) in the primary language of limited English proficient (LEP) students and also for carefully structured and sequenced mastery of English cognitive academic language development. (See 19 TAC §89.1210(b).)
ESL PROGRAM TYPE CODE	E1043	ESL PROGRAM TYPE CODE indicates whether the student is participating in a state-approved English as a Second Language (ESL) program. An ESL program in grades PK-8 is a program of intensive instruction in English from teachers either certified or endorsed in ESL who use second language acquisition information to teach LEP students the ESL TEKS. An ESL program in grades 9-12 is a program of intensive instruction in English from teachers trained in recognizing and dealing with language differences. (See 19 TAC §89.1210(f).)
TOTAL ELIG BILINGUAL/ESL DAYS PRESENT	E0938	TOTAL ELIG BILINGUAL/ESL DAYS PRESENT indicates the total number of days the student was present and an eligible participant in the state-approved bilingual/ESL program during a particular reporting period.
BILINGUAL/ESL SUMMER INDICATOR CODE	E1028	BILINGUAL/ESL SUMMER INDICATOR CODE indicates whether the student participated in the Bilingual/ESL Summer School program as described in TEC §29.060 and 19 TAC §89.1250. To be eligible for enrollment in the Bilingual/ESL Summer Program, a student must be limited English proficient (LEP) and must be eligible for admission to kindergarten or first grade at the beginning of the next school year. LEP shall be determined by screening students using oral proficiency instruments approved by the Commissioner of Education.

**The following code tables from Section 4 of the Data Standards are used in reporting LEP related data**

<b>Code Table ID</b>	<b>Name</b>	<b>Date Issued</b>	<b>Date Updated</b>
C088	PARTICIPATION INDICATOR CODE	04/10/89	03/01/95
<b>Code</b>	<b>Translation</b>		
0	Not receiving services, or condition or situation not applicable to this person or campus		
1	Participant in program or service, or condition or situation applicable to this person or campus		

<b>Code Table ID</b>	<b>Name</b>	<b>Date Issued</b>	<b>Date Updated</b>
C061	LEP INDICATOR CODE	04/10/89	03/03/08
<b>Code</b>	<b>Translation</b>		
0	Not LEP		
1	Identified as limited English proficient (LEP)		
F	Student exited from LEP status – Monitored 1 (M1) – student has met criteria for bilingual/ESL program exit, is no longer classified as LEP in PEIMS, and is in his or her first year of monitoring as required by 19 TAC §89.1220(l) and is not eligible for funding due to the fact that they are not LEP		
S	Student exited from LEP status – Monitored 2 (M2) – student has met criteria for bilingual/ESL program exit, is no longer classified as LEP in PEIMS, and is in his or her second year of monitoring as required by 19 TAC §89.1220(l) and is not eligible for funding due to the fact that they are not LEP		

<b>Code Table ID</b>	<b>Name</b>	<b>Date Issued</b>	<b>Date Updated</b>
C092	HOME-LANGUAGE-CODE	04/10/89	03/01/01

<b>Code</b>	<b>Translation</b>
01	Spanish
02	Vietnamese
03	Laotian (Lao)
04	Cambodian (Khmer)
06	Korean
07	Japanese
08	French
09	German
98	English
99	Other languages
1A	Afrikaans (Taal)
1B	Akan (Fante, Asante)
1C	Albanian, Gheg (Kosovo/Macedonia)
1D	Albanian, Tosk (Albania)
1E	Algonquin
1F	Amharic
1G	Apache
1H	Arabic
1I	Armenian
1J	Assyrian (Syriac, Aramaic)
1K	Balinese
1L	Bengali
1M	Bosnian
1N	Bulgarian
1O	Burmese
1P	Cantonese (Chinese)
1Q	Cebuano (Visayan)
1R	Chamorro
1S	Chaochow/Teochiu (Chinese)
1T	Cherokee
1U	Chippewa/Ojibawa/Ottawa
1V	Choctaw
1W	Comanche
1X	Coushatta
1Y	Creek
1Z	Croatian
2A	Crow
2B	Czech
2C	Danish
2D	Dard

<b>Code Table ID</b>	<b>Name</b>	<b>Date Issued</b>	<b>Date Updated</b>
C092	HOME-LANGUAGE-CODE	04/10/89	03/01/01

<b>Code</b>	<b>Translation</b>
2E	Dutch/Flemish
2F	Efik
2G	Eskimo
2H	Estonian
2I	Ethiopic
2J	Ewe
2K	Farsi (Persian)
2L	Finnish
2M	Fukien/Hokkien (Chinese)
2N	Gaelic (Irish)
2O	Gaelic (Scottish)
2P	Greek
2Q	Gujarati
2R	Guyanese
2S	Hainanese (Chinese)
2T	Haitian-Creole
2U	Hakka (Chinese)
2V	Hausa
2W	Hebrew
2X	Hindi
2Y	Hmong
2Z	Hopi
3A	Hungarian
3B	Ibo/Igbo
3C	Icelandic
3D	Ilonggo (Hiligaynon)
3E	Indonesian
3F	Italian
3G	Kache (Kaje, Jju)
3H	Kannada (Kanarese)
3I	Kanuri
3J	Kashmiri
3K	Kickapoo
3L	Konkani
3M	Kpelle
3N	Krio
3O	Kurdish
3P	Kwa
3Q	Latvian
3R	Lingala
3S	Lithuanian

<b>Code Table ID</b>	<b>Name</b>	<b>Date Issued</b>	<b>Date Updated</b>
C092	HOME-LANGUAGE-CODE	04/10/89	03/01/01

