

Overview

This frequently asked questions (FAQ) document provides answers to common questions related to the duties of the Language Proficiency Assessment Committee (LPAC) and programs for emergent bilingual (EB) students. The guidance herein applies to all local education agencies (LEAs), including school districts, open-enrollment charter schools, and districts of innovation. Throughout, all LEAs are referred to as school districts in accordance with 19 Texas Administrative Code (TAC) §89.1203 (10).

As this resource is continuously growing, **new or updated questions** are indicated as such. For additional support, contact the TEA English Learner Support Division at EnglishLearnerSupport@tea.texas.gov.

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I. LPAC Introduction

A. General

I. A-1. What does the term “emergent bilingual (EB) students” mean, and what is our population of EB students in Texas? (Updated January 2023)

As a result of House Bill 2066 in the 87th Texas legislature, the term “emergent bilingual student” replaced the term of “limited English proficient (LEP) student” used in the [Texas Education Code \(TEC\), Chapter 29, Subchapter B](#), and thus, will be changing the term of “English learner (EL)” used in [19 TAC Chapter 89, Subchapter BB](#). These terms describe the same group of Texas students, describing a student who is in the process of acquiring English and has another language as the student's primary or home language.

In the revised [Texas Education Data Standards \(TEDS\)](#), the terms of “emergent bilingual” and “English learner” have been bridged as EB/EL. It’s important to note that the term “English learner” is still used in federal regulations and guidance.

Based on the 2021-2022 Public Education Information Management System ([PEIMS](#)) [standard reports](#), there are 1,175,333 identified EB/EL students in Texas from pre-kindergarten through twelfth grade. EB students make up nearly 22% of the total student population in Texas.

88% of the identified EB students in Texas have a primary language of Spanish. The next five prominent language backgrounds of EB students in Texas are: Vietnamese (1.6%), Arabic (1.2%), Urdu (0.6%), Mandarin (0.5%), and Telugu (Telegu) (0.5%).

Resources

[Enrollment in Texas Public Schools](#)

[PEIMS Standard Reports: Emergent Bilingual/EL Student Reports by Home Language and Grade](#)

[PEIMS Standard Reports: Emergent Bilingual/EL Student Reports by Category and Grade](#)

I. A-2. Are digital/electronic signatures permissible for both parents and LPAC members on any LPAC documentation (including Home Language Survey, parental approval, LPAC meeting documentation, etc.)?

Yes, digital/electronic signatures are permissible. A “digital signature” is defined as “an electronic identifier by the person using it to have the same force and effect as the use of a manual signature”. A digital signature is satisfactory for a home language survey (HLS) if executed pursuant to rules adopted by the governing body (school board) as provided by Government Code, Section 2054.0609 (b). In the event of an agency audit of a district’s Bilingual/ESL program or when transferring records to another school district in which the student enrolls, a district needs to be able to provide documentation to the agency or to the receiving district that the HLS or other documentation for the student was signed by the appropriate party, regardless of the method used.

I. A-3. What is the record retention period for LPAC records?

The LPAC records retention schedule is cessation of services (ending at reclassification) plus 5 years (including the two years of monitoring).

I. A-4 Where should the emergent bilingual folder be placed? (New January 2023)

Cumulative folders are legal and confidential student education records. Cumulative folders and all information contained therein are only allowed by law to be viewed by school officials for whom the viewing of the record is required to fulfill his/her professional responsibility.

The folder should include all the LPAC documentation, original home language survey, language proficiency test (OLPT) scores, language proficiency assessment committee (LPAC) decisions, parent permission forms for approval of bilingual education program placement, denial of service, reclassification forms, LPAC annual review, program change parent's notification letter, LPAC Two-Year Monitoring documents.

Resource: *Texas State Library and Archives Commission: Local Schedule for School Districts, Section 3-2: Bilingual and Special Language Program Records*

I. A-5. How often should LPAC meetings be held?

LPAC meetings are to be held

- within the four calendar weeks of a student's initial enrollment in Texas public schools for identification and placement or for review of documentation from previous Texas school district,
- prior to state assessments for determination of appropriate assessments and designated supports,
- at the end of the year for annual review and for the following year's placement decisions, and
- as needed to discuss student progress.

B. LPAC / Admission Review and Dismissal (ARD) Collaboration

I. B-1. Can the decisions of the ARD committee override the decisions of the LPAC?

No. For students who are identified as emergent bilinguals and have also qualified for special education services, the ARD committee and LPAC must collaborate on decisions such as assessment, program services, and instruction.

Similarly, the LPAC must coordinate with any other special programs for which the EB student is eligible (such as 504 or advanced academics/gifted and talented) while ensuring that EB students have full access to language program services (TAC §89.1220 (g)(4)).

Resource: *Guidance Related to ARD and LPAC Collaboration TEA webpage*

I. B-2. How is the identification assessment of emergent bilingual students utilized for students with a significant cognitive disability?

Per TAC §89.1226 (h), if a student’s ability in English is so limited or the student’s disabilities are so severe that the English language proficiency assessment for identification cannot be administered, the LPAC in conjunction with the ARD committee identifies the student as an emergent bilingual. The attempted assessment is to be maintained in the LPAC documentation. Currently, there are no allowances for alternative identification assessments under the Every Student Succeeds Act (ESSA).

Resource: [Texas preLAS/LAS Links Identification Assessment FAQs](#)

I. B-3. How is the English learner identification assessment administered for students who are non-verbal, deaf, and/or visually impaired?

An attempt must be made to administer the English language proficiency assessment for identification. If no response or a response other than English is provided, the trial is scored as a non-fluent score. The attempted assessment is to be maintained in the LPAC documentation. Currently, there are no allowances for alternative identification assessments under the ESSA.

Resources:

- [Texas preLAS/LAS Links Identification Assessment FAQs](#)
- [LPAC Guidance for Deaf or Hard of Hearing English Learners video and PowerPoint.](#)

I. B-4. Can emergent bilingual students who also qualify to receive special education services use different criteria for reclassification?

