

# Coldspring Oakhurst CISD

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*English as a Second Language Handbook*

**2024-2025**

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## **Definitions**

### **29.052 – Definitions**

In this subchapter:

(1) "Emergent bilingual student" means a student whose primary language is other than English and whose English language skills are such that the student has difficulty performing ordinary classwork in English.

(2) "Parent" includes a legal guardian of a student.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

## **State Policy**

### **District Reporting Requirements**

### **29.051 – State Policy**

English is the basic language of this state. Public schools are responsible for providing a full opportunity for all students to become competent in speaking, reading, writing, and comprehending the English language. Large numbers of students in the state come from environments in which the primary language is other than English. Experience has shown that public school classes in which instruction is given only in English are often inadequate for the education of those students. The mastery of basic English language skills is a prerequisite for effective participation in the state's educational program. Bilingual education and special language programs can meet the needs of those students and facilitate their integration into the regular school curriculum. Therefore, in accordance with the policy of the state to ensure equal educational opportunity to every student, and in recognition of the educational needs of emergent bilingual students, this subchapter provides for the establishment of bilingual education and special language programs in the public schools and provides supplemental financial assistance to help school districts meet the extra costs of the programs.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

<https://www.txel.org/specialprograms/?tab=tab1>

### **29.053 – Establishment of Bilingual Education and Special Language Programs**

- (a) The agency shall establish a procedure for identifying school districts that are required to offer bilingual education and special language programs in accordance with this subchapter.
- (b) Within the first four weeks following the first day of school, the language proficiency assessment committee established under Section 29.063 shall determine and report to the board of trustees of the district the number of emergent bilingual students on each campus and shall classify each student according to the language in which the student possesses primary proficiency. The board shall report that information to the agency before November 1 each year.
- (c) Each district with an enrollment of 20 or more emergent bilingual students in any language classification in the same grade level shall offer a bilingual education or special language program.
- (d) Each district that is required to offer bilingual education and special language programs under this section shall offer the following for emergent bilingual students:
  - (1) bilingual education in kindergarten through the elementary grades;
  - (2) bilingual education, instruction in English as a second language, or other transitional language instruction approved by the agency in post-elementary grades through grade 8; and
  - (3) instruction in English as a second language in grades 9 through 12.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

<https://www.txel.org/specialprograms/?tab=tab1>

### **29.054 – Exception**

- (a) If a program other than bilingual education must be used in kindergarten through the elementary grades, documentation for the exception must be filed with and approved by the agency.
- (b) An application for an exception may be filed with the agency when a district is unable to hire a sufficient number of teachers with teaching certificates appropriate for bilingual education instruction to staff the required program. The application must be accompanied by:

- (1) documentation showing that the district has taken all reasonable affirmative steps to secure teachers with teaching certificates appropriate for bilingual education instruction and has failed;
  - (2) documentation showing that the district has affirmative hiring policies and procedures consistent with the need to serve emergent bilingual students;
  - (3) documentation showing that, on the basis of district records, no teacher having a teaching certificate appropriate for bilingual instruction or emergency credentials has been unjustifiably denied employment by the district within the past 12 months; and
  - (4) a plan detailing specific measures to be used by the district to eliminate the conditions that created the need for an exception.
- (c) An exception shall be granted under this section on an individual district basis and is valid for only one year. Application for an exception for a second or succeeding year must be accompanied by the documentation prescribed by Subsection (b).
- (d) During the period for which a district is granted an exception under this section, the district must use alternative methods approved by the agency to meet the needs of its emergent bilingual students, including hiring teaching personnel under a bilingual emergency permit.