<b>Code</b>	<b>Translation</b>
3T	Luganda
3U	Lunda
3V	Luyia (Luhya)
3W	Macedonian
3X	Malay
3Y	Malayalam
3Z	Maltese
4A	Mandarin (Chinese)
4B	Mande
4C	Marathi
4D	Menominee
4E	Mien (Yao)
4F	Navajo
4G	Nepali
4H	Norwegian
4I	Okinawan
4J	Oneida
4K	Oriya
4L	Orri (Oring)
4M	Pampangan
4N	Panjabi (Punjabi)
4O	Pashto (Pushto)
4P	Pilipino (Tagalog)
4Q	Pima
4R	Polish
4S	Portuguese
4T	Pueblo
4U	Romanian
4V	Romany (Gypsy)
4W	Russian
4X	Samoan
4Y	Serbian
4Z	Shanghai (Chinese)
5A	Shona
5B	Sikkimese
5C	Sindhi
5D	Sinhalese (Sri Lanka)
5E	Sioux (Dakota)
5F	Slavic
5G	Slovenian (Slovene)
5H	Somali

<b>Code Table ID</b>	<b>Name</b>	<b>Date Issued</b>	<b>Date Updated</b>
C092	HOME-LANGUAGE-CODE	04/10/89	03/01/01

<b>Code</b>	<b>Translation</b>
5I	Sotho
5J	Swahili
5K	Swedish
5L	Taiwanese/Formosan/Min Nan (Chinese)
5M	Tamil
5N	Telugu (Telegu)
5O	Thai
5P	Tibetan
5Q	Tigrinya
5R	Tiwa
5S	Tuluau
5T	Turkish
5U	Ukrainian
5V	Urdu
5W	Welsh
5X	Winnebago
5Y	Yiddish
5Z	Yombe
6A	Yoruba

Code Table ID	Name	Date Issued	Date Updated
C093	PARENTAL-PERMISSION-CODE	04/10/89	03/01/10

Code	Translation
	<b>The following PARENTAL-PERMISSION-CODES <u>do not</u> allow a student to generate TOTAL-ELIG-BILINGUAL/ESL-ELIGDAYS-PRESENT (E0938)</b>
3	Parent Or Guardian Has Requested Placement Of A Non-LEP Student In The Bilingual Program
7	Parent Or Guardian Did Not Respond
8	Parent Or Guardian Was Not Contacted
C	Parent Or Guardian Has Denied Placement Of A LEP Student In Any Special Language Program
G	Parent Or Guardian Has Approved The Placement Of A Recently Exited Non-LEP Student In A Bilingual Or English As A Second Language Special Language Program
H	Parent or Guardian Has Requested Placement Of A Non-LEP Student In The English As A Second Language Program
	<b>The following PARENTAL-PERMISSION-CODES <u>do</u> allow a student to generate TOTAL-ELIG-BILINGUAL/ESL-ELIGDAYS-PRESENT (E0938)</b>
A	Parent Or Guardian Has Denied Placement Of A LEP Student In The Required Bilingual Program, But Has Approved Placement Of A LEP Student In The ESL Program
B	Parent Or Guardian Has Approved Placement Of A Grade PK-8 LEP Student In The Required ESL Program
D	Parent Or Guardian Has Approved Placement Of A LEP Student in The Bilingual Program
E	Parent Or Guardian Has Approved Placement Of A LEP Student In The Bilingual Program, But The District Has Or Has Requested An Exception Approved Under 19 TAC §89.1207; Parent Has Therefore Approved Placement Of A LEP Student In The ESL Program
F	Parent Or Guardian Of A Grade 9-12 LEP Student Has Approved Services In Accordance With The LPAC Plan. The LPAC plan may include English I for Speakers of Other Languages, English II for Speakers of Other Languages and/or modified (sheltered) courses for LEP students. Modified (sheltered) courses for LEP students may be taught by non-ESL certified teachers who have received training in

Code Table ID	Name	Date Issued	Date Updated
C093	PARENTAL-PERMISSION-CODE	04/10/89	03/01/10

J	<p>modified (sheltered) instruction but English I for Speakers of Other Languages and English II for Speakers of Other Languages must be taught by ESL certified teachers.</p> <p>Parent Or Guardian Has Approved The Placement Of A LEP Student In The ESL Program, But The Program Is An Alternative Language Program Approved By The Texas Education Agency. (See TAC 19.89.1207)</p> <p>Districts that use Parental Permission Code J have or should have submitted a waiver to the TEA ESL program.</p>
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Code Table ID	Name	Date Issued	Date Updated
C175	BILINGUAL-PROGRAM-TYPE-CODE	03/03/08	07/01/08

Code	Translation
0	Student does not participate in the Bilingual Education Program
2	<p>Transitional Bilingual/Early Exit</p> <p>A bilingual program that serves students identified as students of limited English proficiency in both English and Spanish, or another language, and transfers students to English-only instruction. It provides instruction in literacy and academic content areas through the medium of the student's first language, along with instruction in English oral and academic language development. Non-academic subjects such as art, music, and physical education may also be taught in English. Exiting to an all English program of instruction will occur not earlier than the end of first grade, or if the student enrolls in school during or after first grade, the student will remain in the program for a minimum of two to five years before being eligible to exit the bilingual program. Students that have met exit criteria in accordance with TAC §89.1225 (h)(i)(k) may continue receiving services but the school district will not be allocated the bilingual allotment - TEC §42.153.</p> <p><b>Students who are proficient in English may also be served in this program only with appropriate parental permission, but are not eligible for Bilingual Program allotment.</b></p>
3	<p>Transitional Bilingual/Late Exit</p> <p>A bilingual program that serves students identified as students of limited English proficiency in both English and Spanish, or another language, and transfers a student to English-only instruction; academic growth is accelerated through cognitively challenging academic work in the student's first language along with meaningful academic content taught through the student's second language, English. The goal is to promote high levels of academic achievement and full academic language proficiency in the student's first language and English. Students enrolled in the transitional bilingual/late exit program are eligible to exit the program not earlier than six or later than seven years after the students enroll in school. Students that have met exit criteria in accordance with TAC §89.1225 (h)(i)(k) may continue receiving services but the school district will not be allocated the bilingual allotment - TEC §42.153. <b>Students who are proficient in English may also be served in this program only with appropriate parental permission, but are not eligible for Bilingual Program allotment.</b></p>

Code Table ID	Name	Date Issued	Date Updated
C175	BILINGUAL-PROGRAM-TYPE-CODE	03/03/08	07/01/08