Under TAC §89.1226 (i), districts are required to use the current year’s *Emergent Bilingual/English Learner Reclassification Criteria Chart* located on the [TEA Bilingual/ESL Programs](#) webpage. This standardized criteria for reclassification applies to the majority of emergent bilingual students who are also eligible for special education services. In rare cases, an EB student with a significant cognitive disability (determined by the ARD committee) who is receiving special education services may qualify to be reclassified using criteria permitted under TAC §89.1226 (m). Only students meeting the definition of a student with a significant cognitive disability, defined in the [STAAR Alternate 2 eligibility and participation requirements](#), shall be considered for this individualized reclassification process.

The [Individualized Reclassification Process of Emergent Bilingual Students with a Significant Cognitive Disability](#) begins as early in the current school year as possible to be utilized within that school year or at the end of a school year to be applied in the next school year.

Resource: [Guidance Related to ARD and LPAC Collaboration TEA webpage](#)

I. B-5. Can the administrator in an ARD committee meeting for an EB student who also receives special education services perform the role of the ARD committee administrator and the role of the LPAC representative simultaneously?

No. According to TAC Chapter 89, Subchapter AA for Commissioner’s Rules Concerning Special Education Services, section 1050 (c)(1)(J) refers to the LPAC representative as a professional staff member who is a member of the LPAC. As stated in this section, the LPAC representative may also be the ARD committee general education or special education teacher representative simultaneously. Typically, the best representative of the needs of the EB student in the ARD is the bilingual or ESL educator from the LPAC that directly instructs the student and has detailed knowledge of the student’s linguistic needs and strengths.

Resource: [TAC Chapter 89, Subchapter AA Commissioner’s Rules Concerning Special Education Services](#)

I. B-6. Can the ARD and LPAC determine that an EB student who receives special education services will not participate in the bilingual or ESL program?

No. An emergent bilingual student who receives special education services cannot be limited from access to the appropriate bilingual or ESL program. The joint colleague letter from the United States Department of Justice (DOJ) and the United States Department of Education, Office of Civil Rights (OCR) provided in January of 2015 clearly outlines the responsibility of LEAs to appropriately serve EB students with disabilities as follows:

“School districts must provide EL students with disabilities with both the language assistance and disability-related services to which they are entitled under Federal law. Districts must also inform a parent of an EL student with an individualized education program (IEP) how the language instruction education program meets the objectives of the child’s IEP.

The Departments (OCR and DOJ) are aware that some school districts have a formal or informal policy of “no dual services,” i.e., a policy of allowing students to receive either EL services or special education services, but not both. Other districts have a policy of delaying disability evaluations of EL students for special education and related services for a specified period of time based on their EL status. These policies are impermissible under the IDEA and Federal civil rights laws, and the Departments expect SEAs (State Education Agencies) to address these policies in monitoring districts’ compliance with Federal law. Further, even if a parent of an EL student with a disability declines disability-related services under the IDEA or Section 504, that student with a disability remains entitled to all EL rights and services as described in this guidance.”

Resource: The quote above can be found on pages 24-25 of the [joint colleague letter from the United States Department of Justice \(DOJ\) and the United States Department of Education, Office of Civil Rights \(OCR\) provided in January of 2015.](#)

Identification

A. General

II. A-1. Are Foreign Exchange Students (FES) eligible for Bilingual/ESL services?

Yes, upon initial enrollment, the school district must initiate the identification process for any new student to Texas public schools (including FES) to identify EB students and recommend appropriate program placement.

II. A-2. How long do school districts have to complete the identification process, and how is it calculated?

Federal law requires an assurance that all students are assessed within thirty calendar days of enrollment. In Texas, Texas Education Code (TEC) Chapter 29 requires that this process be completed within four calendar weeks in order to comply with federal regulations.

Example of four calendar weeks calculation (with calendar image):

August						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

September						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

Student A enrolls for the first time in Texas public schools on Wednesday, August 15th. To calculate the four-week time frame, count ahead one week to August 25th, then the second week to September 1st, the third week to September 8th, and the fourth week to Wednesday, September 15th. In this example, the LPAC shall identify and place Student A by September 15th, even though there was a holiday on Monday, September 6th.

Note: The calculation for the four-week period shall not be adjusted for school days missed due to illness, holidays, school-wide testing, variance in school start/end dates, etc.

II. A-3. When does the EB identification process begin? Can students served in an Early Education (EE) setting be identified as EB students?

Beginning with enrollment in any 3- or 4-year-old program (including EE), students must go through the state’s identification process as described in TAC §89.1226 and (if qualify) will be identified as EB students regardless of placement in a pre-kindergarten program or EE setting.

Resource: More details are available in the [Guidance on Identification and Placement of English Learners Prior to Kindergarten](#).

II. A-4. What is the state’s single, statewide assessment for EB student identification?

Data Recognition Corporation (DRC) LAS Links Battery of Assessments is the statewide assessment for EB student identification.

Resource: The [LAS Links Texas](http://laslinks.com/texas) site (laslinks.com/texas) provides districts with all information necessary for training and purchasing of the LAS Links Battery of Assessments.

II. A-5. What is the procedure to follow for a previously identified emergent bilingual student who returns to Texas from out of state after several years? (New January 2023)

If a student is classified as emergent bilingual upon leaving Texas public schools, the identification is still in place when they return. At the time of re-enrollment there should be no new HLS and no retesting for identification should take place. Parents should be reminded about identification and previous program placement.

A new parental permission form should be obtained if the student will participate in a different program

going forward. For example, an elementary bilingual program student who returns in high school may now be participating in an ESL program (see question III.A-4 for more information on parental permission requirements). It is best practice to make sure there is a clear understanding about the meaning of EB status and program participation from the start. The student will have the opportunity to meet reclassification criteria in the spring.