<https://www.txel.org/specialprograms/?tab=tab1>

## **Identification and Placement**

### **Home Language Survey (HLS) Grades 9-12 student may complete survey**

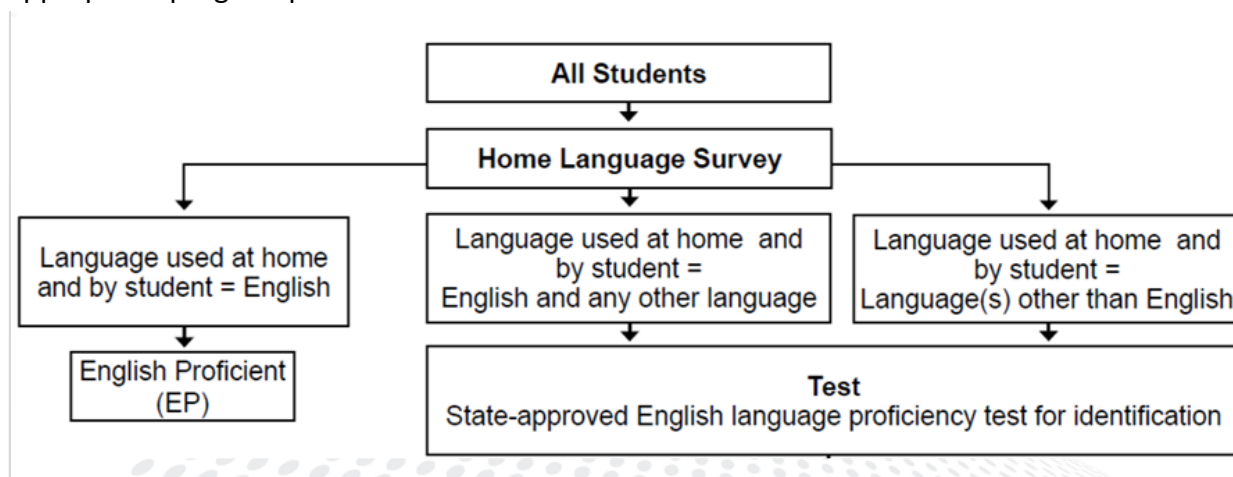
- (1) results of a home language survey conducted within four weeks of each student's enrollment to determine the language normally used in the home and the language normally used by the student, conducted in English and the home language, signed by the student's parents if the student is in kindergarten through grade 8 or by the student if the student is in grades 9 through 12, and kept in the student's permanent folder by the language proficiency assessment committee;
- Only 1 Home Language Survey should be in the Cumulative/EB folder (**Original HLS when student first entered school. Get copy from prior district for transfer students**)
- <https://www.txel.org/media/cm4btwnf/hls-tea-state-letter-all-08-2023-1.pdf>

### **Assessment**

(a) The agency shall establish standardized criteria for the identification, assessment, and classification of emergent bilingual students eligible for entry into the program or exit from the program. **The student's parent must approve a student's entry into the program, exit from the program, or placement in the program.** The school district or parent may appeal the decision under Section 29.064. The criteria for identification, assessment, and classification may include: **Parent permission for language proficiency testing is not required.**

**Within four calendar weeks of initial enrollment in a Texas Public school the district must:**

- If a language other than English is answered on one or both questions, testing occurs.
- Assess or evaluate prior assessment from LAS LINKS or PRE-LAS which are the only TEA approved assessments.
- For identifying English learners, school districts shall administer to each student who has a language other than English identified on the home language survey:
  - (1) in preK3, preK4, Kindergarten, an oral language proficiency assessment (preLAS)
  - (2) In Grade 1, the listening, speaking proficiency assessment (LAS Links)
  - (3) In Grades 2-12, the listening, speaking, reading, and writing proficiency assessment (LAS Links)
- Convene an LPAC to determine English Learner Classification and recommend the appropriate program placement.



### Eligibility

A student is to be classified as an English learner if:

- In PreK3, PreK4, Kindergarten the student receives a 1, 2 or a 3 oral language proficiency level in the preLAS assessment

- In Grade 1 the student receives a 1, 2, or 3 proficiency level in either speaking and/or listening assessment of LAS Links.
- A student is to be classified as an English learner in grades 2-12. If a student receives a 1, 2, or 3 proficiency level in ANY domain: listening, speaking, reading, and writing of the LAS Links assessment.
- At any grade level, a student shall be identified as an English learner if the student's ability in English is so limited that the English language proficiency assessment described in subsection (c) of this section cannot be administered.

## Placement

- Must offer ESL Program services if they met the eligibility requirements
- Send notification of eligibility, program description and benefits of the ESL Program to the parent along with Parent Permission or Denial to participate in the ESL Program.
- If parent **gives** signed **consent** for participation in **ESL Program**
  - Student is placed in the English as a Second language (Content-Based program or Pull-out program)
  - Student is coded EB in PEIMS with entry date as of the date the parent signed consent.
  - ESL Type, EB Code, Parent Permission Code and At Risk Code should all be entered into PEIMS (See Data Standards for Coding)
- If parent denies consent for participation in ESL Program
  - Ensure that a call/conference occurred to explain the benefits of the program.
  - Student is placed in general education classes
  - File signed parent denial form in the student's EB Cum folder
  - Student is coded EB in PEIMS along with the Parent Permission Code of C.