4	<p>Dual Language Immersion/Two-Way A biliteracy program that integrates students proficient in English and students identified as students of limited English proficiency in both English and Spanish, or another language, and transfers a student identified as a student of limited English proficiency to English-only instruction; instruction is provided to both native English speakers and native speakers of another language in an instructional setting where language learning is integrated with content instruction. Academic subjects are taught to all students through both English and the other language. Program exit will occur not earlier than six or later than seven years after the student enrolls in school; students that have met exit criteria in accordance with TAC §89.1225 (h)(i)(k) may continue receiving services but the school district will not be allocated the bilingual allotment - TEC §42.153.</p>
5	<p>Dual Language Immersion/One-Way A biliteracy program that serves only students identified as students of limited English proficiency in both English and Spanish, or another language, and transfers a student to English-only instruction in an instructional setting where language learning is integrated with content instruction. Academic subjects are taught to all students through both English and the other language. Program exit will occur not earlier than six or later than seven years after the student enrolls in school; students that have met exit criteria in accordance with TAC §89.1225 (h)(i)(k) may continue receiving services but the school district will not be allocated the bilingual allotment - TEC §42.153. <b>Students who are proficient in English may also be served in this program only with appropriate parental permission, but are not eligible for Bilingual Program allotment.</b></p>

<b>Code Table ID</b>	<b>Name</b>	<b>Date Issued</b>	<b>Date Updated</b>
C176	ESL-PROGRAM-TYPE-CODE	03/03/08	07/01/08

<b>Code</b>	<b>Translation</b>
0	Student Does Not Participate In The English As A Second Language (ESL) Program
2	<p><b>English As a Second Language/Content-Based</b>  An English program that serves students identified as students of limited English proficiency in English only by providing a full-time teacher certified under TEC §29.061(c) to provide supplementary instruction for all content area instruction. It integrates English-as-a-second-language instruction with subject matter instruction which focuses not only on learning a second language, but using that language as a medium to learn mathematics, science, social studies, or other academic subjects. Exiting to an all English program of instruction will occur not earlier than the end of first grade, or if the student enrolls in school during or after first grade, the student will remain in the program for a minimum of two to five years before being eligible to exit the ESL program. Students that have met state requirements for exit criteria in accordance with TAC §89.1225 may continue receiving services but the school district will not be allocated the bilingual allotment - TEC §42.153; At the high school the LEP student receives sheltered instruction in all content areas</p>
3	<p><b>English As A Second Language/Pull-Out</b>  An English program that serves students identified as students of limited English proficiency in English only by providing a certified teacher under TEC §29.061(c) to provide English language arts instruction exclusively, while the student remains in a mainstream instructional arrangement in the remaining content areas. Instruction may be provided by the ESL teacher in a pull-out or inclusionary delivery model. Exiting to an all English program of instruction will occur not earlier than the end of first grade, or if the student enrolls in school during or after first grade, the student will remain in the program for a minimum of two to five years before being eligible to exit the ESL program. Students that have met state requirements for exit criteria in accordance with TAC §89.1225 may continue receiving services but the school district will not be allocated the bilingual allotment - TEC §42.153</p>

## Coordination with Other Programs

The language proficiency assessment committee (LPAC) process does not work in isolation. The continuous focus on the student often necessitates coordination and collaboration between and among other programs that also work with the LEP student. The decisions of the LPAC will have an impact on the overall instructional program for the individual LEP student. It is important that the LPAC receive all of the necessary information relating to the student's needs, the student's performance, language, and cultural background, and the student's participation in special programs. Collaboration among instructional personnel who have been trained to identify the needs of LEP students and who must implement timely interventions is essential in maintaining coherent instructional program that will lead to the improvement of student performance.

Some of the programs that are available to the LEP student may include:

Summer School	Special Education
Gifted and Talented	Dyslexia
Before and After School Tutorial	Even Start
At-Risk Programs	Section 504
Extra-Curricular (student clubs, UIL, etc)	Optional Extended Year
Community-Based Programs	Newcomer/Immigrant Programs
Career and Technical Education (CTE)	Migrant (Building Bridges, Project SMART, etc)

Written documentation becomes invaluable for collaborating and coordinating programs for the LEP student. Information provided to PEIMS must be correct and timely. Parent input and notification is necessary at every phase of the LPAC process. The Title III program requires that parents become critical partners in the placement and monitoring of the student's instructional program. The LPAC is not referring agent, but it can serve to identify available programs for the student as it deliberates throughout the year.

## **Summer School Programs**

<http://ritter.tea.state.tx.us/taa/stanprog042711.html>

April 27, 2011

TO THE ADMINISTRATOR ADDRESSED:

**Subject: 2011 Summer School Program for Limited English Proficient (LEP) Students in Kindergarten and First Grade**

Attached is a copy of 19 Texas Administrative Code (TAC) Section 89.1250, Required Summer School Programs, which requires districts to provide a summer school program for limited English proficient (LEP) students who will be eligible for admission to kindergarten and first grade at the beginning of the next school year. This letter is to inform school districts that funds have been appropriated for the 2010-2011 school year to reimburse school districts for operating a summer school program.

This information is provided to help districts prepare and coordinate building services, transportation, calendars and instruction with other state and federal programs. Districts required to offer a bilingual education or special language program during the 2010-2011 school year, including those with approved exceptions, must offer the summer school program. Reimbursement for costs of enrolling students of limited English proficiency will be processed in the fall of 2011 through the Division of Formula Funding.

Districts operating a two-semester system shall offer the program for one-half day for eight weeks while school is recessed for the summer or a total of 120 hours of instruction on a schedule established by the board of trustees. Districts operating year-round schools shall offer a program during intercessions for a total of 120 hours of instruction.

For students who have not attended school previously and need to be identified as Limited English Proficient (LEP), 19 TAC Section 89.1225 rules are to be followed. The *List of Approved Tests for Assessment of Limited English Proficient Students* is required for the identification process and can be found at the following URL:

[http://www.tea.state.tx.us/index2.aspx?id=4098&menu\\_id=720](http://www.tea.state.tx.us/index2.aspx?id=4098&menu_id=720)

It is the first link under the title "Documents" which follows the "Related Links" section.