B. Home Language Survey (HLS)

II. B-1. What if a parent lists two languages for one or both questions on the HLS? (Updated January 2023)

Each question on the HLS should have only one language listed for the language used **most of the time**. If a parent, for example, answers **any** question with “English/Spanish,” the school district shall ask the parent to indicate (in writing or through documented phone conversation) which of the two languages listed is used most of the time. This clarification should occur in a timely manner so the identification process can be completed within the 4-week period described in question II. A-2.

II. B-2. Is a new HLS administered when a student is transferring from one Texas public school to another, and the sending district does not provide the original?

There is no need to administer a new HLS if there is sufficient LPAC documentation from the sending district that shows that the student was identified as emergent bilingual.

Examples of documentation include the following:

- Previous TELPAS scores
- LPAC documents, such as parental approval/denial forms and reports on student progress
- Prior PEIMS/TSDS student data

The school district would need to document that the original HLS is not included in the student’s cumulative folder and document the attempts and/or the reason why the HLS was not obtained.

III. Placement

A. General

III. A-1. What are the requirements for EB students with parental denial of program participation?

EB students with parental denial of program participation **cannot**:

- participate in a bilingual or ESL program,
- participate in required summer school programs for English learners (TAC §89.1250), and
- receive designated supports from the LPAC on state assessments.

EB students with parental denial of program participation **shall**:

- receive the English Language Proficiency Standards (ELPS) in all content area instruction, including classroom linguistic accommodations commensurate with the English proficiency level of the student;
- take the Texas English Language Proficiency Assessment System (TELPAS) yearly until reclassification criteria as English proficient have been met;
- be reviewed by the LPAC at least annually to measure linguistic and academic progress that is communicated to parents;
- be reclassified as English proficient when reclassification criteria are met;
- enter two years of monitoring by the LPAC after reclassification; and
- enter additional two years of monitoring in PEIMS for federal purposes.

III. A-2. If a student qualifies to participate in a prekindergarten program based on identification as emergent bilingual by the LPAC but the parent denies bilingual and ESL services, can the student still participate in the pre-kindergarten program?

Yes. Eligibility for the pre-kindergarten program in this case is based on identification as emergent bilingual and not on participation in a bilingual or ESL program.

Resources:

- *More information regarding EB students in prekindergarten programs is available on the [TEA Early Childhood Education FAQs for Prekindergarten Program in the Eligibility section](#). Note, these resources may utilize the term limited English proficient (LEP) when referring to EB students.*
- *Full prekindergarten program information is found in Section 7 of the [Student Attendance Accounting Handbook](#).*

III. A-3. At the elementary level, if the class size for the bilingual education program is small, can the EB students in the bilingual program be combined with EB students in the ESL program or with non-EB students in another general education classroom?

No. For EB students, the LPAC has recommended program placement based on individual student needs as well as district requirements, and the students’ parents have consented to bilingual or ESL program placement. Since the goals, language of instruction, and teacher certification requirements differ among bilingual and ESL programs, each program cannot be implemented with fidelity within the same classroom. Additional factors that would impede the joining of bilingual and ESL programs in this situation include EB students participating in ESL with a primary language other than the language of the bilingual program and EB students participating in ESL with a parental denial of the bilingual program that have accepted ESL program placement.

To include non-EB students in a bilingual program, there must be intentional design and parental approval. The bilingual education program model designed for non-EB student participation is the two-way dual language immersion program model. It is the district’s discretion (and should be elaborated in district policy) to allow a non-EB student to participate in any other bilingual education or ESL program model with parental approval.

While it is common and appropriate for EB students in an ESL program to receive program services alongside non-EB students in the same general education classroom, non-EB student participation in a bilingual education program must be part of an intentional instructional design to align with bilingual education program model goals, including dual-language instruction.

III. A-4. What are the district’s responsibilities when an EB student served in an elementary bilingual program enters a middle school in which only an ESL program is provided?

TEC §89.1240 (a) states that parental approval for program participation “. . . 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,
- the student graduates from high school, or
- a change occurs in program placement.”

Movement from an elementary bilingual program to a middle school ESL program is considered a change in program placement, so a new parental approval will be required for the new program. It is advised that the district establish a system in which middle schools coordinate with their feeder elementary campuses to place the incoming EB students into appropriate ESL classes. Students and families should understand the reason for the change of program as a continuation of services, what the new program services will look like, and how to best support the student through this transition to a new program in addition to signing necessary paperwork.

An appropriate parental approval form would explain the shift in program services. Districts should not utilize the form used for parental denial of bilingual education and approval of ESL services.

IV. Programs for Emergent Bilingual (EB) Students

A. General

IV. A-1. What is content-based language instruction (CBLI), and what is its role in programs for EB students?

CBLI is an integrated approach to language instruction in which language is developed within the context of content delivery that is culturally and linguistically responsive. Sheltered instruction is a similar term used to describe instruction that makes content comprehensible while supporting language development. However, CBLI emphasizes the targeted and intentional methods used to meet the affective, linguistic, and cognitive needs of EB students (as described in TAC §89.1210 (b)) through the medium of content in the students’ primary language and/or English. Additionally, CBLI connects to the linguistically accommodated content instruction mentioned in the ELPS (TAC §74.4 (b)) by encompassing language-focused methods that are communicated, sequenced, and scaffolded.

Content-based language instruction

- applies to all programs for EB students (bilingual and ESL),
- applies to any language of instruction (primary/partner language and English),
- is part of Tier I instruction,
- holds high expectations at grade level in each content area, and
- encompasses an additive bilingualism approach.

IV. A-2. Can students who have met reclassification criteria as English proficient continue in a bilingual or ESL program, and if so, what is the appropriate PEIMS coding?

Yes. If an EB student meets reclassification criteria, he or she can continue in the bilingual or ESL program with parental approval. Typically, this would be most applicable for students participating in a dual language immersion (DLI) program, due to the design of the program. In fact, based on the nature of the program, a DLI program (one-way or two-way) is the only type of program for which the LPAC would recommend continuation after reclassification.

It is important to note that English proficient/non-EB students enrolled in bilingual or ESL programs cannot exceed 40% of the total number of students enrolled in the program district-wide (TAC §89.1233).

