Frequently Asked Questions Regarding ELL Programs

1. **What is the requirement to have a bilingual education program or a special language program in Texas?**

   Each district with an enrollment of 20 or more students of limited English proficiency in any language classification in the same grade level shall offer a bilingual education or special language program. *TEC §29.053(c)*

   For Bilingual Education:
   Each district that is required to offer bilingual education and special language programs shall offer:
   - Bilingual education in kindergarten through the elementary grades
   - 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
   - Instruction in English as a second language in Grades 9 through 12.
   - Districts may join with other districts to provide bilingual education or English as a Second language programs.

   For English as a Second Language:
   All limited English proficient students for whom a district is not required to offer a bilingual education program shall be provided an English as a second language program, regardless of the students’ grade levels and home languages, and regardless of the number of such students.

2. **What is the definition of a Limited English Proficient (LEP) student?**

   “Students of limited English proficiency” 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. *TEC §29.052(1)*

   *(Please note: The term LEP and English Language Learners (ELLs) are used interchangeably.)*

3. **How many students are identified as English Language Learners in Texas?**

   There are 817,165 English language learners as per the 2010 Spring Public Education Information Management System (PEIMS) data collection.

4. **What is a Home Language Survey?** *(TAC §89.1215)*

   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. 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 survey shall contain the following questions:
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- “What language is spoken in your home most of the time?”
- “What language does your child (do you) speak most of the time?”

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

The home language survey shall be used to establish the student’s language classification for determining whether the district is required to provide a bilingual education or English as a second language 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 TAC §89.1225 (relating to Testing and Classification of Students).

5. Is parent permission required for language proficiency testing?
   Parent permission for language proficiency testing is not required.

6. Which tests are administered to each student who has a language other than English as identified on the home language survey?

   - Grades PK-1 = a TEA approved oral language proficiency test (OLPT) (listening and speaking) in English (and primary language for bilingual programs)
   - Grades 2-12 = a TEA approved oral language proficiency test (OLPT) (listening and speaking) in English (and primary language for bilingual programs) and the reading and language arts sections of an English norm-referenced standardized achievement test approved by the state (unless the English ability is so low that it would invalidate the test)

   The 2010-2011 List of Approved Tests for Assessment of LEP Students can be accessed from the TEA webpage at: http://www.elltx.org/docs/ListofApprovedTests2011.pdf

7. What is a Language Proficiency Assessment Committee (LPAC)? What is its role?
   19 TAC.§89.1220, TEC§29.063

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

   For a Bilingual LPAC:
   Each committee shall include a professional bilingual educator, a professional transitional language educator, a parent of a limited English proficiency student, and a campus administrator.

   For an ESL LPAC:
   Each committee shall include one or more professional personnel, a parent of a limited – English proficient student participating in the program designated by the district.

   Upon the student’s initial enrollment and at the end of each school year, the language proficiency assessment committee shall review all pertinent information on all limited English proficient students identified in accordance with TAC §89.1225(f) (relating to Testing and Classification of Students), and shall:
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- Designate the language proficiency level of each limited English proficient student in accordance with the guidelines issued pursuant to §89.120(b) and (d) (relating to Program Content and Design);
- Designate the level of academic achievement of each limited English proficient student;
- Designate, subject to parental approval, the initial instructional placement of each limited English proficient student in the required program;
- Facilitate the participation of limited English proficient students in other special programs for which they are eligible provided by the district with either state or federal funds; and
- Classify students as English proficient in accordance with the criteria described in §89.1225(h) (relating to Testing and Classification of Students), and recommend their exit from the bilingual education or English as a second language program. For more information on the Language Proficiency Assessment Committee, visit the following link: http://portal.esc20.net/portal/page/portal/esc20public/bilesl/LPACFramework

8. Are parents notified if their child has been classified as limited English proficient and recommended for placement in the required bilingual education or a special language program?

Yes, no later than the 10th day after the date of the student’s classification as a student of limited English proficiency, the Language Proficiency Assessment Committee shall give written notice of the classification of the student. The notice must be in English and the parent’s primary language.

9. When does a district officially classify a student as “LEP”?

The date that the parent approval form is signed is the date the student’s official Public Education Information Management System (PEIMS) status becomes LEP. From that date the student is identified as LEP, regardless of permission or denial.

10. Can a parent deny Bilingual/ESL services for their child if they were classified as LEP?

Yes. Although a district may be required to provide bilingual or ESL services, parents have the option to accept or deny the services offered by the district. However, the student will still be considered LEP and will participate in the same assessment program, such as the Texas English Language Proficiency Assessment System (TELPAS), like other LEP students, until the student meets criteria for re-classification as non-LEP.

11. Can a student who is not classified as limited English proficiency also participate in a bilingual education program?