Funding for the program will be on a teaching unit basis with 18 students or a fraction thereof constituting a unit. Since the appropriation for this program is a fixed amount, it will be necessary to prorate unit allotments if enrollment exceeds projections. Based on 2010 program costs, it is suggested that districts plan for reimbursement of no more than \$1,074 per unit. Business managers should be informed that the fund code is 289 and that payment to the district will be provided through direct deposit.

Please note that data will be collected through the Public Education Information Management System (PEIMS) for summer school 2011. All participating districts are required to submit actual costs of students and this data is subject to audit by the School Financial Audit Division. "THE-BILINGUAL/ESL-SUMMER-SCHOOL-INDICATOR-CODE" is included in the 101 Student Demographic Record of the 2010-2011 PEIMS Data Standards to identify students participating in the Bilingual/ESL Summer School Program. This indicator code is collected in Submission 4 only, and the due date to TEA is **September 8, 2011**.

If you have any program questions, please contact Susie Coultress, Director, Bilingual and English as a Second Language Programs, at (512) 463-9581. If you have PEIMS questions, please contact the PEIMS Division at (512) 936-7346. If you have funding questions, please contact the Formula Funding Division at (512) 463-8525.

Sincerely,

Anita Givens  
Associate Commissioner  
Standards and Programs

Attachment: 19 TAC §89.1250, Required Summer School Programs, and 19 TAC §89.1265, Evaluation

## ATTACHMENT

### Texas Administrative Code Title 19 Chapter 89. Adaptations for Special Populations

#### Subchapter BB. Commissioner's Rules Concerning State Plan for Educating Limited English Proficient Students

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

Summer school programs that are provided under the Texas Education Code, §29.060, for children of limited English proficiency who will be eligible for admission to kindergarten or first grade at the beginning of the next school year shall be implemented in accordance with this section.

- (1) Purpose of summer school programs.
  - (A) Limited English proficient students shall have an opportunity to receive special instruction designed to prepare them to be successful in kindergarten and first grade.
  - (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 limited English proficient students in accordance with §89.1210(c) and §89.1210(e) of this title (relating to Program Content and Design).
- (2) Establishment of, and eligibility for, the program.
  - (A) Each district required to offer a bilingual or special language program in accordance with the Texas Education Code, §29.053, shall offer the summer program. Programs under this subsection for students who will be in bilingual education kindergarten and first grade programs shall be bilingual education.
  - (B) To be eligible for enrollment, a student must be eligible for admission to kindergarten or to the first grade at the beginning of the next school year and must be limited English proficient.
  - (C) Limited English proficiency shall be determined by screening students using informal oral language inventories or oral proficiency instruments approved by the commissioner of education, or other appropriate instruments.
- (3) Operation of the program.
  - (A) Enrollment in the program is optional with the parents of the student.
  - (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 district is not required to provide transportation for the summer program.
  - (E) Teachers shall possess certification or endorsement as required in the Texas Education Code, §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 district may join with other 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 Texas Education Code, §29.153.
- (4) Funding and records for programs.
- (A) A district shall use state and local funds for program purposes. Districts may use federal funds, consistent with requirements for the expenditure of federal funds, for the program.
    - (i) Available funds appropriated by the legislature for the support of summer school programs provided under the Texas Education Code, §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 of education. The allotment per unit shall be determined by the commissioner based on funds available.
    - (iii) Any district required to offer the program under paragraph (2)(A) of this subsection that has less than ten students district-wide desiring to participate is not required to operate the program. However, those districts must demonstrate that they have aggressively attempted to encourage student participation.
    - (iv) Payment to 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 of education in order for a district to be eligible for funding.
  - (B) A district shall maintain records of eligibility, attendance, and progress of students.

*Source: The provisions of this §89.1250 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective April 18, 2002, 27 TexReg 3107; amended to be effective February 17, 2005, 30 TexReg 709; amended to be effective September 17, 2007, 32 TexReg 6311.*

**§89.1265. Evaluation.**

- (a) All districts required to conduct a bilingual education or English as a second language program shall conduct periodic assessment and continuous diagnosis in the languages of instruction to determine program impact and student outcomes in all subject areas.
- (b) Annual reports of educational performance shall reflect the academic progress in either language of the limited English proficient students, the extent to which they are becoming proficient in English, the number of students who have been exited from the bilingual education and English as a second language programs, and the number of teachers and aides trained and the frequency, scope, and results of the training. These reports shall be retained at the district level to be made available to monitoring teams according to §89.1260 of this title (relating to Monitoring of Programs and Enforcing Law and Commissioner's Rules).
- (c) Districts shall report to parents the progress of their child as a result of participation in the program offered to limited English proficient students in English and the home language at least annually.
- (d) 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 Texas Education Code, §11.253, for the purpose of improving student performance for limited English proficient students.

*Source: The provisions of this §89.1265 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective April 18, 2002, 27 TexReg 3107.*

# **Gifted and Talented**

## **Chapter 89. Adaptations for Special Populations**

### **Subchapter A. Gifted/Talented Education**

Statutory Authority: The provisions of this Subchapter A issued under the Texas Education Code, §29.122 and §42.156(b), unless otherwise noted.

#### **§89.1. Student Assessment.**

School districts shall develop written policies on student identification that are approved by the local board of trustees and disseminated to parents. The policies must:

- (1) include provisions for ongoing screening and selection of students who perform or show potential for performing at remarkably high levels of accomplishment in the areas defined in the Texas Education Code, §29.121;
- (2) include assessment measures collected from multiple sources according to each area defined in the Texas State Plan for the Education of Gifted/Talented Students;
- (3) include data and procedures designed to ensure that students from all populations in the district have access to assessment and, if identified, services for the gifted/talented program;
- (4) provide for final selection of students to be made by a committee of at least three local district educators who have received training in the nature and needs of gifted students; and
- (5) include provisions regarding furloughs, reassessment, exiting of students from program services, transfer students, and appeals of district decisions regarding program placement.

