

# Sweeny ISD

## ESL Program Handbook



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## Chapter 1

## ENGLISH AS A SECOND LANGUAGE

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

- (1) identify English language learners based on criteria established by the state;
- (2) provide English as a Second Language programs as an integral part of the regular program as described in the Texas Education Code, §4.002;
- (3) seek certified teaching personnel to ensure that LEP students are afforded full opportunity to master the essential skills and knowledge required by the state; and
- (4) assess achievement for essential skills and knowledge in accordance with the Texas Education Code, Chapter 39, to ensure accountability for LEP students and the schools that serve them.

The ESL program shall be an integral part of the total school program. This program shall use instructional approaches designed to meet the special needs of LEP students. The basic curriculum content of the program shall be based on the essential skills and knowledge required by the state.

### GOAL

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

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

English as a second language programs shall be intensive programs of instruction designed to develop proficiency in listening, speaking, reading, and writing in the English language. Instruction in English as a second language shall be commensurate with the student's level of English proficiency and his or her level of academic achievement. In prekindergarten through Grade 8, instruction in English as a second language may vary from the amount of time accorded to instruction in English language arts in the general education program for English proficient students to a full-time instructional setting using second language methods. In high school, the English as a second language program shall be consistent with graduation requirements under Chapter 74 of this title. The language proficiency assessment committee may recommend appropriate services that may include content courses provided through sheltered instructional approaches by trained teachers, enrollment in English as a second language courses, additional state elective English courses, and special assistance provided through locally determined programs.

The English as a second language program shall be an integral part of the regular educational program required under Chapter 74 of this title. School districts shall use state-adopted English as a second language instructional materials and supplementary materials as curriculum tools. In addition, school districts may use other curriculum adaptations that have been developed. The school district shall provide for ongoing coordination between the English as a second language program and the regular educational program. The English as a second language program shall address the affective, linguistic, and cognitive needs of English language learners as follows.

(1) Affective. English language learners 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 the history and cultural heritage associated with both the students' home language and the United States.

(2) Linguistic. English language learners shall be provided intensive instruction to develop proficiency in listening, speaking, reading, and writing in 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. English language learners shall be provided instruction in English in language arts, mathematics, science, 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.

The English as a second language program shall be implemented with consideration for each English language learner's unique readiness level through either a content-based program model or a pull-out program model. Sweeny ISD utilizes the ESL/pull-out program model.

(1) An English as a second language/content-based program model is an English program that serves only students identified as English language learners by providing a full-time teacher certified under the Texas Education Code (TEC), §29.061(c), to provide supplementary instruction for all content area instruction. The program integrates English as a second language instruction with subject matter instruction that 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 of a student to an all-English program of instruction without English as a second language support will occur no earlier than the end of Grade 1 or, if the student enrolls in school during or after Grade 1, no earlier than two years or later than five years after the student enrolls in school. At the high school level, the English language learner receives sheltered instruction in all content areas. A student who has met exit criteria in accordance with §89.1225(h), (j), and (k) of this title may continue receiving services, but the school district will not receive the bilingual education allotment for that student.

(2) An English as a second language/pull-out program model is an English program that serves only students identified as English language learners by providing a part-time teacher certified under the 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 English as a second language teacher in a pull-out or inclusionary delivery model. Exiting of a student to an all-English program of instruction without English as a second language support will occur no earlier than the end of Grade 1 or, if the student enrolls in school during or after Grade 1, no earlier than two years or later than five years after the student enrolls in school. At the high school level, the English language learner receives sheltered instruction in all content areas. A student who has met exit criteria in accordance with §89.1225(h), (j), and (k) of this title may continue receiving services, but the school district will not receive the bilingual education allotment for that student.

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

In subjects such as art, music, and physical education, the English language learners shall participate with their English-speaking peers in regular classes provided in the subjects. The school district shall ensure that students enrolled in bilingual education and English as a second language programs have a meaningful opportunity to participate with other students in all extracurricular activities.

The required bilingual education or English as a second language programs shall be provided to every English language learner with parental approval until such time that the student meets exit criteria as described in §89.1225(h) of this title or graduates from high school.

*Source: The provisions of this §89.1210 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective March 5, 1999, 24 TexReg 1383; amended to be effective April 18, 2002, 27 TexReg 3107; amended to be effective May 28, 2012, 37 TexReg 3822.*

### **Staffing and Staff Development.**

School districts shall take all reasonable affirmative steps to assign appropriately certified teachers to the required ESL program in accordance with the Texas Education Code, §29.061. Districts which are unable to secure a sufficient number of certified ESL teachers to provide the required programs shall request emergency teaching permits or special assignment permits, as appropriate, in accordance with Chapter 230 of this title (relating to Professional Educator Preparation and Certification).