## Enrollment Prior to Kindergarten

- For any student initially enrolling in a three- or four-year-old public-school program, a Home Language Survey (HLS) shall be administered and the state process followed for identification as an Emergent Bilingual (EB).
- This includes:
  - o students with or without identified special needs.
  - o students who are enrolled, not in membership due to attending school for less than 2 instructional hours per day.



- students in a Head Start or private school program that are dually enrolled in a local education agency (LEA), based on the district's partnership with the Head Start/private school program.
- The EL identification and placement process shall be completed within four calendar weeks of enrollment per 19 TAC §89.1226(b).
- If a parent believes an error was made when completing the HLS, the parent may request a correction, only if: 1) the child has not yet been assessed for English proficiency; and 2) corrections are made within two calendar weeks of the child's enrollment date.
- English learners qualify for prekindergarten (PK); however, ELs may be coded as Early Education (EE) based on special education services in conjunction with their language program services.

### Dual-Identified Students

When identifying an English learner who is also served through special education, the LPAC in conjunction with the ARD Committee shall:

- Implement assessment procedures that differentiate between language proficiency and disabling conditions.
- Identify the student as an English learner if the student's ability in English is so limited **or the student's disabilities are so severe** that the English language proficiency assessment cannot be administered.

### Students who do not meet eligibility requirements

LPAC reviews language assessments

Did not qualify (DNQ) is indicated on the LPAC Recommendation form and on the Summary sheet to show that the student was tested, but does not qualify for special language services.

Students **are not** coded as LEP.

Assessment and LPAC documents are retained in a LEP folder in the student's cumulative folder to document that the student was assessed for possible identification based on the Home Language Survey.

## 29.0561 – Evaluation of Transferred Students; Reenrollment

(a)The language proficiency assessment committee shall reevaluate a student who is



transferred out of a bilingual education or special language program under Section 29.056(g) if the student earns a failing grade in a subject in the foundation curriculum under Section 28.002(a)(1) during any grading period in the first two school years after the student is transferred to determine whether the student should be reenrolled in a bilingual education or special language program.

(b) During the first two school years after a student is transferred out of a bilingual education or special language program under Section 29.056(g), the language proficiency assessment committee shall review the student's performance and consider:

(1) the total amount of time the student was enrolled in a bilingual education or special language program;

(2) the student's grades each grading period in each subject in the foundation curriculum under Section 28.002(a)(1);

(3) the student's performance on each assessment instrument administered under Section 39.023(a) or (c);

(4) the number of credits the student has earned toward high school graduation, if applicable; and

(5) any disciplinary actions taken against the student under Subchapter A, Chapter 37.

(c) After an evaluation under this section, the language proficiency assessment committee may require intensive instruction for the student or reenroll the student in a bilingual education or special language program.

Added by Acts 2006, 79th Leg., 3rd C.S., Ch. 5, Sec. 3.07, eff. May 31, 2006.

<https://www.txel.org/specialprograms/?tab=tab1>

### **Language Proficiency Assessment Committee (LPAC)**

#### **29.063 – Language Proficiency Assessment Committee**

(a) Each school district that is required to offer bilingual education and special language programs shall establish a language proficiency assessment committee.

(b) Each committee shall include a professional bilingual educator, a professional transitional language educator, a parent of an emergent bilingual student, and a campus administrator.

(c) The language proficiency assessment committee shall:

- (1) review all pertinent information on emergent bilingual students, including the home language survey, the language proficiency tests in English and the primary language, each student's achievement in content areas, and each student's emotional and social attainment;
  - (2) make recommendations concerning the most appropriate placement for the educational advancement of the emergent bilingual student after the elementary grades;
  - (3) review each emergent bilingual student's progress at the end of the school year in order to determine future appropriate placement;
  - (4) monitor the progress of students formerly classified as emergent bilingual who have transferred out of the bilingual education or special language program and, based on the information, designate the most appropriate placement for such students; and
  - (5) determine the appropriateness of a program that extends beyond the regular school year based on the needs of each emergent bilingual student.
- (d) The agency may prescribe additional duties for language proficiency assessment committees.
- (e) The agency may not require members of a language proficiency assessment committee to complete training to serve on that committee.

## **All LPAC TRAINING MATERIALS AND FORMS**

<https://www.txel.org/LPAC>

### **29.064 – Appeals**

A parent of a student enrolled in a school district offering bilingual education or special language programs may appeal to the commissioner if the district fails to comply with the requirements established by law or by the agency as authorized by this subchapter. If the parent disagrees with the placement of the student in the program, the parent may appeal that decision to the board of trustees. Appeals shall be conducted in accordance with procedures adopted by the commissioner.