*Source: The provisions of this §89.1 adopted to be effective September 1, 1996, 21 TexReg 5690.*

#### **§89.2. Professional Development.**

School districts shall ensure that:

- (1) prior to assignment in the program, teachers who provide instruction and services that are a part of the program for gifted students have a minimum of 30 hours of staff development that includes nature and needs of gifted/talented students, assessing student needs, and curriculum and instruction for gifted students;
- (2) teachers without training required in paragraph (1) of this section who provide instruction and services that are part of the gifted/talented program must complete the 30-hour training requirement within one semester;
- (3) teachers who provide instruction and services that are a part of the program for gifted students receive a minimum of six hours annually of professional development in gifted education; and
- (4) administrators and counselors who have authority for program decisions have a minimum of six hours of professional development that includes nature and needs of gifted/talented students and program options.

*Source: The provisions of this §89.2 adopted to be effective September 1, 1996, 21 TexReg 5690; amended to be effective February 13, 2000, 25 TexReg 776.*

**§89.3. Student Services.**

School districts shall provide an array of learning opportunities for gifted/talented students in kindergarten through Grade 12 and shall inform parents of the opportunities. Options must include:

- (1) instructional and organizational patterns that enable identified students to work together as a group, to work with other students, and to work independently;
- (2) a continuum of learning experiences that leads to the development of advanced-level products and performances;
- (3) in-school and, when possible, out-of-school options relevant to the student's area of strength that are available during the entire school year; and
- (4) opportunities to accelerate in areas of strength.

*Source: The provisions of this §89.3 adopted to be effective September 1, 1996, 21 TexReg 5690.*

**§89.4. Fiscal Responsibility.**

School districts shall ensure that: no more than 15% of state funds allocated for gifted/talented education are spent on indirect costs.

*Source: The provisions of this §89.4 adopted to be effective September 1, 1996, 21 TexReg 5690.*

**§89.5. Program Accountability.**

School districts shall ensure that student assessment and services for gifted/talented students comply with accountability standards defined in the Texas State Plan for the Education of the Gifted/Talented.

*Source: The provisions of this §89.5 adopted to be effective September 1, 1996, 21 TexReg 5690*

# **Special Education**

## **Pre-Referral Recommendations to Consider for English Language Learners**

May be used by LPAC and ARD Committee when they meet to discuss entry criteria and identification

- Are student's academic problems due to a language difference? It is important to recognize and understand normal difficulties that can result from the acculturation process and learning a second language from a disability.
- Is the deficiency reflective of a socioeconomic disadvantage rather than a disability?
- Is the student's academic or behavioral problem consistent and pervasive?
- What type of instructional strategies and interventions have been attempted to meet the needs of the struggling English language learner? What were the results?
- Have multiple culturally and linguistically appropriate assessment measures been administered by culturally responsive, trained testing personnel?
- Have formal assessments been supplemented with other procedures and knowledge to make accurate language evaluations? (To include an understanding of native language development sequence, second language learning processes, individual learning and developmental differences)
- Has a broad base of student data (school, home, community, peer groups) been collected and analyzed?

**An equitable and effective evaluation of culturally and linguistically diverse students is a complex process that requires the involvement of administrators, teachers, support staff, and parents in the decision-making effort.**

Wilson-Portuondo, M. & Hardy P., (2001); Burnett, J., (1998); Cloud, N. (1988).

## **Variables to Address When Making Special Education Placement Decisions for Limited English Proficient Students**

May be used by LPAC and ARD Committee when they meet to discuss entry criteria and identification

- Age of student
- Type and degree of impairment or disability
- Level of academic achievement
- Entry level language skills (upon entering school)
- Measured intellectual ability
- Method of measuring academic achievement and intellectual ability
- Language used in measuring academic achievement and intellectual ability
- Time spent in the United States
- Level of adaptive behavior
- Current cultural home setting
- Social maturity
- Level of language proficiency in native language and English
- Amount and type of language input received in the home environment
- Speech and language capabilities in native language and English
- Presence of multiple handicaps
- Ambulation or mobility
- Success in past and present placements
- Wishes of student and parents

Baca, L. & Cervantes, H., (1991); Baca, L. & Payon, R., (1989)

# *Certificate of Training*

**For the Language Proficiency Assessment Committee**

---

*has received training in the role and responsibilities of an  
LPAC member and can serve as a member of the  
Language Proficiency Assessment Committee (LPAC)*

---

Date

# *Certificado de Entrenamiento*

## **Comité Language Proficiency Assessment**

---

*Ha recibido capacitación sobre el papel y las responsabilidades  
de un miembro LPAC y puede servir como un miembro  
del Comité Language Proficiency Assessment (LPAC)*

---

Fecha

May 5, 2011

TO THE ADMINISTRATOR ADDRESSED:

**SUBJECT: 2011 List of Approved Tests for Assessment of Limited English Proficient (LEP) Students**

The Texas Education Agency (TEA) has completed the annual review of approved tests for use during the 2011-2012 school year in the identification of students of limited English proficiency as well as entry/exit from bilingual education and special language programs, in accordance with 19 Texas Administrative Code (TAC) §89.1225(d) relating to Testing and Classification of Students:

*(d) The grade levels and the scores on each test which shall identify a student as limited English proficient shall be established by TEA. The commissioner of education shall review the approved list of tests, grade levels, and scores annually and update the list.*

The 2011-2012 List of Approved Tests for Assessment of LEP Students can be accessed from the TEA web site under the title "Documents" which follows the "Related Links" section at: [http://www.tea.state.tx.us/index2.aspx?id=4098&menu\\_id=720](http://www.tea.state.tx.us/index2.aspx?id=4098&menu_id=720).

The document includes a list of the test publishers and contact information.