School districts which are unable to employ a sufficient number of teachers, including part-time teachers, who meet the requirements shall apply on or before November 1 for a waiver of the certification requirements in the ESL program as provided in §89.1207(b) of this title as needed.

Teachers assigned to the bilingual education program and/or English as a second language program may receive salary supplements as authorized by the TEC, §42.153.

School districts may compensate teachers and aides assigned to bilingual education and English as a second language programs for participation in continuing education programs designed to increase their skills or lead to bilingual education or English as a second language certification.

Districts which are unable to staff their ESL program with fully certified teachers shall use at least 10% of their bilingual education allotment for preservice and inservice training to improve the skills of the teachers who provide the instruction in the ESL program and/or who provide content area instruction in special classes for English language learners.

Sweeny ISD will support the effort of teachers to acquire ESL certification at all levels. This support might take the form of a one-time stipend to aid in training or certification or in excused time from teaching duties for training or certification.

Sweeny ISD will include training related to ESL strategies such as Sheltered Instruction in the district staff development plan for both ESL-certified teachers as well as general education classroom teachers. SISD will encourage individual teachers to attend staff development trainings offered through the Education Service Center as well as through other private or state providers

*Source: The provisions of this §89.1245 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective March 5, 1999, 24 TexReg 1383; amended to be effective April 18, 2002, 27 TexReg 3107; amended to be effective May 28, 2012, 37 TexReg 3822.*

## **ESL Waivers.**

- (1) Waivers. A district that is unable to provide an English as a second language program as required by §89.1205(d) of this title because of an insufficient number of certified teachers shall request from the commissioner of education a waiver of the certification requirements for each teacher who will provide instruction in English as a second language for limited English proficient students. The approval of a waiver of certification requirements shall be valid only during the school year for which it was granted. A request for an English as a second language program waiver must be submitted by November 1 and shall include:
  - (A) a statement of the reasons the district is unable to provide a sufficient number of certified teachers to offer the English as a second language program;
  - (B) a description of the manner in which the teachers in the English as a second language program will meet the affective, linguistic, and cognitive needs of the limited English proficient students, including the manner through which the students will be given opportunity to master the essential knowledge and skills required by Chapter 74 of this title;
  - (C) an assurance that certified teachers available in the district will be assigned to grade levels beginning at prekindergarten followed successively by subsequent grade levels in the elementary school campus, and on the basis of need for secondary campuses, to ensure that the linguistic and academic needs of the limited English proficient students with the lower levels of English proficiency are served on a priority basis;
  - (D) the name of each teacher not on permit who is assigned to implement the English as a second language program and estimated date for the completion of the English as a second language supplemental certification for each



teacher under a waiver, which must be completed by the end of the school year for which the waiver was requested;

(E) a description of the training program which the district will provide to improve the skills of the certified teachers that are assigned to implement the proposed English as a second language program, and an assurance that at least 10% of the bilingual education allotment shall be used to fund this training; and

(F) a description of the actions the district will take to ensure that the program required under §89.1205(d) of this title will be provided the subsequent year, including its plans for recruiting and training an adequate number of certified teachers to eliminate the need for subsequent waivers.

(2) Approval of waivers. ESL waivers will be granted by the Commissioner of Education if the requesting district:

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

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

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

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

(5) Special accreditation investigation. The commissioner may authorize a special accreditation investigation under the TEC, §39.057, if a district:

(A) is denied an ESL waiver for more than three consecutive years; or

(B) is granted a waiver based on meeting or exceeding the state average for English language learner performance on the required state assessments but has excessive numbers of allowable exemptions from the required state assessments.

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

*Source: The provisions of this §89.1207 adopted to be effective September 17, 2007, 32 TexReg 6311; amended to be effective May 28, 2012, 37 TexReg 3822..*

**§89.1215. Home Language Survey.**

(a) Districts shall conduct only one home language survey of each student. The home language survey shall be administered to each student new to the district and to students previously enrolled who were not surveyed in the past. Districts shall require that the survey be signed by the student's parent or guardian for students in grades prekindergarten through Grade 8, or by the student in Grades 9-12. The original copy of the survey shall be kept in the student's permanent record.

(b) The home language survey shall be administered in English and Spanish; for students of other language groups, the home language survey shall be translated into the home language whenever possible. The home language survey shall contain the following questions.

(1) What language is spoken in your home most of the time?"

(2) What language does your child speak most of the time?"

(c) Additional information may be collected by the district and recorded on the home language survey.