Yes, with the approval of the school district and a student’s parents, a student who does not have limited English proficiency may also participate in a bilingual education program. TEC §29.058

(Please note: The district will not receive bilingual funds for students who are not classified as LEP).
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12. When should a student be identified as limited English proficient in the academic school year?

Within the first four weeks (20 school days) of the student’s enrollment in the district, the LPAC shall identify the student as limited English proficient and enrolled into the required bilingual education or English as a second language program. TEC §29.053(b)

13. Do parents get notification of their child’s progress in a bilingual education or a special language program?

Districts shall report to parents the progress of their child as a result of participation in the program offered to limited English proficient students in English and the home language.

14. What criterion is needed for a student to exit from a bilingual education or English as a second language program?

To exit from a bilingual education or English as a second language 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.

The determination shall be based upon all of the following:

- TEA-approved tests that measure the extent to which the student has developed oral and written language proficiency and specific language skills in English;
- 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 section of a TEA-approved norm-referenced assessment instrument for a student who is enrolled in Grade 1 or 2; and
- TEA-approved criterion-referenced written tests when available and the results of a subjective teacher evaluation.

Please look at the Exit Criteria Chart for more information at the following link:

15. Does the LPAC evaluate the student’s progress after exiting the bilingual education or a special language program?

The language proficiency assessment committee shall reevaluate a student who is transferred out of a bilingual education or special language program during the first two years after a student is exited if the student earns a failing grade in a subject in the foundation curriculum during any grading period and determine whether the student should be reenrolled in a bilingual education or special language program. TEC §29.0561(g)

16. What is a bilingual education or English as a second language program in Texas?
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 skills. *TEC §29.055(a)*

An English as a second language program established by a school district shall be a program of intensive instruction in English from teachers training in recognizing and dealing with language differences. *TEC §29.055(a)*

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. *TEC §29.055(b)*

For more information please visit the Bilingual/ESL website in the division of curriculum at: [http://www.tea.state.tx.us/index2.aspx?id=4098&menu_id=720](http://www.tea.state.tx.us/index2.aspx?id=4098&menu_id=720).

17. How many program models are in a bilingual education program?

The following are the four program models of a bilingual education program in Texas:

1. **Transitional bilingual/early exit**: a bilingual program that serves students identified as students of limited English proficiency 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.

2. **Transitional bilingual/late exit**: a bilingual program that serves students identified as students of limited English proficiency 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.

3. **Dual language immersion/two-way**: a biliteracy program that integrates students proficient in English and students identified as students of limited English proficiency in both English and Spanish and transfers a student identified as a student of limited English proficiency to English-only instruction not earlier than six or later than seven years after the student enrolls in school.

4. **Dual language immersion/one-way**: a biliteracy program that serves only students identified as students of limited English proficiency 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.

18. How many program models are in an English as a second language program?

The following are the two program models of an English as a second language (ESL) program in Texas:

1. **English as a second language/content-based**: an English program that serves students identified as students of limited English proficiency in English only by providing a full-time teacher certified under TEC §29.061(c) to provide supplementary instruction for all content area instruction.

2. **English as a second language/pull-out**: an English program that serves students identified as students of limited English proficiency in English only by providing a part-time teacher certified under TEC §29.061(c) to provide English language arts instruction exclusively, while the student remains in a mainstream instructional arrangement in the remaining content areas.
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19. What can a district do if it is unable to provide a bilingual education program?

A district that is unable to provide a bilingual education program shall request from the commissioner of education an exception to the bilingual education program and the approval of an alternative program. The approval of an exception to the bilingual education program shall be valid only during the school year for which it was granted.

A request for a bilingual education program exception shall include:

- a statement of the reasons the district is unable to offer the bilingual education program with supporting documentation;
- a description of the proposed alternative modified bilingual education or intensive English as a second language programs designed to 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 TAC Chapter 74 of this title (relating to Curriculum Requirements);
- an assurance that certified teachers available in the district will be assigned to grade levels beginning at prekindergarten followed successively by subsequent grade levels to ensure that the linguistic and academic needs of the limited English proficient students with beginning levels of English proficiency are served on a priority basis;
- 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 alternative program, and an assurance that at least 10% of the bilingual education allotment shall be sued to fund this training program; and
- a description of the actions the district will take to ensure that the program required under TAC §89.1205(a) 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 exceptions and measurable targets for the subsequent year.

20. What can a district do if they are unable to provide an English as a second language program?

A district that is unable to provide an English as a second language program as required by TAC §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 shall include:

- 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;
- 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 as required by TAC Chapter 74 of this title;
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- 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;
- the name of each teacher not on permit who is assigned to implement the English as a second language program and estimate 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;
- 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
- a description of the actions the district will take to ensure that the program required under TAC §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.