Program Model	Goal	Instructional Approach
Content-Based ESL	English learners will attain full proficiency in English in order to participate equitably in school.	English learners receive all content area instruction (English language arts and reading, mathematics, science, and social studies) by teacher(s) certified in ESL and the appropriate grade level and content area.
Pull-Out ESL		<p>English learners receive instruction in English language arts and reading (ELAR) by an ESL certified teacher.</p> <p>A pull-out model can be implemented</p> <ul style="list-style-type: none"> <li>• by an ELAR and ESL certified teacher within the ELAR classroom</li> <li>• through co-teaching of an ESL certified teacher and ELAR certified teacher</li> <li>• through an additional ESL/ELAR course provided by an ESL and ELAR certified teacher</li> </ul>

### 29.055 – Program Content; Method of Instruction

(a) A bilingual education program established by a school district shall be a full-time program of dual-language instruction that provides for learning basic skills in the primary language of the students enrolled in the program and for carefully structured and sequenced mastery of English language skills. A program of instruction in English as a second language established by a school district shall be a program of intensive instruction in English from teachers trained in recognizing and dealing with language differences.

(b) A program of bilingual education or of instruction in English as a second language shall be designed to consider the students' learning experiences and shall incorporate the cultural aspects of the students' backgrounds.

(c) In subjects such as art, music, and physical education, emergent bilingual students shall participate fully with English-speaking students in regular classes provided in the subjects.

(d) Elective courses included in the curriculum may be taught in a language other than English.

(e) Each school district shall provide students enrolled in the program a meaningful opportunity to participate fully with other students in all extracurricular activities.

(f) If money is appropriated for the purpose, the agency shall establish a limited number of pilot programs for the purpose of examining alternative methods of instruction in bilingual education and special language programs.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

<https://www.txel.org/specialprograms/?tab=tab1>

## **Professional Development of Staff**

### **29.061 – Bilingual Education and Special Language Program Teachers**

(a) The State Board for Educator Certification shall provide for the issuance of teaching certificates appropriate for bilingual education instruction to teachers who possess a speaking, reading, and writing ability in a language other than English in which bilingual education programs are offered and who meet the general requirements of Chapter 21. The board shall also provide for the issuance of teaching certificates appropriate for teaching English as a second language. The board may issue emergency endorsements in bilingual education and in teaching English as a second language.

(b) A teacher assigned to a bilingual education program using one of the following program models must be appropriately certified for bilingual education by the board:

(1) transitional bilingual/early exit program model; or

(2) transitional bilingual/late exit program model.

(b-1) A teacher assigned to a bilingual education program using a dual language immersion/one-way or two-way program model must be appropriately certified by the board for:

(1) bilingual education for the component of the program provided in a language other than English; and

(2) bilingual education or English as a second language for the component of the program provided in English.

(b-2) A school district that provides a bilingual education program using a dual language immersion/one-way or two-way program model may assign a teacher certified under Subsection (b-1)(1) for the language other than English component of the program and a different teacher certified under Subsection (b-1)

(2) for the English language component.

(c) A teacher assigned to an English as a second language program must be appropriately certified for English as a second language by the board.

(d) A school district may compensate a bilingual education or special language teacher for participating in a continuing education program that is in addition to the teacher's regular contract. The continuing education program must be designed to provide advanced bilingual education or special language program endorsement or skills.

(e) The State Board for Educator Certification and the Texas Higher Education Coordinating Board shall develop a comprehensive plan for meeting the teacher supply needs created by the programs outlined in this subchapter.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by: Acts 2015, 84th Leg., R.S., Ch. 453 (H.B. [218](#)), Sec. 1, eff. June 15, 2015.

<https://www.txel.org/specialprograms/?tab=tab1>

<https://tea.texas.gov/academics/special-student-populations/special-education/programs-and-services/state-guidance/guidance-related-to-ard-committee-and-lpac-collaboration>

## **PEIMS REPORTING REQUIREMENTS**

### **29.066 – PEIMS Reporting Requirements**

(a) A school district that is required to offer bilingual education or special language programs shall include the following information in the district's Public Education Information Management System (PEIMS) report:

(1) demographic information, as determined by the commissioner, on students enrolled in district bilingual education or special language programs;

(2) the number and percentage of students enrolled in each instructional model of a bilingual education or special language program offered by the district; and

(3) the number and percentage of students identified as emergent bilingual students who do not receive specialized instruction.