Resource: This [Code Guide](#) resource provides details on how to code students in PEIMS after reclassification, specifically addressing students who exit program services and those who continue program services as well as if and to what extent these students generate Bilingual Education Allotment (BEA) funding.

IV. A-3. Can a school district concentrate the bilingual or ESL program at a limited number of schools within the district in order to provide the bilingual or ESL program? If so, is transportation required?

Yes. School districts can locate their bilingual or ESL program on specific campuses within the district for the purpose of combining resources to support a full and equitable program. The decision on whether to provide transportation to these campuses is a local decision. However, it is important that districts provide equal educational opportunity to every student and in recognition of the educational needs of EB students (TEC 29.051).

Typically, districts provide ESL program services at all campuses where EB students are enrolled and are more likely to concentrate their bilingual program into specific campuses to maximize staff and resources. In a district that is required to offer the bilingual program, the parent of an identified EB student in the elementary grades must be offered the bilingual program, even if the program is provided on a campus other than the child’s home campus. If the parent chooses to remain at the campus without the bilingual program, the parent will need to deny the bilingual program and accept the ESL program provided at the home campus. The PEIMS Parental Permission code for this situation is – A. Parents must be made aware of the benefits of each program in order to make an informed decision, and the school district needs to make every effort to ensure equitable access to the required programs.

IV. A-4. Can students who are non-EB/English proficient participate in a bilingual education or ESL program?

Per TAC §89.1233, with the approval of the school district and a student’s parents/guardians, students who are not identified as emergent bilingual may also participate in a bilingual education or ESL program with the understanding that the integrity of the program model is upheld. The number of participating students who are not emergent bilingual may not exceed 40% of the number of students enrolled in the program district wide. It is important to emphasize that 60% EB student and 40% non-EB/English proficient student participation refers to the district-wide program and not the campus or classroom level implementation.

IV. A-5. Are there grading exemptions for newcomer EB students who have recently enrolled in U.S. schools?

No. Grading exemptions for newcomer EB students are not appropriate. The focus should be on instructional and classroom assessment practices for newcomer EB students that facilitate access to the curriculum and opportunities for varied methods for demonstrating content knowledge for grading purposes. Beginning levels of English language proficiency should not be a basis for failure or retention.

Resource: *The United States Department of Education (USED) provides a Newcomer Toolkit resource for programmatic and instructional support for newcomer EB students/English learners.*

IV. A-6. How are the grade levels, course schedules, and bilingual/ESL program placement handled for newcomer EB students, particularly those at the secondary level with little prior schooling documentation and beginning levels of English language proficiency?

Grade placement of any student is a local decision. Districts and charters should **not** factor in English language proficiency when placing a student into an appropriate grade placement, as determined by age or prior school setting. However, there are several important factors to consider when determining grade placement for newcomer EB students:

- Prior schooling documentation from their home country that demonstrates grade completion,
- Current age of the student and estimated age of graduation (students can be enrolled in high school through age 21 as described in the [Student Attendance Accounting Handbook](#) in section 3.2.3 on Age Eligibility),
- Social-emotional factors associated with appropriate age placement.

Newcomer EB students should have equitable access to the same grade level courses as their peers without restrictive requirements for pre-requisite courses that do not generate credits toward graduation. Furthermore, the interests of the student should be taken into consideration in order to provide opportunities for course participation that ignites intrinsic motivation.

Language program placement for newcomer EB students should maximize the services provided through the bilingual/ESL program. In grades three through twelve, EB students at a beginning or intermediate English language proficiency level should receive focused, targeted, and systematic language instruction (TAC §74.4 (b)(4)). This means that districts should strategically place EB students at these levels with more robust services than their EB student peers. The USED resource listed below provides further information on language services for newcomer EB students.

Resource: *The United States Department of Education (USED) provides a [Newcomer Toolkit](#) resource for programmatic and instructional support for newcomer EB students/English learners.*

IV. A-7. What is an alternative language program, and what are the associated PEIMS codes?

An alternative language program (ALP) is the **temporary** instructional program provided when a district has submitted a bilingual education exception and/or ESL waiver for the current school year. The ALP should align as closely as possible to the district’s intended bilingual or ESL program.

The ALP shall include:

- methods for meeting the affective, linguistic, and cognitive needs of the EB students and
- the manner through which the EB students will be given opportunity to master the essential knowledge and skills (TEKS) and English language proficiency standards (ELPS).

Resource: *This [Code Guide](#) resource provides details on how to code students in PEIMS when they are under a bilingual education exception or ESL waiver, and it indicates the weighted Bilingual Education Allotment (BEA) funding for these students.*

B. Bilingual Education

IV. B-1. Should districts that have been required to offer a bilingual education program in previous years continue to offer the bilingual education program if their EB student enrollment falls below the minimum requirement per TEC 29.053 (c)?

Per TEC 29.053 (c), a school district is required to offer a bilingual education program when enrollment of identified EB students is at or above 20 students from the same language classification and same grade level across the district. If enrollment of EB students fluctuates below the requirement of 20 students, the district is not required to provide the bilingual education program but may continue to do so. It is strongly encouraged that districts maintain continuation of program services for students who have been participating in the bilingual program. Additionally, it is recommended that the district continues to seek appropriately certified bilingual teachers in the case that their enrollment of EB students fluctuates above the requirement of 20 students again.

IV. B-2. Does Texas offer a Seal of Biliteracy?

Texas offers a performance acknowledgement for bilingualism and biliteracy as indicated in Chapter 74. Curriculum Requirements, Subchapter B. Graduation Requirements.

Resource: [§74.14, Relating to Performance Acknowledgements](#)

IV. B-3. Can students who participate in a dual language immersion (DLI) program have the opportunity to obtain Languages other than English (LOTE) credit?

Yes. TAC §74.12 (b)(5)(F) provides the requirements for students who have successfully completed a DLI two-way or one-way program in accordance with TAC §§89.1210 (c)(3) and (4), 89.1227, and 89.1228 at the elementary level to satisfy one credit of the two LOTE credits required in a language other than English.