The testing instruments are grouped in the following categories:

- Oral Language Proficiency Tests in English: shall be used for identification of LEP students in grades PreK-12 and for exit in grades 1-12.
- Oral Language Proficiency Tests in Spanish: shall be used for identification of LEP students in grades where bilingual education is offered.
- Reading Proficiency Tests in English: may be used for placement or to show progress in English reading.
- Writing Proficiency Tests in English: may be used in grades 1, 2, 3, 5, 6, 8, and 9 for exit if the Writing TAKS is not available and TELPAS Writing score at Advanced High is not used.
- Reading and Writing Proficiency Tests in Spanish: may be used for placement or to show progress in Spanish reading and writing.
- Standardized Achievement Tests in English: shall be used for identification of LEP students in grades 2-12. These tests should only be used for those students for whom the test is a valid measure [19 TAC §89.1225(b)(f) and 19 TAC §89.1225(2)(C)] and for exit in grades 1-2.
- Standardized Achievement Tests in Spanish: may be used for formative assessments or for identification of LEP students in grades where bilingual education is offered.
- Ability Tests for Gifted/Talented (G/T): may be used for identification of LEP students who are identified as G/T. (Districts may find that these are the most appropriate assessments for identifying students for both LEP and G/T services.)

Additional Bilingual/ESL program information and requirements are available on the TEA Bilingual/ESL Education webpage at: [http://www.tea.state.tx.us/index2.aspx?id=4098&menu\\_id=720](http://www.tea.state.tx.us/index2.aspx?id=4098&menu_id=720).

If you have questions, please contact Susie Coultriss, Director of Bilingual/ESL Education in the Curriculum Division, at (512) 463-9581.

Sincerely,  
Anita Givens  
Associate Commissioner  
Standards and Programs

# Implementation of Bilingual and English as a Second Language Programs

## Plan of Action

This Plan of Action supports requirements for language programs as specified in 19 TAC Chapter 89, Subchapter BB, Commissioner's Rules concerning State Plan for Educating Limited English Proficient Students, and parental notification requirements found in Title III of No Child Left Behind Act of 2001 (NCLB) as they pertain to the function of the Language Proficiency Assessment Committee (LPAC)

## Identification/Program Entry/Testing

***Title III requires that student identification and parent notification take place no later than 30 days after the beginning of the school year and within 2 weeks of placement thereafter. An LPAC should follow the more stringent Texas requirements and have student identification and placement occur within the first 4 weeks (20 days) of student enrollment***

1. Upon initial enrollment all students must have a **Home Language Survey (HLS)** completed in their permanent record (only one: The original or a copy of original). The HLS shall be administered to each student new to the district and to students previously enrolled who were not surveyed in the past. If the HLS indicates a language other than English, testing must be initiated to determine English proficiency
2. For students in grades PK-1:
  - Administer an oral language proficiency test (OLPT) in English from the List of Approved Tests for Assessment of Limited English Proficient Students. The list of TEA-approved tests is available at:  
[http://www.tea.state.tx.us/index2.aspx?id=4098&menu\\_id=720](http://www.tea.state.tx.us/index2.aspx?id=4098&menu_id=720).
  - Districts/charter schools that are required to offer a bilingual program must test students in English and in their primary language. Testing must be administered by trained personnel. Parental permission does not have to be obtained prior to oral language proficiency testing.

**PK-1 students scoring below the cut-off for English proficiency on the OLPT are classified as LEP**

3. For students in grades 2-12
  - administer an OLPT and
  - The **reading and language arts portions of an English norm-referenced standardized achievement test (NRT)** from the TEA List of Approved Tests. 19 TAC §89.1225(a)

**Students in grades 2-12 scoring below the cut-off for English proficiency on the OLPT are classified as LEP Students who score below the 40th percentile on the reading and language arts sections of the NRT are classified as LEP, even if their OLPT score reflects English proficiency**

**If the student's ability on the English OLPT is so limited that the administration at his/her grade level of the English norm-referenced standardized achievement test is not valid, then the student is classified as LEP [Chapter 89.1225(f)(2)(c)].**

Districts/charter schools that are required to offer a bilingual program must test students in English and in their primary language. Testing must be administered by trained personnel. Parental permission does not have to be obtained prior to oral language proficiency testing.

4. The **Language Proficiency Assessment Committee** (LPAC), using testing data and any other available student information, will determine whether the student is LEP, recommend the appropriate educational program for each LEP student, notify the parent of each LEP student about classification and recommendation (Bilingual/ESL and/or Title III Special Language Program), and facilitate the participation of LEP students in other special programs provided by the district with either state or federal funds for which they are eligible.
5. The student will be served in the required §89.1205 program recommended by the LPAC. From the date of enrollment, the district has 20 days to complete all paperwork including written parent permission. Once written parental permission is obtained, the appropriate PEIMS codes can be entered to reflect LEP status, program placement, and parent permission. The parent approval or denial date is the date used for the preceding PEIMS code data.
6. The district/campus bilingual program LPAC membership consists of a campus administrator, a professional bilingual teacher, a professional transitional language educator, and a parent of a limited-English proficient student who is not employed by the school district [TEC 29.063(b)]. For a district/campus not required to implement a bilingual program, the LPAC consists of a parent of a LEP student participating in the program and one or more professional staff members [Chapter 89.1220(c)]. An ESL teacher and an administrator are strongly recommended to attend.
7. All LPAC members are required to receive training and certification to serve on the committee. If one of the members does not understand English (parent), the training should be developed in the member's primary language.

8. For students referred to **special education**, placement in a bilingual or ESL program may not be refused solely because the student has a disability. However, if the student:
  - **has a disability and language is not a factor, then the student is not LEP, even though the family may speak other languages.**
  
9. For LEP students, the **LPAC and ARD committee** may recommend that a student:
  - is limited English proficient and has an identified disability; therefore, he/she should be served jointly through special education and Bilingual/ESL programs.
  
  - is limited English proficient but assessment results show that the student is not eligible for the Special Education program; therefore, he/she should be served through the bilingual/ESL program and **NOT** in special education.

## Instructional Program Design

A Bilingual or ESL program must address the affective, linguistic and cognitive needs of LEP students (19 TAC §89.1210).

### Bilingual Program

(1) **Affective.** Limited English proficient students shall be provided instruction in their home language to introduce basic concepts of the school environment and instruction both in their home language and in English which instills confidence, self-assurance, and a positive identity with their cultural heritages. The program shall address the history and cultural heritage associated with both the students' home language and the United States.

(2) **Linguistic.** Limited English proficient students shall be provided instruction in the skills of comprehension, speaking, reading, and composition both in their home language and in English. 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.