(d) The home language survey shall be used to establish the student's language classification for determining whether the district is required to provide an ESL program. If the response on the home language survey indicates that a language other than English is used, the student shall be tested in accordance with §89.1225 of this title (relating to Testing and Classification of Students).

*Source: The provisions of this §89.1215 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective May 28, 2012, 37 TexReg 3822.*

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

(a) For identifying English language learners, districts shall administer to each student who has a language other than English as identified on the home language survey:

(1) in prekindergarten through Grade 1, an oral language proficiency test approved by TEA (Ballard & Tighe's Pre-IPT or IPT), and

(2) in Grades 2-12, a TEA-approved oral language proficiency test (Ballard & Tighe's IPT), and the English reading and English language arts sections from a TEA-approved norm-referenced measure (Terra Nova).

(b) Districts which provide a bilingual education program shall administer an oral language proficiency test in the home language of the students who are eligible for being served in the bilingual education program. If the home language of the students is Spanish, the district shall administer the Spanish version of the TEA-approved oral language proficiency test which was administered in English. If the home language of the students is other than Spanish, the district shall determine the students' level of proficiency using informal oral language assessment measures.

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

(d) The grade levels and the scores on each test which shall identify a student as and English language learner 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.

(e) Students with a language other than English shall be administered the required oral language proficiency test in prekindergarten through Grade 12 and norm-referenced standardized achievement instrument in Grades 2-12 within 20 school days of their enrollment.

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

(1) At Prekindergarten through Grade 1:

(A) the student scores below 4.0 CALP on the Pre-IPT or IPT,

(2) At Grades 2-12:

(A) the student scores below 4.0 CALP on the IPT,

(B) the student's score on the reading and language arts sections of the Terra Nova at his or her grade level is below the 40th percentile; or

(C) the student's ability in English is so limited that the administration, at his or her grade level, of the reading and language arts sections of Terra Nova or other test approved by TEA is not valid.

(3) In the absence of data required in paragraph (2)(B) of this subsection, evidence that the student is not academically successful is required.

(4) The admission review and dismissal (ARD) committee in conjunction with the Language Proficiency Assessment Committee (LPAC) shall determine an appropriate assessment instrument and designated level of performance for indicating limited English proficiency as required under subsection (d) of this section for students for whom those tests would be inappropriate as part of the individualized education program (IEP). The decision for entry into the ESL program shall be determined by the ARD committee in conjunction with the LPAC in accordance with §89.1220(g) of this title (relating to Language Proficiency Assessment Committee).

(g) Within 20 school days of their initial enrollment in the district, students shall be identified as English language learners and enrolled into the English as a second language program. Prekindergarten and kindergarten students preregistered in the spring shall be identified as limited English proficient and enrolled in the required English as a second language program within 20 school days of the start of the school year in the fall.

- **Grades PK-1 = Pre-IPT or IPT (listening and speaking)** in English
  - **Grades 2-12 = IPT (listening and speaking)** in English and the reading and language arts sections of the Terra Nova (unless the English ability is so low that it would invalidate the test)
  - PK-1 students whose Pre-IPT or IPT **(listening and speaking)** score indicates limited English proficiency are identified as LEP.
  - Grades 2-12 students are identified LEP if their IPT score indicates limited English proficiency
- and/or
- If they score below the 40th percentile on the reading and/or language arts sub-test of the Terra Nova even if their IPT score indicates English proficiency. If a student scores above the 40th percentile on one (either language arts or reading) but below on the other (language arts or reading) the student is still considered LEP.

*Source: The provisions of this §89.1225 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective April 18, 2002, 27 TexReg 3107; amended to be effective September 17, 2007, 32 TexReg 6311; amended to be effective May 28, 2012, 37 TexReg 3822.*

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

(a) Districts shall implement assessment procedures which differentiate between language proficiency and handicapping conditions in accordance with Subchapter AA of this chapter (relating to Special Education Services) and shall establish placement procedures which ensure that placement in an ESL program is not refused solely because the student has a disability.

(b) Admission, review, and dismissal (ARD) committee members shall meet in conjunction with LPAC members to review the educational needs of each English language learner who qualifies for services in the special education program.

*Source: The provisions of this §89.1230 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective March 5, 1999, 24 TexReg 1383; amended to be effective May 28, 2012, 37 TexReg 3822.*

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

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

(b) In districts required to provide a bilingual education program, the LPAC shall be composed of the membership described in the Texas Education Code, §29.063. If the district does not have an individual in one or more of the school job classifications required, the district shall designate another professional staff member to serve on the language proficiency assessment committee. The district may add other members to the committee in any of the required categories.