21. What are the English Language Proficiency Standards (ELPS)?

The English Language Proficiency Standards (ELPS), as required by 19 Texas Administrative Code Chapter 74 Subchapter A §74.4, outline English language proficiency level descriptors and student expectations for English language learners (ELLs). School districts are required to implement ELPS as an integral part of each subject in the required curriculum.

For more information on the ELPS please visit the following website:
http://portal.esc20.net/portal/page/portal/esc20public/ELPS_EnglishLanguageProficiencyStandards

22. What is the Texas English Language Proficiency Assessment System (TELPAS)?

TELPAS assesses the English language proficiency of K–12 ELLs in four language domains—listening, speaking, reading, and writing. English language proficiency assessments in Grades K–12 are federally required to evaluate the progress that ELLs make in becoming proficient in the use of academic English.

The assessment components for Grades K–1 and 2–12 differ in the following ways:
- **Grades K–1** - TELPAS includes holistically rated listening, speaking, reading, and writing assessments based on ongoing classroom observations and student interactions.
- **Grades 2–12** - TELPAS includes multiple-choice reading tests, holistically rated student writing collections, and holistically rated listening and speaking assessments. The listening and speaking assessments are based on ongoing classroom observations and student interactions.

*(Please note: Holistic assessment approaches measure abilities as a whole rather than as skills in isolation. Holistic assessments are useful for evaluating abilities that are*
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performed in a synthesized, rather than isolated, way. In a holistic assessment of swimming, for example, individuals are evaluated on their ability to actually swim rather than on how well they perform isolated skills related to floating, kicking, breathing, speed, and stamina. Holistic evaluation approaches are often used to assess abilities that are directly observable, such the ability to sing, drive, swim, write, or use a second language.)

For more information on TELPAS please visit the following link:
http://www.tea.state.tx.us/student.assessment/ell/

23. What are Proficiency Level Descriptors (PLDs)?

These descriptors define four stages of second language acquisition called English language proficiency levels. The four proficiency levels are beginning, intermediate, advanced, and advanced high. The PLDs describe how well ELLs at each proficiency level are able to understand and use English to engage in grade-appropriate academic instruction. There are separate PLDs for listening, speaking, reading, and writing.

For more information on the PLDs, please click on the following link:
http://www.elltx.org/docs/TELPAS_PLDs.pdf

24. Is there an ELPS/TELPAS alignment?

TELPAS assesses English language proficiency in direct alignment with the ELPS. It measures the ELPS student expectations in accordance with the four levels of English language proficiency defined in the PLDs. TELPAS is designed to directly support the state’s educational goals for meeting the language and content needs of ELLs.

25. What are Linguistic Accommodations?

Linguistic accommodations are English-language supports that help make content area instruction accessible to ELLs. The proficiency level descriptors, which describe the English that ELLs are able to understand and use at each proficiency level, guide teachers in providing appropriate linguistic supports and accommodations.

26. What is a Linguistic Accommodated Test (LAT)?

LAT is a special administration of the Texas Assessment of Knowledge and Skills (TAKS) for LEP-exempt recent immigrants. LAT administrations are provided in designated grades and subjects. Linguistic accommodations are made in order to assist students in overcoming language barriers and to provide a meaningful assessment of academic knowledge and skills.

LAT was developed to fulfill federal NCLB requirements for testing recent immigrant ELLs who are LEP-exempt under Texas law in grades and subjects used in Adequate Yearly Progress (AYP) calculations.

27. In which grades and subjects is LAT available?

- Grades 3-8 and Grade 10 in Mathematics, Reading and English Language Arts (ELA)
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- Grades 5, 8 and 10 in Science
- LAT is available in Spanish in Grades 3-5

REFERENCES/LINKS:

Click on the links below to visit the Texas Education Codes and the Commissioner’s Rules regarding Bilingual Education/English as Second Language (ESL):

Texas Education Code (TEC) §29.051-29.066, Chapter 29, Educational Programs, Subchapter B. Bilingual Education and Special Language Program:
http://www.statutes.legis.state.tx.us/

The Texas Education Code (TEC) is a set of the state statutes (laws) governing public education in Texas. It applies to all educational institutions supported in whole or in part by state tax funds, unless specifically excluded by the code. The TEC directs the goals and framework of public education in Texas. It is established by the Texas Legislature.

Chapter 89. Adaptations for Special Populations Subchapter BB. Commissioner’s Rules Concerning State Plan for Educating Limited English Proficient Students:
http://ritter.tea.state.tx.us/rules/tac/chapter089/ch089bb.html

The rules adopted by the State Board of Education (SBOE) and the Commissioner of Education are part of a larger body of state agency rules known as the Texas Administrative Code (TAC). These rules are collected and published by the Office of the Secretary of State. SBOE and commissioner’s rules are codified under Title 19, Part II, of the TAC. Title 19 is Education, and Part II is the Texas Education Agency. The SBOE and the Commissioner of Education may adopt new rules or amendments to existing rules.