(3) **Cognitive.** Limited English proficient students shall be provided instruction in mathematics, science, health, and social studies both in their home language and in English. The content area 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.

### ESL Program

(1) **Affective.** Limited English proficient students shall 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 shall address history and cultural heritage associated with both the students' home language and the United States.

(2) **Linguistic.** Limited English proficient students shall be provided intensive instruction to develop proficiency in the comprehension, speaking, reading, and composition of the English language. 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.

(3) **Cognitive.** Limited English proficient students shall be provided instruction in English in mathematics, science, health, and social studies using second language 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.

For information about bilingual/ESL Curriculum Guides (TEKS) and English Language Proficiency Standards (ELPS), visit:

<http://ritter.tea.state.tx.us/rules/tac/chapter074/ch074a.html> or  
<http://ritter.tea.state.tx.us/rules/tac/chapter128/index.html>

For information concerning Bilingual/ESL instructional materials, visit:

<http://ritter.tea.state.tx.us/textbooks/materials/bulletin/index.html>

For information about TEA sponsored resources, visit:

<http://www.tea.state.tx.us/index2.aspx?id=2147486282>

A summer program must offered to LEP students eligible for Kindergarten and Grade 1 the following school year. The program needs to follow the requirements found in 19 TAC §89.1250 regarding program purpose, establishment, eligibility, operation, funding and records. The program MUST be conducted if a minimum of ten (10) LEP students district-wide desire the program. Districts MAY operate the program if fewer than then students are eligible and desire the program.

For additional information about Summer School Programs, visit:

<http://ritter.tea.state.tx.us/taa/stanprog042711.html>

## **Assessment: Requirements and Considerations**

1. Some immigrant students may be granted LEP exemptions if the LPAC follows the procedures as outlined and explained in the LPAC Decision-Making Process for the Texas Assessment Program (Grades 3-12) located at:

[http://www.tea.state.tx.us/index3.aspx?id=3300&menu\\_id3=793](http://www.tea.state.tx.us/index3.aspx?id=3300&menu_id3=793)

2. The TELPAS is administered to all LEP students in Grades K-12, including LEP students with parental denial until they are reclassified as non-LEP in PEIMS. For additional information about the state assessment /TELPAS testing visit:

[http://www.tea.state.tx.us/index3.aspx?id=3300&menu\\_id3=793](http://www.tea.state.tx.us/index3.aspx?id=3300&menu_id3=793)

## Annual Review

1. At the end of each year, the LPAC will meet to review student progress and determine whether the student will continue in the program or qualifies for exiting the program (only after first grade has been completed). Students must meet established exit criteria and show mastery in listening, speaking, reading, writing, and comprehension in English to successfully exit the bilingual and ESL programs.
2. The following exit criteria must be met in order to change an identified LEP student to a non-LEP status:
  - a) TEA-approved tests that measure the extent to which the student has developed oral and written language proficiency and specific language skills in English;
  - b) Satisfactory performance on the reading assessment instrument under the Texas Education Code, Sec. 39.023(a), or an English language arts assessment instrument administered in English, or a score at or above the 40th percentile on both the English reading and the English language arts sections of a TEA-approved norm-referenced assessment instrument for a student who is enrolled in Grade 1 or 2; and
  - c) TEA-approved criterion-referenced written tests when available, other TEA-approved tests when criterion-referenced written test is not available, and the results of a subjective teacher evaluation [TEC, 29.056(g)].
3. Norm-referenced standardized achievement tests are **required only** for entry of students in grades 2-12. They **MAY** be used for program exit **ONLY** if the student is enrolled in first or second grade. School districts are not required to administer a norm-referenced standardized achievement test to LEP students each year after initial placement unless there is a district policy requiring the administration of norm-referenced standardized achievement tests for all students. They may also be used for annual evaluation.
4. Students in Pre-Kindergarten and Kindergarten **may not be exited** from a Bilingual or English as second language programs. An annual review is still conducted by the LPAC but students cannot be reclassified as English proficient at these grade levels.
5. Students who earn a failing grade in a subject in the foundation curriculum under Section 28.002 (a)(1) during **any grading period** in the first two school years after the student is exited from a bilingual or ESL program will be reevaluated to determine whether the student should be reenrolled in a bilingual education or special language program [Chapter 89.1220 (l), TEC 29.0561(a)].
6. Students exited from the program will be monitored for **two years** to determine academic success [TEC 29.0561]. The LPAC will consider:
  - a) the total amount of time the student was enrolled in a bilingual or ESL program;

- b) the student's grades each grading period in each subject in the foundation curriculum under Section 28.002(a)(1);
- c) the student's performance on each assessment instrument administered under Section 39.023(a) or (c);
- d) the number of credits the student has earned toward high school graduation, if applicable; and
- e) any disciplinary actions taken against the student under Subchapter A, Chapter 37  
The LPAC may require intensive instruction for the student or reenroll the student in a bilingual or ESL program.

## Program Evaluation (TAC 89.1265)

1. All districts must conduct an **annual evaluation** of the bilingual/ESL program at the end of the school year. This report is to be used to modify and improve the program. Other evaluation data required for the Title III program must be reported as directed by TEA.
2. The LPAC should be informed of the progress of LEP students enrolled in each campus served. Parents must receive information regarding the progress or lack of progress of their son/daughter.