(c) In districts and grade levels not required to provide a bilingual education program, the LPAC shall be composed of one or more professional personnel and a parent of an English language learner participating in the program designated by the district.

(d) No parent serving on the LPAC shall be an employee of the school district.

(e) A district shall establish and operate a sufficient number of LPACs to enable them to discharge their duties within 20 school days of the enrollment of English language learners..

(f) All members of the LPAC, including parents, shall be acting for the school district and shall observe all laws and rules governing confidentiality of information concerning individual students. The district shall be responsible for the orientation and training of all members, including the parents, of the LPAC.

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

(g) Upon their initial enrollment and at the end of each school year, the LPAC shall review all pertinent information on all English language learners identified in accordance with §89.1225(f) of this title (relating to Testing and Classification of Students) and shall:

- (1) designate the language proficiency level of each English language learner in accordance with the guidelines issued pursuant to §89.1210(b) and (e) of this title (relating to Program Content and Design);
- (2) designate the level of academic achievement of each English language learner;
- (3) designate, subject to parental approval, the initial instructional placement of each English language learner in the required program;

(4) facilitate the participation of English language learners in other special programs for which they are eligible provided by the district with either state or federal funds; and

(5) classify students as English proficient in accordance with the criteria described in §89.1225(h) of this title (relating to Testing and Classification of Students), and recommend their exit from the ESL program as criteria is met.

(h) Before the administration of the state criterion-referenced test each year, the LPAC shall determine the appropriate assessment option for each English language learner as outlined in Chapter 101, Subchapter AA, of this title (relating to Commissioner's Rules Concerning the Participation of Limited English Proficient Students in State Assessments).

(i) The LPAC shall give written notice to the student's parent advising that the student has been classified as an English language learner and requesting approval to place the student in the required bilingual education or ESL program. The notice shall include information about the benefits of ESL program for which the student has been recommended and that it is an integral part of the school program.

(j) Pending parent approval of an English language learner's entry into the English as a second language program recommended by the LPAC, the district shall place the student in the recommended program, but may count only English language learners with parental approval for bilingual education allotment.

(k) The LPAC shall monitor the academic progress of each student who has exited from the ESL program in accordance with the Texas Education Code, §29.0561.

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

(1) the identification of the student as an English language learner;

(2) the designation of the student's level of language proficiency;

(3) the recommendation of program placement;

(4) parental approval of entry or placement into the program;

(5) the dates of entry into, and placement within, the program;

(6) assessment information as outlined in Chapter 101, Subchapter AA, of this title;

(7) additional instructional interventions provided to students to ensure adequate yearly progress;

(7) the date of exit from the program and parent approval; and

(8) the results of monitoring for academic success, including students formerly classified as an English language learner, as required under the Texas Education Code, §29.063(c)(4).

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

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

- (1) the student is 18 years of age or has had the disabilities of minority removed;
- (2) reasonable attempts to inform and obtain permission from a parent or guardian have been made and documented;
- (3) approval is obtained from:
  - (A) an adult who the school district recognizes as standing in parental relation to the student, including a foster parent or employee of a state or local governmental agency with temporary possession or control of the student; or
  - (B) the student, if no parent, guardian, or other responsible adult is available; or
- (4) a parent or guardian has not objected in writing to the proposed entry, exit, or placement.

*Source: The provisions of this §89.1220 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective March 5, 1999, 24 TexReg 1383; amended to be effective April 18, 2002, 27 TexReg 3107; amended to be effective September 17, 2007, 32 TexReg 6311; amended to be effective May 28, 2012, 37 TexReg 3822.*



**§89.1240. Parental Authority and Responsibility.**

(a) The parents shall be notified that their child has been classified as an English language learner and recommended for placement in the required bilingual education or English as a second language program. They shall be provided information describing the bilingual education or English as a second language program recommended, its benefits to the student, and its being an integral part of the school program to ensure that the parents understand the purposes and content of the program. The entry or placement of a student in the bilingual education or English as a second language program must be approved in writing by the student's parent. The parent's approval shall be considered valid for the student's continued participation in the required bilingual education or English as a second language program until the student meets the exit criteria described in §89.1225(h) of this title (relating to Testing and Classification of Students), graduates from high school, or the parent requests a change in program placement.

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

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

*Source: The provisions of this §89.1240 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective April 18, 2002, 27 TexReg 3107; amended to be effective May 28, 2012, 37 TexReg 3822.*

**§89.1205. Required Bilingual Education and ESL Programs.**

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

(b) A district shall provide a bilingual education program by offering a dual language program in prekindergarten through the elementary grades, as described in §89.1210 of this title (relating to Program Content and Design).

(c) Districts are authorized to establish a bilingual education program at grade levels in which the bilingual education program is not required under subsection (a) of this section.