Successful completion includes students who

- have participated in a dual language immersion program for at least five consecutive school years;
- achieve high levels of academic competence as demonstrated by performance of meets or masters grade level on the State of Texas Assessments of Academic Readiness (STAAR) in English or Spanish, as applicable; and
- achieve proficiency in both English and a language other than English as demonstrated by scores of proficient or higher in the reading and speaking domains on language proficiency or achievement tests in both languages.

Keep in mind that the LOTE credit for completion of a dual language immersion program at the elementary level may not be awarded retroactively, meaning the credit must be awarded at the time of completion of the above requirements.

Resources:

- [Languages Other Than English FAQs – TEA Curriculum Division](#)
- [TAC Chapter 74 Subchapter B – Graduation Requirements](#)

IV. B-4. If a school district provides a DLI program at the middle and high school levels (secondary), what does it look like? What are the certification requirements for DLI teachers at secondary, and is a bilingual education exception needed if not met?

As per TAC §89.1205 (g), districts are authorized to establish a bilingual education program at grade levels beyond elementary school, including DLI programs. When a district opts to provide bilingual education programming at the secondary level, it is required to adhere to all program requirements as described in §§89.1210, 89.1227, 89.1228, and 89.1229. The secondary level refers to grades 6-12 or 7-12 if 6th grade is clustered with elementary grades.

In DLI program models (one-way and two-way), as per TAC §89.1210 (c)(3) and (4), instruction in the partner language never falls below 50% of the overall instructional time. At the secondary level, the minimum expectation for DLI instruction in the partner language equates to 50% of the total number of core content periods, e.g. two courses per academic year delivered in the partner language. In summary:

- a **minimum of two courses** to be provided **in the partner language at each grade level** for the duration of the secondary DLI program and
- a **minimum of one language/literacy/communication** course to be provided **in English at each grade level** for the duration of the DLI program.

Secondary DLI Programs: Minimum Yearly Coursework for DLI Program Students and Certification Requirements for DLI Program Teachers		
2 Courses in Partner Language	1 Course in English	DLI Teacher Certifications
<p>Course 1: Language/literacy (e.g. Spanish Language Arts, Pre-AP/AP Spanish Language, Pre-AP/AP Spanish Literature, etc.)</p> <p>Course 2: District-determined content course (math, science, social studies), OR district-determined elective (e.g. health sciences, ethnic studies, medical translation, legal aide, bilingual education, etc.)</p>	<p>Course: English Language Arts/Reading (ELAR), and other related English language/literacy/communications course (e.g. ESOL 1, ESOL 2, speech, debate, journalism, etc.)</p>	<p>All DLI teachers: Certified for content area/grade level</p> <p>DLI teachers instructing in partner language: Also certified in bilingual education</p> <p>DLI teachers instructing in English: Also certified in bilingual education or ESL</p> <p>TAC §89.1210 (c)(3) and (4)</p>

The secondary DLI program implementation guidance reflects best practices identified in the research, namely:

- Provision of language/literacy/communications instruction in the partner language and in English at every grade level to address the DLI program bilingualism/biliteracy goal
- Flexibility in elective programming to encourage local decision-making, promote responsiveness to local needs, and allow for student choice, which are all practices associated with DLI program sustainability at the secondary level

If a district does not have the appropriately certified staff to implement the secondary DLI program, the district shall **submit a bilingual education exception** in accordance with TAC §89.1207. This requirement applies to teachers assigned to deliver instruction in the partner language (bilingual exception for a teacher lacking the appropriate bilingual education certification) and to teachers assigned to deliver instruction in English (bilingual exception for a teacher lacking the appropriate ESL certification).

IV. B-5. What is the appropriate procedure for a student who registers at his/her zoned campus (home campus), is identified as emergent bilingual, and is eligible for placement in the district’s bilingual education program, but the bilingual program is located on another campus?

- The LPAC at the home campus
 - includes (at a minimum) the LPAC administrator, an ESL certified teacher, and an LPAC parent. It is not necessary to include a bilingual certified teacher if one is not present on the home campus.
 - should be able to explain the benefits of the bilingual program and why it is recommended for the student. Parents must be fully aware of access to and benefits of the bilingual program in order to make an informed decision.
 - should not hesitate to recommend the bilingual education program even though it is not offered on the home campus. There should be a district procedure for connecting the family to the appropriate bilingual campus (clear communication between the two campuses, busing information, knowledge about exact location of bilingual campus, etc.).
 - should not present both the bilingual education and ESL program simultaneously to the parents, especially when both programs are not available on the home campus, because bilingual and ESL program placement is an LPAC recommendation. The LPAC should make its recommendation based on the best program for the student, not the program’s location.
- If parents
 - accept bilingual program placement, district systems should ensure a smooth transition between the home and bilingual program campus.
 - deny bilingual program placement, denial of program services paperwork should be signed. Then, the home campus should explain the benefits of the ESL program provided on the home campus and offer parents the opportunity for ESL program participation.
 - If ESL program participation is accepted, the student’s PEIMS Parental Permission Code will be (A) for denying bilingual program participation and accepting ESL participation.
 - It is important that the school district continues to remind parents of the opportunity for participation in the bilingual program, and if/when the bilingual program comes to the home campus, the district ensures the student’s parents understand their child’s right to access it.

IV. B-6 What is the difference between early-exit and late-exit transitional bilingual education (TBE) programs?

Both early-exit and late-exit programs are required for all elementary grades PK-5 or 6 if clustered with elementary grades (TAC §89.1205(a)). Early-exit programs decrease the amount of primary language instruction at a more rapid pace than late-exit programs, and therefore increase the number of English language instructional minutes at a more rapid pace as well.

TAC §89.1210 (c)(1) and (2) define transitional bilingual education program models as follows:

- **Early-exit TBE** is a bilingual program model in which EB students are prepared to meet reclassification criteria not earlier than two or later than five years.
- **Late-exit TBE** is a bilingual program model in which EB students are prepared to meet reclassification criteria not earlier than six or later than seven years.