(b) For purposes of this section, the commissioner shall adopt rules to classify programs under this section as follows:

(1) if the program is a bilingual education program, the program must be classified under the Public Education Information Management System (PEIMS) report as:

(A) transitional bilingual/early exit: a bilingual program that serves students identified as emergent bilingual students in both English and Spanish and transfers a student to English-only instruction not earlier than two or later than five years after the student enrolls in school;

(B) transitional bilingual/late exit: a bilingual program that serves students identified as emergent bilingual students in both English and Spanish and transfers a student to English-only instruction not earlier than six or later than seven years after the student enrolls in school;

(C) dual language immersion/two-way: a biliteracy program that integrates students proficient in English and students identified as emergent bilingual students in both English and Spanish and transfers a student identified as an emergent bilingual student to English-only instruction not earlier than six or later than seven years after the student enrolls in school; or

(D) dual language immersion/one-way: a biliteracy program that serves only students identified as emergent bilingual students in both English and Spanish and transfers a student to English-only instruction not earlier than six or later than seven years after the student enrolls in school; and

(2) if the program is a special language program, the program must be classified under the Public Education Information Management System (PEIMS) report as:

(A) English as a second language/content-based: an English program that serves students identified as emergent bilingual students in English only by providing a full-time teacher certified under Section 29.061(c) to provide supplementary instruction for all content area instruction; or

(B) English as a second language/pull-out: an English program that serves students identified as emergent bilingual students in English only by providing a part-time teacher certified under Section 29.061(c) to provide English language arts instruction exclusively, while the student remains in a mainstream instructional arrangement in the remaining content areas.

(c) If the school district has received a waiver and is not required to offer a bilingual education or special language program in a student's native language or if the student's parents have refused to approve the student's entry into a program as provided by Section 29.056, the program must be classified under the Public Education Information

Management System (PEIMS) report as: no bilingual education or special language services provided.

Added by Acts 2007, 80th Leg., R.S., Ch. [1340](#), Sec. 2, eff. June 15, 2007.

<https://www.txel.org/specialprograms/?tab=tab1>

## **29.062 – Compliance**

(a) The legislature recognizes that compliance with this subchapter is an imperative public necessity. Therefore, in accordance with the policy of the state, the agency shall evaluate the effectiveness of programs under this subchapter based on the achievement indicators adopted under Section [39.053](#)(c), including the results of assessment instruments. The agency may combine evaluations under this section with federal accountability measures concerning emergent bilingual students. English proficiency.

(b) The areas to be monitored shall include:

- (1) program content and design;
- (2) program coverage;
- (3) identification procedures;
- (4) classification procedures;
- (5) staffing;
- (6) learning materials;
- (7) testing materials;
- (8) reclassification of students for either entry into regular classes conducted exclusively in English or reentry into a bilingual education or special education program; and
- (9) activities of the language proficiency assessment committees.

(c) Not later than the 30th day after the date of an on-site monitoring inspection, the agency shall report its findings to the school district or open-enrollment charter school and to the division of accreditation.



(d) The agency shall notify a school district or open-enrollment charter school found in noncompliance in writing, not later than the 30th day after the date of the on-site monitoring. The district or open-enrollment charter

school shall take immediate corrective action.

(e) If a school district or open-enrollment charter school fails to satisfy appropriate standards adopted by the commissioner for purposes of Subsection

(a), the agency shall apply sanctions, which may include the removal of accreditation, loss of foundation school funds, or both.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2003, 78th Leg., ch. 201, Sec. 19, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 895 (H.B. 3), Sec. 33, eff. June 19, 2009.

Acts 2015, 84th Leg., R.S., Ch. 1094 (H.B. [2804](#)), Sec. 12, eff. June 19, 2015.

<https://www.txel.org/specialprograms/?tab=tab1>

## **ACCOUNTABILITY AND COMPLIANCE**

<https://www.txel.org/ComplianceAndAccountability>

## **TELPAS INFORMATION**

The Texas English Language Proficiency Assessment System (TELPAS) is an English language proficiency assessment aligned to the Texas English Language Proficiency Standards (ELPS). This assessment is designed to assess the progress that emergent bilingual (EB) students make in learning the English language. TELPAS fulfills ESSA requirements for assessing EB students in kindergarten through grade 12 in four language domains: listening, speaking, reading, and writing.

### **Grades K–1 include**

- holistically rated observational assessments of listening, speaking, reading and writing

### **Grades 2–12 include online tests for:**

- listening and speaking
- reading and writing

**All EB students in kindergarten through grade 12 enrolled in Texas public schools or open-enrollment charter schools are required to participate in TELPAS. EB students are required to be assessed annually with an English language proficiency assessment until they meet [EB reclassification criteria](#).**