(d) All LEP students for whom a district is not required to offer a bilingual education program shall be provided an ESL program as described in subsection (e) of this section, regardless of the students' grade levels and home language, and regardless of the number of such students.

(e) A district shall provide an ESL program by offering an ESL program as described in §89.1210 of this title (relating to Program Content and Design).

(f) Districts may join with other districts to provide bilingual education or ESL programs.

*Source: The provisions of this §89.1205 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective March 5, 1999, 24 TexReg 1383; amended to be effective April 18, 2002, 27 TexReg 3107; amended to be effective September 17, 2007, 32 TexReg 6311.*

## Chapter 8 ANNUAL REVIEW FOR EXIT/RECLASSIFICATION

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

(h) For exit from an ESL program, a student may be classified as English proficient at the end of the school year in which a student would be able to participate equally in a regular, all-English, instructional program. This determination shall be based upon all of the following:

(1) TEA-approved tests that measure the extent to which the student has developed oral and written language proficiency and specific language skills in English;

(2) satisfactory performance on the reading assessment instrument under the Texas Education Code, §39.023(a), or a TEA-approved 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

(3) TEA-approved criterion-referenced written tests when available, or other TEA-approved tests when criterion-referenced tests are not available, and the results of a subjective teacher evaluation.

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

(j) For determining whether a student who has been exited from an ESL program is academically successful, the following criteria shall be used at the end of the school year:

(1) the student meets state performance standards in English of the criterion-referenced assessment instrument required in the Texas Education Code, §39.023, for the grade level as applicable; and

(2) the student has passing grades in all subjects and courses taken.

(k) The ARD committee in conjunction with the LPAC shall determine an appropriate assessment instrument and performance standard requirement for exit under subsection (h) of this section for students for whom those tests would be inappropriate as part of the IEP. The decision to exit a student who receives both special education and special language services from the ESL program is determined by the ARD committee in conjunction with the LPAC in accordance with applicable provisions of subsection (h) of this section.

*Source: The provisions of this §89.1225 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective April 18, 2002, 27 TexReg 3107; amended to be effective September 17, 2007, 32 TexReg 6311; amended to be effective May 28, 2012, 37 TexReg 3822*

## **Process for Considering Special Exit Criteria from Bilingual/English as a Second Language (ESL) Services Under 19 TAC §89.1225(k)1 2015–2016 School Year Grades 1–12**

Under Texas Administrative Code (TAC) §89.1225(h), districts are required to use the exit criteria represented in the chart titled 2015-2016 English Proficiency Exit Criteria Chart found at <http://tea.texas.gov/bilingual/esl/education/> to exit English language learners (ELLs) from bilingual/ESL programs. The exit criteria under TAC §89.1225(h) apply to the vast majority of ELLs who receive special education services. In rare cases, an ELL receiving special education services may qualify to be exited using criteria permitted under TAC §89.1225(k), which give special consideration to an ELL for whom assessments and/or standards under TAC §89.1225(h) are not appropriate because of the nature of a student's particular disabling condition. Students considered for special exit criteria under TAC §89.1225(k) should only be only those designated to take STAAR Alternate 2, as determined by the ARD committee in conjunction with the LPAC.

This document outlines the process to follow when considering whether or not a student qualifies to exit using the criteria authorized by TAC §89.1225(k).

### **Step 1: Schedule Meeting to Evaluate Whether or Not Student Potentially Qualifies for Exit**

At or near the beginning of the school year, a meeting is to be scheduled between key admission, review, and dismissal (ARD) committee and language proficiency assessment committee (LPAC) members to discuss whether the student qualifies to exit using criteria under §TAC 89.1225(k).

- Through this process, a determination is made about the assessments and/or English language proficiency assessment standards to be used in the exiting process.
- This process applies ONLY when one or more assessments and/or English language proficiency assessment standards under TAC §89.1225(h) are not appropriate for the student in a particular language domain for reasons directly associated with the student's disability. In following this process, refer also to the document titled Guidance Related to ARD Committee and LPAC Collaboration found at <http://tea.texas.gov/index2.aspx?id=2147496923>.
- This process is to be used to address the needs of an individual student, not groups of students. Very few students qualify to exit using the TAC §89.1225(k) criteria.
- This process must be conducted by key admission, review, and dismissal (ARD) committee members (including a diagnostician when applicable) and key language proficiency assessment committee (LPAC) members who are familiar with the student's current progress and needs, including one or more teachers with in-depth knowledge of the student's second language acquisition and academic achievement.