Regardless of program model, a student may not exit until reclassification criteria have been met, the LPAC has recommended reclassification and exit, and parental approval for exit has been obtained. For example, an EB student participating in an early-exit program may not be prepared to meet reclassification criteria in as few as two years and has the right to access the bilingual program until reclassification. EB students should not transfer from a TBE program to an ESL program within the elementary grades when a bilingual program is required.

IV. B-7. What is the difference between DLI one-way and two-way program models?

According to TAC §89.1227, both DLI one-way and two-way programs provide at least 50% of the instruction in the partner language at all grade levels for the duration of the program, however, they differ based on the population of students participating in each program model.

Per §89.1210 (c)(3) and (4):

- **One-way DLI** is a bilingual/biliteracy program which provides instruction in the partner language and English to identified EB students. Most of the participants in a one-way DLI program are identified EB students but, at some point, may include EB students who have reclassified as English proficient (EP). The inclusion of reclassified EP students in a one-way DLI program does not make it a two-way DLI program, particularly at elementary grades.
- **Two-Way DLI** is a bilingual/biliterate program which provides instruction in the partner language and English to balanced numbers of identified EB students and non-EB students with intentional design from the start of the program. A two-way DLI program strives to maintain a ratio of 50% EB students to 50% non-EB students and has no more than two thirds speakers of one language to one third speakers of the other language in each classroom. (Howard, et al., 2018) This balance allows for cross-linguistic pairing of students.

IV. B-8. What are the appropriate PEIMS codes for English proficient (reclassified EB) students participating in a DLI one-way program at the elementary level? What are the appropriate PEIMS codes for English proficient (reclassified EB) students and non-EB students participating in a DLI program that extends into middle and high school levels (secondary)?

According to TEC 29.066, a bilingual education program must be classified within PEIMS reporting to identify the program in which EB students are participating and to monitor and account for receiving specialized instruction.

- English proficient (reclassified EB) students continuing DLI one-way program participation after reclassification shall be coded under Bilingual Program Type code (5): Dual Language Immersion/One-Way through the duration of elementary grades to adhere to TEC 29.053, collecting a full range of data to determine program effectiveness and to ensure student academic success.
- English proficient (reclassified EB) students and non-EB students whose DLI one-way or two-way programs have extended to secondary shall be coded in the Bilingual Program Type code tables:
 - Dual Language Immersion/Two-Way (4) if students from both one-way and two-way DLI programs will feed to the same middle school and receive instruction together.

- Dual Language Immersion/One-Way (5) if EB students from one-way programs will be the only students participating in the middle school DLI program.

Resource: This [Code Guide](#) resource provides details on how to code students in PEIMS when they are participating in a DLI program, and it indicates the weighted Bilingual Education Allotment (BEA) funding for these students.

C. English as a Second Language (ESL)

IV. C-1. Do all teachers of EB students need to be ESL certified? Do all English Language Arts and Reading (ELAR) teachers need to be ESL certified?

TAC §89.1210 (d) provides the descriptions for the two state-approved ESL program models that apply to ESL programs in prekindergarten through twelfth grade: ESL content-based and ESL pull-out.

- To meet compliance standard for an ESL content-based program, EB students need to receive all content instruction by an ESL certified teacher(s), which includes ELAR, mathematics, science, and social studies.
- To meet compliance standard for an ESL pull-out program, EB students need to receive ELAR instruction by an ESL certified teacher(s). The ESL pull-out model can be met in three ways:
 - The ELAR teacher is also ESL certified and provides the ESL program within the classroom.
 - The ELAR teacher co-teaches with an ESL certified teacher who provides the full-time ESL program within the classroom.
 - If the ELAR teacher is not ESL certified, EB students have an additional ESL course/time period that provides ELAR instruction by a teacher who is certified in ELAR and ESL.
- Important notes:
 - For ESL pull-out and ESL content-based, when the ELAR TEKS are split between two teachers, an English language arts (ELA) teacher and a reading teacher, ESL certification is required for both the ELA teacher and the reading teacher if no other ESL support is provided through co-teaching by an ESL teacher or pull-out by an additional ESL course. This only applies when the required ELAR TEKS have been split and are taught by two teachers in order to meet the required curriculum; this does not apply to additional reading intervention courses that are not part of the required curriculum.
 - Specialized courses for EB students, such as English Learner Language Arts (ELLA), English to Speakers of Other Languages (ESOL) I and ESOL II, and English Language Development and Acquisition (ELDA) must be taught by ESL certified teachers.
 - District-level expectations may go beyond minimum state requirements. Submitting an ESL waiver is based on meeting minimum state requirements.

Resources:

- [ESL Waiver Scenario Chain](#): This resource explains the various ways in which an ESL program can be implemented at the elementary and secondary levels, including appropriate PEIMS coding.
- [Teacher Assignments: TAC §231](#)

IV. C-2. What is the difference between ELLA, ESOL, and ELDA courses, and how should they be used?

- The English Learners Language Arts (ELLA) course is an **optional substitute course** for English Language Arts and Reading (ELAR) for EB students in grades 7 and 8. The ELLA TEKS (TAC §128.22 for grade 7 and TAC §128.23 for grade 8) address all of the TAC Chapter 110 English Language Arts and Reading TEKS for grades 7 and 8 and have additional student expectations to support second language acquisition.
- English to Speakers of Other Languages (ESOL) I and II are **optional substitute courses** for English I and English II respectively for EB students. The ESOL TEKS (TAC §128.34 for ESOL I and TAC §128.35 for ESOL II) address all of the TAC Chapter 110 English Language Arts and Reading TEKS for English I and II and have additional student expectations to support second language acquisition.
- The English Language Development and Acquisition (ELDA) course is to be taken **concurrently with a corequisite** language arts and reading course. The recommended corequisites are ESOL I and ESOL II, though the course may be paired with other state-approved English or Spanish language arts and reading courses as appropriate. The ELDA TEKS (TAC §128.36) have been designed to provide instructional opportunities for recent immigrant students with beginning levels of English proficiency. The ELDA course satisfies elective credit requirements for graduation. Students may take this course with a different corequisite for a maximum of two credits.
- Note:
 - These courses (ELLA, ESOL, ELDA) are optional for use in supporting EB students.
 - ESL program requirements are not based on the use of these courses, rather by the implementation standards set in TAC §89.1210 (d).
 - ELLA and ESOL are not restricted by students’ English language proficiency levels.