For additional information on the implementation of ESL/bilingual programs, visit:  
[http://www.tea.state.tx.us/index2.aspx?id=2147495578&menu\\_id=2147483703&menu\\_id2=2147483724](http://www.tea.state.tx.us/index2.aspx?id=2147495578&menu_id=2147483703&menu_id2=2147483724)

# LPAC Quiz

1. The acronym LPAC stands for: \_\_\_\_\_  
\_\_\_\_\_
2. Do all LPAC members need to be trained? Why?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. The LPAC members for an ESL LPAC are:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Name at least three responsibilities of the LPAC:
  1. \_\_\_\_\_  
\_\_\_\_\_
  2. \_\_\_\_\_  
\_\_\_\_\_
  3. \_\_\_\_\_  
\_\_\_\_\_
5. What needs to occur before a child is entered in the PEIMS as being served in the Bilingual Education/ESL program? \_\_\_\_\_  
\_\_\_\_\_
6. What happens when one of the LPAC members cannot attend the meeting?  
\_\_\_\_\_  
\_\_\_\_\_
7. When does the LPAC meet to complete the “Annual Progress Review”?  
\_\_\_\_\_  
\_\_\_\_\_
8. In order for a student in the Bilingual Education or ESL program to be exited, what criteria must be met? \_\_\_\_\_  
\_\_\_\_\_
9. How often should the LPAC meet to follow-up on the progress of students who have exited the program? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
10. Who is eligible to take the Spanish state assessment? \_\_\_\_\_  
\_\_\_\_\_

11. Can students with a parent denial be considered for exemption from the state assessment?  
\_\_\_\_\_
12. Define the following terms:
  - a. Immigrant (PEIMS) : \_\_\_\_\_
  - b. Immigrant (State Assessment) : \_\_\_\_\_
  - c. Immigrant (Bilingual/ESL Programs): \_\_\_\_\_
13. What is an ESL/Bilingual Annual Program Evaluation? Who is responsible for developing the evaluation? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
14. How can LPAC members ensure that LEP students are not overrepresented in Special Education Programs? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### True or False

15. \_\_\_\_\_ The LPAC is required to meet only at the beginning and the end of the school year.
16. \_\_\_\_\_ The LPAC does not need to meet whenever new students enroll or as other LEP student LPAC needs arise.
17. \_\_\_\_\_ ESL programs are not a component of bilingual programs.
18. \_\_\_\_\_ Students whose parents have denied special language services do not need an LPAC.
19. \_\_\_\_\_ A student's cumulative folder may contain more than one signed HLS form.
20. \_\_\_\_\_ Oral language proficiency test scores, achievement test scores, and criterion referenced test scores should be indicated on student's cumulative folders.
21. \_\_\_\_\_ It is not a teacher's responsibility to review student cumulative folders to ensure accurate and correct documentation.
22. \_\_\_\_\_ LEP students can be exited before Grade 1.
23. \_\_\_\_\_ When the ARD Committee meets with LPAC to identify a student as LEP, the ARD Committee supersedes LPAC on all decisions.

## Answers to LPAC Quiz

1. Language Proficiency Assessment Committee (LPAC)
2. Yes, every district that implements a bilingual or ESL program is required to have on file policy and procedures for the selection, appointment, and the training of its LPAC members. Districts must provide training on program requirements and documentation procedures as they pertain to the identification, placement, parent notification and annual review of the student's progress in attaining language and academic proficiency. Title III requirements for implementing special language programs must be followed by the LPAC.
3. One or more professional personnel (campus administrator or certified ESL teacher is recommended) and a parent of a limited English proficient (LEP) student participating in the program designated by the district (no parent serving on the committee shall be an employee of the school district.)
4. Any two or more of the following:
  - Designate the language proficiency level of each LEP student.
  - Designate the level of academic achievement of each LEP student.
  - Facilitate the participation of LEP students in other special programs.
  - Classify students as English proficient and recommend their exit from the program, once exit criteria have been met.
  - Determine the appropriate assessment option for LEP students before the administration of the state criterion referenced test each year.
5. Documented parental approval of entry or placement into the program must occur before a child is entered in the PEIMS as being served in the Bilingual Education/ESL program. Only LEP students with parental approval can be counted toward the bilingual allotment.
6. A trained, alternate professional staff member designated by the district can replace an absent LPAC member. However, a trained parent must **always** be present.
7. Before the end of the school year
8. LEP students must meet state performance standards on the reading and writing (when available) portions of the English language criterion referenced (state assessment) test.
9. LPAC committees must monitor the progress of exited LEP students for two academic years. Students who are not successful due to being LEP shall be reclassified and recommended for re-entry into the Bilingual or ESL program. Students who are not reclassified may be placed in compensatory or accelerated instruction, interventions, or other special language program to address their needs.

10. The Spanish version state assessment is available for students in Grades 3-6 receiving Spanish instruction in Math, Reading, Writing (Grade 4) and Science (Grade 5).

11. No. To qualify for an exemption, LEP students must be participating in a state-approved bilingual or English as a second language (ESL) program.

12. *Immigrant (PEIMS)* – Individuals aged 3-21; not born in any U.S. state; have not attended one or more schools in any one or more state for more than three academic years.

*Immigrant (state assessment)* - Students who have resided outside the 50 U.S. states for at least two consecutive years.

*Immigrant (Bilingual/ESL Programs)* – LEP student born outside the U.S.

13. All districts required to conduct a bilingual education or ESL program shall conduct periodic assessment and continuous diagnosis in the languages of instruction to determine program impact and student outcomes in all subject areas. Annual reports of educational performance shall reflect the academic progress in either language of the LEP students. Districts shall annually report to parents the progress of their child. 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 for the purpose of improving student performance.

14. LPAC members should coordinate efforts with special program personnel and identify appropriate assessment procedures for LEP students.

### **True or False Answers**

15. **False.** The LPAC committee should meet as needed, including the beginning of the year, before administration of the state criterion referenced test, and at the end of the school year.

16. **False.** The LPAC Committee must meet upon a student's initial enrollment in the district and whenever important instructional decisions are required.

17. **True.** A bilingual program is a full-time program of instruction in which both the students' home language and English are used for instruction. An ESL program is an intensive program of English instruction designed to develop proficiency in the comprehension, speaking, reading, and composition of the English language.

18. **False.** All LEP students, including those whose parents have denied special language services, must have an LPAC.

19. **False.** Only the original or copy of the original, signed HLS form should be kept in the LEP student's cumulative folder.

20. **True.**

21. **False.** Teachers should review each student's cumulative folder at the beginning and the end of the school year to ensure that documentation is correct and adequate.
22. **False.** A student may not be exited from the bilingual education or English as a second language program in prekindergarten through Grade 1.
23. **False.** LPAC and ARD Committee work in collaboration. One does not supersede the other.