## **Step 2: Discuss Evidence of Need for Use of §89.1225(k) Exit Criteria**

At the meeting, the participants discuss the second language acquisition of the student within the context of the individual student's disability to consider whether the TAC §89.1225(k) exit criteria are warranted.

- Consideration must be IEP-based and must include documented evidence that, because of the nature of the student's disability, the student is not expected to be able to attain English language proficiency in one or more domains and no longer appears to benefit from second language acquisition support in English to address second language acquisition cognitive, linguistic, and affective needs (or is expected to reach that point during the school year).
- Evidence must include both historical formal and informal assessment data and direct teacher input. Ongoing informal assessment data may come from checklists, inventories, and other formative evaluations designed to identify the levels of academic functioning and English language proficiency of the student. The input of a diagnostician may be requested, as necessary, to help determine whether the TAC §89.1225(k) exit criteria are warranted. Direct teacher input should provide further insight into the student's classroom performance and needs, and should include, if applicable, documentation of response to intervention, anecdotal notes, and other evidence drawn from sources such as classroom-based observations and classroom activities.

## **Step 3: Specify Assessments and English Language Proficiency Test Standards**

If, after reviewing the evidence, the meeting participants conclude that the student no longer benefits from second language acquisition support in English (or is expected to reach that point during the school year), the participants review the assessment information in the IEP and make exit criteria recommendations based on the information below.

**Caution should be exercised when considering exit of students in Grades 1-2. It may be premature in these grades to consider program exit due to developmental factors related to emergent language and literacy. Additionally, in early grades it is often difficult to know the effect of the student's disability on long-term prospects for second language acquisition.**

## ACADEMIC CONTENT ASSESSMENTS OF READING AND WRITING IN GRADES 1-2

- Norm-referenced standardized achievement tests are not required for students in grades 1-2 eligible under TAC §89.1225(k).

## ACADEMIC CONTENT ASSESSMENTS OF READING AND WRITING IN GRADES 3-12

- **Selection of appropriate academic content assessments**  
Students considered for exit criteria under TAC §89.1225(k) should be only those designated to STAAR Alternate 2, as determined by the ARD committee in conjunction with the LPAC. **Reminder: State-established standards must be used for all state assessments.**
- **Modification of performance standards on academic content assessments not permitted**  
STAAR Alternate 2 is an assessment based on alternate academic achievement standards. Further modification of performance standards on academic content assessments is not permitted.

**State-established standards must be used for all state assessments.**

## ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS IN GRADES 1-12

- **Modification of English language proficiency assessment standards on a domain-by-domain basis**
- Any modified standards must be supported by historical data and evidence that the student is not expected to be able to attain English language proficiency because of factors directly related to the student's disability and that the student no longer appears to benefit from second language acquisition support in English to address second language acquisition cognitive, linguistic, and affective needs (or is expected to reach that point during the school year).
- **Selection of appropriate English language proficiency assessments**
  - **Listening:** TELPAS listening or other OLPT from state-approved list
  - **Speaking:** TELPAS speaking or other OLPT from state-approved list
  - **Reading:** TELPAS reading or other English language reading proficiency test from state-approved list
  - **Writing:** TELPAS writing or other English language writing proficiency test from state-approved list

### Step 4: Prepare Documentation

Members of the ARD committee and LPAC document the evidence, recommendation, assessments, and any modified English language proficiency test standards.

### **Step 5: Discuss Recommended Exit Criteria in Formal ARD Committee Meeting**

Key members of the ARD committee and LPAC present the documentation at a formal ARD committee meeting.

- The meeting should take place as early in the current school year as possible or at the end of the year to be applied the next school year. The meeting must occur prior to the student's participation in the identified assessments.
- Based on discussion at the formal ARD committee meeting, the IEP is updated with documentation of the modified exit criteria if the committee as a whole determines that exit is anticipated.

### **Step 6: Determine and Document Whether Student Has Met Modified Exit Criteria**

At the end of the year, the ARD committee, with key LPAC members, meets to review the assessment results and subjective teacher evaluation required under TAC §89.1225(h) to determine whether the student has met the modified exit criteria.

- The subjective teacher evaluation must reflect the status of the student following the administration of the assessments.
- This meeting is to be held at the end of the school year, as required by TAC Section 89.1220(g). This means that an additional ARD committee meeting is necessary for students whose annual ARD committee meeting is held at a different time.
- If the decision is made to exit the student based on the assessment results and subjective teacher evaluation, the ARD committee finalizes and documents the change in placement or program and delineates instructional services including the monitoring period for exited students. Furthermore, as required under TAC §89.1220(l)(1)(H) relating to exit from bilingual education or ESL services, the LPAC also documents the exit decision in the student's permanent record file.