Resources:

- *For more information or questions related to the ELLA or ELDA courses, contact the TEA Curriculum division at curriculum@tea.texas.gov.*
- *For information on instructional materials for these courses, contact the TEA Instructional Materials Division at instructional.materials@tea.texas.gov.*

IV. C-3. In Texas, can a TESOL certification meet requirements to teach in an ESL program?

No. TESOL certification is not listed as an approved certification for teaching in an ESL program in Texas. TAC 231 provides the Requirements for Public School Personnel Assignments that delineates the teacher assignments with allowable certificates for all grade levels and subject areas.

Resource: *[Teacher Assignments: TAC §231](#)*

IV. C-4. How many minutes are required for the ESL pull-out program?

There is not a set minutes requirement for an ESL pull-out program model. It is up to the district to justify and ensure that the amount of time provided to EB students for the ESL pull-out program is equitable to the ELAR instruction of non-EB students. It is important to note that if students are physically pulled out of the

classroom for ESL support, EB students should not be taken out of content instruction nor should EB students lose equitable access to subjects such as art, music, and physical education.

IV. C-5. When will the newly adopted ESL certification standards be implemented? When will the TExES ESL Supplemental certification test change? (Updated October 2021)

The new ESL Supplemental certification standards were adopted to be effective July 21, 2019. However, the TEA is in the process of facilitating development for a new TExES ESL Supplemental #154 test framework and test items, which has been delayed due to the review of the ELPS. The current test has not yet changed to match adopted standards.

Resource: TEA has provided a free [ESL certification training online course and preparation manual](#).

D. Bilingual Education Exceptions and ESL Waivers

See the [Bilingual Education Exceptions and ESL Waivers FAQ](#).

E. Assessment / LPAC Decision-Making

IV. E-1. Can an EB student, particularly a newcomer, be exempt from taking the State of Texas Assessments of Academic Readiness (STAAR)?

Generally speaking, EB students cannot be exempt from taking STAAR, even as newcomers. However, if an identified EB student, in grades 3 through 8 only, is documented as an unschooled asylee/refugee in his or her first year in U.S. schools, the student can be exempt for that first school year as determined by the LPAC (TAC §101.1005).

Resource: For more information, see the [LPAC Decision-Making Resources on the TEA Student Assessment website](#).

IV. E-2. What schools are considered in the calculation of years in U.S. schools spring data collection?

For purposes of calculating years in U.S. schools, only schools (including home schools and private schools) based within the 50 states, Washington D.C., and U.S. Department of Defense (DoD) schools are to be considered U.S. schools.

Resource: The [Instructions for Years in U.S. Schools Data Collection](#) document is located on the [TEA Student Assessment LPAC Resources website](#).

IV. E-3. If an EB student has met all curriculum course requirements for graduation but is enrolled in school for special education transition services only, is the student required to take TELPAS?

No. If an EB student has met all curriculum course requirements for graduation and is only receiving transition services through special education, he or she is not required to take TELPAS. TELPAS is only for EB students enrolled in grades K-12, and a student receiving transition services only is likely not coded at any of these grade levels.

Similarly, if an EB student has met all curriculum course requirements for graduation but is in school only for STAAR EOC completion requirements, the student would not be required to take TELPAS.

IV. E-4. For the English Language Proficiency Assessment portion of the English learner reclassification criteria, can the TELPAS composite score be utilized to meet this criterion?

No. An EB student needs to reach **Advanced High in each** TELPAS domain of Listening, Speaking, Reading, and Writing to meet the English Language Proficiency Assessment portion of the reclassification criteria.

Resource: See the [TEA Bilingual/ESL Programs webpage](#) for the current year's **Emergent Bilingual/English Learner Reclassification Criteria Chart**.

V. Review and Reclassification

A. General

V. A-1. What do we do for a student who has met reclassification criteria, but no signed parent approval form is received?

A student who has met reclassification as English proficient and has been recommended to exit the bilingual or ESL program by the LPAC must remain in the bilingual or ESL program until parental approval for program exit has been obtained. This guidance refers to the period of time from when notification of exit has been sent to the time at which parental approval has been obtained. Parental approval for exit can be obtained in writing, by a documented phone conversation from a verifiable telephone number, or by a verified email. Verification of phone number or email address is obtained through associated student records.

V. A-2. For an 11th or 12th grader, can meeting passing standard on the English I or II EOC exam qualify for the State Standardized English Reading component of the reclassification criteria instead of the Norm-Referenced Standardized Achievement Test?

No. An EB student can only be reclassified as English proficient when he or she has met all criteria components for their grade level. In 11th and 12th grades, the State Standardized English Reading component of the reclassification criteria is fulfilled by meeting at or above the 40th percentile in Reading and Language on the state-approved Norm-Referenced Standardized Achievement Test.

Other similar scenarios include:

- A 10th grader cannot be reclassified based on meeting passing standard on the English I EOC. The English Reading and Writing components in 10th grade must be fulfilled by the English II EOC exam.
- A 9th grader may be eligible for reclassification if passing standard is met on either the English I or English II EOC exams. Usage of English II is allowable in this case since the exam is above grade level.

V. A-3. Can any substitute assessments be used in place of either the STAAR English I EOC or the STAAR English II EOC on the EB/EL Reclassification Criteria Chart?

An approved assessment (ACT, SAT, PSAT) Evidence-Based Reading and Writing or Reading/Writing assessment may be used in place of either the STAAR English I EOC or the STAAR English II EOC, but not both, for the grades in which the STAAR English I and II EOCs are applicable on the EB/EL Reclassification Criteria Chart.