*1 Title 19 Texas Administrative Code Chapter 89 Adaptations for Special Populations; Subchapter BB. Commissioner's Rules Concerning State Plan for Educating Limited English Proficient Students 2*

For annual updates or changes to these guidelines, see <http://tea.texas.gov/index2.aspx?id=4098>

## Chapter 9

## REQUIRED SUMMER SCHOOL PROGRAMS

**§89.1250. Required Summer School Programs.** Summer school programs that are provided under the Texas Education Code, §29.060, for children English language learners 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) English language learners 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 (c) and (f) 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.

(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 an English language learner.

(C) To be eligible for enrollment, a parent or guardian must have approved placement of the English language learner in the required ESL program following the procedures described in §89.1220(g) of this title (relating to Language Proficiency Assessment Committee) and §89.1225(a)-(f) of this title (relating to Testing and Classification of Students).

(C) Limited English proficiency shall be determined by evaluating students using an oral proficiency test approved by the Texas Education Agency.

(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; amended to be effective May 28, 2012, 37 TexReg 3822.*

**§89.1265. Evaluation.** (a) 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.

(b) Annual reports of educational performance shall reflect the academic progress in either language of the English language learners, the extent to which they are becoming proficient in English, the number of students who have been exited from the ESL 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.

(c) Districts shall report to parents the progress of their child as a result of participation in the program offered to English language learners 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 English language learners.

*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; amended to be effective May 28, 2012, 37 TexReg 3822.*

**Elementary School**

English language learners at the elementary school will be assigned to teachers who have ESL certification. Other teachers who may have teaching responsibilities for these students for at least a portion of the day will receive staff development in sheltered instruction and other research-based strategies which support learning of English language learners.

**Junior High School**

English language learners at the junior high school will be assigned to an English Language Arts teacher (and a Reading or Writing teacher, depending on grade assignment) who has ESL certification. The progress of these students in all of their classes will be monitored by the ESL teacher. Additionally, the ESL teacher will collaborate with teachers of English language learners in all subject areas and suggest appropriate strategies and accommodations for instruction in the general education classrooms. The ESL teachers will be required to document modifications and strategies used with English language learners. All teachers will be required to document their instruction of the ELPS (English Language Proficiency Standards) with English language learners.

**High School**

English language learners at the high school will be assigned to an English Language Arts teacher who has ESL certification. The ESL teachers will be required to document modifications and strategies used with English language learners. The progress of these students in their other classes will also be monitored by the ESL teacher. Additionally, the ESL teacher will collaborate with teachers of English language learners in all subject areas and suggest appropriate strategies and accommodations for instruction in the general education classrooms. All teachers will be required to document their instruction of the ELPS (English Language Proficiency Standards) with LEP students.

**Coordinator of School Improvement**

The District's Coordinator of School Improvement will oversee ESL instruction and services at all District campuses. She will be responsible for seeing that all legal mandates as well as federal, state, and district policies and procedures are followed. She will oversee assessment and identification of ESL students, administer TELPAS assessments, and will coordinate and hold necessary LPAC meetings. She will maintain the ESL folders for individual students as well as the District LPAC binder holding documentation of LPAC meetings. She will provide input to campus principals and District administrators regarding staff development needs related to the provision of ESL instructional services. The Coordinator of School Improvement will report directly to the Assistant Superintendent for supervision of the ESL program.

# APPENDIX

## ACRONYMS IN MULTILINGUAL PROGRAMS

ARD	Admissions, Review, and Dismissal
ADA	Average Daily Attendance
AP	Assistant Principal
AYP	Annual Yearly Progress
BICS	Basic Interpersonal Communication Skills
CALP	Cognitive Academic Language Proficiency
CIP	Continuous Achievement Plan
CO	Country of Origin
CRT	Criterion Reference Test
ELPS	English Language Proficiency Standards
ESL	English as a Second Language
FEP	Fluent English Proficiency
GT	Gifted and Talented
HFWE	High Frequency Word Evaluation
HLS	Home Language Survey
IEP	Individualized Education Program
LAT	Linguistically Accommodated Test
LEA	Local Education Agency
LEP	Limited English Proficient
LPAC	Language Proficiency Assessment Committee
OEY	Optional Extended Year
OLPT	Oral Language Proficiency Test
PBMAS	Performance Based Monitoring Assessment System
PEIMS	Public Education Information Management System
PER	Program Effectiveness Review
RPTE	Reading Proficiency Test in English (Now referred to as TELPAS)
SBOE	State Board of Education
STAAR	State of Texas Assessment of Academic Readiness
TAC	Texas Administrative Code
TAKS	Texas Assessment of Knowledge and Skills
TEA	Texas Education Agency
TEC	Texas Education Code
TELPAS	Texas English Language Proficiency Assessment System
TEKS	Texas Essential Knowledge and Skills
TPRI	Texas Primary Reading Inventory