Resources:

- [Substitute Assessments](#) as described in TAC Chapter 101, Subchapter DD §101.4002
- See the [TEA Bilingual/ESL Programs webpage](#) for the current year’s **Emergent Bilingual/English Learner Reclassification Criteria Chart**.

V. A-5. What is the state’s single, statewide assessment for the norm-referenced achievement test portion of the EB/EL reclassification criteria?

The Riverside Insights Iowa Assessment, Form F is the statewide assessment for the norm-referenced achievement test portion of the EB/EL reclassification criteria.

Resource: The [Riverside Insights Texas](#) site provides districts with all information necessary for training and purchasing of the Iowa Assessment, Form F.

VI. Monitoring and Evaluation

A. General

VI. A-1. Do LPACs have full monitoring responsibilities, such as meeting to review progress, for students who are in years 3 and 4 of monitoring after reclassification?

No, for students who are in years 3 and 4 of monitoring after reclassification, the LPAC is not responsible for full monitoring responsibilities as with students in years 1 and 2 after reclassification. The LPAC’s only responsibility for students in years 3 and 4 of monitoring is to report their status in PEIMS. These data are collected in PEIMS in compliance with federal accountability requirements under ESSA.

VI. A-2. What is the purpose of the Former EB/EL Student code in the PEIMS Emergent Bilingual Indicator code table, and what is the responsibility of the LPAC for these students?

The PEIMS Emergent Bilingual Indicator Code 5 is to be assigned to former EB students who have completed their 4th year of monitoring after reclassification. This code (5) Former EB/EL status will apply to the student through the remainder of his/her school years in Texas. The LPAC is not responsible for monitoring these students. With this code, a district will be able to track the progress of former EB students in order to evaluate the effectiveness of the district's bilingual education and/or ESL programs. The 2019-2020 school year was the first year to implement this code, only including students who were a code 4 for the reclassified student's fourth year of monitoring in the 2018-2019 school year.

VI. A-3. When are parental reports on progress sent and for what purpose?

Based on federal requirements in the Every Student Succeeds Act (ESSA), parental reports on EB student/English learner progress are provided within the first 30 days of the school year. The purpose is to ensure parents are informed about their student's language acquisition progress and the continued placement within bilingual education and ESL programs.

Resource: See the [TEA Bilingual/ESL Programs webpage](#) for the current **LPAC Beginning-of-Year (BOY)** and **End-of-Year Checklists**, which include instructions on preparing and disseminating the parental reports on student progress.

VII. Resources

A. Texas Education Agency

Emergent Bilingual Support Division Web Resources

- [Supporting English Learners in Texas \(EL Portal\)](#)
- [TEA Bilingual and ESL Programs](#) webpage
- [LPAC Framework](#)
- [Title III, Part A](#) webpage

Quick Access to Key Resources

- [Parent Brochures](#) for Bilingual Programs and ESL Programs in English, Spanish, and Vietnamese
- [Building Bilingual and ESL Programs](#) LEA Leader Tool

Emergent Bilingual Support Division

- Emergent Bilingual Support Division Email: EnglishLearnerSupport@tea.texas.gov
- Phone: 512-463-9414
- Dr. Julie Lara, Director of Emergent Bilingual Support: Julie.Martinez@tea.texas.gov
- Dr. Xóchitl Anabel Rocha, Bilingual/ESL Programs Manager: Xochitl.Rocha@tea.texas.gov
- Catalina Medrano, Family Empowerment Manager: Catalina.Medrano@tea.texas.gov
- Rickey Santellana, Title III Program Coordinator: Rickey.Santellana@tea.texas.gov
- Amy Johnson, Bilingual Program Coordinator: Amy.Johnson@tea.texas.gov
- Dr. Myrna Rasmussen, Dual Language Coordinator: Myrna.Rasmussen@tea.texas.gov

Assessment Division

- [Student Assessment](#) webpage
- [Information on State Assessments for English Learners](#) webpage
- [LPAC Student Assessment Resources](#) webpage
- Student Assessment [Help Desk](#)
- Phone: 512-463-9536

Curriculum Division

- [TEA Curriculum](#) webpage
- General Email: curriculum@tea.texas.gov
- Phone: 512-463-9581
- [Language Arts, Mathematics, Science, and Social Studies TEKS Resources](#) Language Arts, Mathematics, Science, and Social Studies TEKS Resources

Certification Division

- [TEA Certification](#) webpage:
- Educator Certification and CPE [Help Desk](#)
- Phone: 512-936-8400

B. State Statute and Rule

Texas Education Code

- [Chapter 29, Subchapter B: Bilingual Education and Special Language Programs](#)

Texas Administrative Code

- [Chapter 89, Subchapter BB: Commissioner's Rules Concerning State Plan for Educating English Learners](#)
- [Chapter 231. Requirements for Public School Personnel Assignments](#)

C. Professional Development and Certification

Pearson

- [Texas Educator Certification Examination Program](#)

TEA Learn

- [TEALearn Registration](#)
- [ELPS Academy](#)
- [Implementing the ELPS](#)
 - [English Language Arts and Reading](#)
 - [Mathematics](#)
 - [Science](#)
 - [Social Studies](#)

D. EB Student Data

[PEIMS Standard Reports](#)

- [Emergent Bilingual \(EB\)/ English Learner \(EL\) Program Reports \(New\)](#)
- [Emergent Bilingual \(EB\)/ English Learner \(EL\) Student Reports by Category and Grade \(Updated\)](#)
- [Emergent Bilingual \(EB\)/ English Learner \(EL\) Student Reports by Home Language and Grade \(Updated\)](#)

[Texas Assessment Management System – Analytic Portal](#)

- [Data Intersection for Texas Student Assessments](#)

TEA Division of Research and Analysis, Office of Governance and Accountability

- [Enrollment in Texas Public Schools \(2020-2021\) \(New\)](#)