# ACTION PLAN CALENDAR

TIME FRAME	PROCEDURE	FORMS
August	LPAC Training for all potential committee members	LPAC Training Certificate LPAC Oath
Within first 2 weeks of school	Ensure that ESL teachers know which students are identified as ESL as well as have the students' most recent TELPAS results/levels of language proficiency	Beginning of Year Instructional Accommodations Form
Upon Enrollment	Check language survey: If language other than English is written on it, a language proficiency test has to be given to the students. Language survey information should be immediately emailed to PEIMS and Coordinator of School Improvement	Language Survey
Before initial LPAC (Goal is two weeks after student arrival)	Administer IPT or Pre-IPT. For grades 2-12, Give Terra Nova also.	IPT or Pre-IPT Reading/Language Tests Terra Nova (Gr. 2-12)
Within 20 school days of enrollment	Have LPAC meeting for entry and placement of students. Invite parents to attend. ESL: Administrator, teacher, Parent Rep, translator	Placement form Parent Permission Form LPAC Membership Form LPAC Minutes
During LPAC meeting or as soon as possible	Get parent permission to participate in ESL program- the date they sign is considered the "Entry" date on PEIMS.	Parent Permission Form
Within 1 <sup>st</sup> 6 Weeks	Update Master List of ESL students	Master List
Within 1 <sup>st</sup> 6 Weeks of 7 <sup>th</sup> Grade	Create PGP for all of the active LEP students	PGP
At the end of every grading period	Hold LPACs for any students (active ESL or monitored) who has failed to demonstrate satisfactory progress.	LPAC monitoring forms.
December	Teacher document the instructional accommodations being used and their effectiveness.	Middle of Year Instructional Accommodations Form
December	Progress Reports sent home to all ESL parents	ESL Progress Report
A month before STAAR administration	Have LPAC meeting to determine STAAR test version and accommodations. Review the Middle of Year Instructional Accommodations form. Before the meeting, have the ESL teachers in Grades 3-12 complete the STAAR accommodation form.	Documentation of insufficient progress: Student History Assessment Decision record Exit LEP postponement LPAC Minutes
Spring	Administer TELPAS to all LEPs (including those with parent denial)	TELPAS
May	Have LPAC meetings for annual review of all ESL students. Exit Criteria: <ol style="list-style-type: none"> <li>1. Show mastery in listening, speaking, reading, writing and composition in English *Score 4 on IPT *Score Advanced High on TELPAS</li> <li>2. Meets standards for STAAR (Read/Write) or scores at or above 40<sup>th</sup> percentile in Eng. Reading and Eng LA section of Terra Nova</li> </ol>	Annual Review Form Parental Report for End-of-Year Progress Parental Notification of Exit Monitoring of Exited Students Form- 2 years LPAC minutes
May	Update master list of ESL students	Master List
May	Elementary: Send summer school letter if needed.	Summer School Letter
May-June	Send end of year ESL progress reports to ESL parents	ESL Progress Reports STAAR and TELPAS results
July - September	Annual Program Evaluation and Report to Board	Board Report

## FOLDER ORGANIZATION

The following list includes all ESL forms or data that must be in the student's red LEP folder:

Left side: (#1 on bottom...)

1. Sweeny ISD Registration Form (dated)
2. Home Language Survey showing language other than English (dated)
3. Results of the IPT (dated)
4. Results of the Terra Nova, Gr. 2-12 (dated)
5. Notification of Enrollment in an ESL Program (signed and dated)  
OR  
Denial of ESL Education Services (signed and dated)
6. Notification of Exit from ESL Program, when applicable (signed and dated)

Right side: (in order with oldest on bottom to most current on top)

1. STAAR test scores
2. TELPAS ratings
3. Grade reports
4. Minutes of LPAC meetings
5. Records of parent conferences
6. Informal teacher or principal assessments/observations
7. Copies of ARD or GPC deliberations
8. Placement recommendations
9. Testing recommendations (i.e., exemptions)
10. Other pertinent data or documentation

### **NOTE:**

PK students who are identified as LEP and whose parents deny enrollment in a bilingual/ESL program may enroll in PK only if they meet the other PK enrollment requirements. Such students are identified as LEP, and are carried as W-H on the LPAC Meeting Information Panel due to parent denial. Parent denial process must be followed and documented. Signed parent denial must be on file.

It is the responsibility of the Coordinator of School Improvement and each campus principal to ensure proper documentation is maintained.