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### Texas Education Agency

**Susie Coultriss**  
State Director, Bilingual/ESL/Title III/Migrant  
Special Populations Division  
Texas Education Agency

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## Content Objectives

- Identify critical points of 19 Texas Administrative Code (TAC) Chapter 89, Subchapter BB
- Summarize a single section of 19 TAC Chapter 89, Subchapter BB
- Create a representation of the understanding of a section of 19 TAC Chapter 89, Subchapter BB
- Present the representation to the entire group

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## Language Objectives

- Engage in discussion about 19 TAC Chapter 89 using key vocabulary related to the LPAC framework
- Read one section of 19 TAC Chapter 89 to identify critical information to share with the entire group
- Collaborate with a group to create a visual representation of their section of 19 TAC Chapter 89

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## Sections of the LPAC Framework

- Introduction/Chronology of Federal and State Laws
- 19 TAC Chapter 89/ Texas Education Code (TEC) Chapter 29
- LPAC Training
- Forms and Resources

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## Introduction

### 19 Texas Administrative Code (TAC) Chapter 89 Adaptations for Special Populations, Subchapter BB

The Commissioner's Rules concerning the state plan for educating English language learners (ELLs) state that all school districts that are required to provide bilingual education and/or English as a Second Language (ESL) programs establish and operate an Language Proficiency Assessment Committee (LPAC).

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## Purpose of the LPAC Framework

- The Framework for the LPAC process includes **clarification of the legal requirements** for the LPAC and provides documents and forms to facilitate the training of LPAC members.
- The forms included in the LPAC Framework are samples for districts to use for the implementation of a bilingual/ESL program.

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## Purpose of the LPAC Framework

The LPAC Framework integrates State and Title III of Public Law 107-110 (*Elementary and Secondary Education Act*) requirements regarding the:

- identification and placement;
- parental approval;
- annual review; and
- assessment of ELLs as they attain language and academic proficiency.

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## Purpose of the LPAC Framework

The Framework delineates the steps that must be followed in the:

- **Identification** – Assessing students whose Home Language Survey have a language other than English and who are determined to have limited English proficiency
- **Processing** – LPAC meets to review assessment information in order to make placement decisions

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## Purpose of the LPAC Framework

- **Placement** – Determining the appropriate program for students identified as an English language learner (ELL)
- **Monitoring** – Reviewing progress and performance of ELLs in their intensive language instruction program as well as the determination for exit and follow-up of students as they transition into an all-English program

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## LPAC Framework Website

The Framework for the LPAC Process Manual can be accessed through the Education Service Center, Region 20 LPAC portal located at:

[www.esc20.net/lpac](http://www.esc20.net/lpac)

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## LPAC Framework Website

The LPAC website components:

- Home
- LPAC Framework
- Parent Resources
- Video Vignettes 
- Frequently Used Resources
- Decision-Making Manual

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## 19 TAC Chapter 89: Adaptations for Special Populations Subchapter BB

19 TAC	§89.1201	§89.1228
	§89.1203	§89.1230
	§89.1205	§89.1233
	§89.1207	§89.1235
	§89.1210	§89.1240
	§89.1215	§89.1245
	§89.1220	§89.1250
	§89.1225	§89.1265
	§89.1227	§89.1267
29 TEC	§29.0561	

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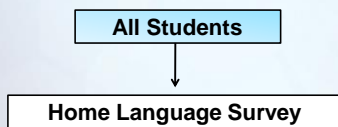
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## All Students



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## Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

- **English language learner** – a person who is in the process of acquiring English; *ELL and LEP will be used interchangeably.*
- **Dual language immersion** – an educational approach
- **School district** – definition of a school district includes an open-enrollment charter school.

19 TAC §89.1203

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## Policy and Facilities

Each school district shall:

- Identify English language learners (ELLs)
- Provide bilingual and ESL programs as integral parts of the regular program
- Seek certified teaching personnel
- Assess achievement for essential knowledge and skills to ensure accountability for ELLs
- Locate programs in the regular public schools of the school district rather than in separate facilities

19 TAC §89.1201, §89.1235

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## Goal of Bilingual Education

The goal of bilingual education programs shall be to:

- Enable ELLs to become competent in the listening, speaking, reading and writing of English through the development of literacy and academic skills in the primary language and English
- Emphasize mastery of English language skills, as well as mathematics, science and social studies
- Use instructional approaches designed to meet the needs of ELLs
- Be an integral part of the total school program
- Utilize the essential knowledge and skills required by the state as the curriculum

19 TAC §89.1201

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## Goal of ESL Programs

The goal of ESL programs shall be to:

- Enable ELLs to become competent in the listening, speaking, reading, and writing of English
- Emphasize mastery of English language skills, as well as mathematics, science, and social studies
- Use instructional approaches designed to meet the needs of ELLs
- Be an integral part of the total school program
- Utilize the essential knowledge and skills required by the state as the curriculum

19 TAC §89.1201  
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## Staffing and Staff Development

- School districts shall seek **certified teachers** to ensure ELLs are afforded full opportunity to master essential knowledge and skills and provide professional development.
- School districts which are unable to employ a **sufficient number** of teachers shall apply for an exception to the bilingual education program as provided in §89.1210 of this title or a waiver of the certification requirements in the English as a Second Language program as provided in §89.1210 of this title as needed.

19 TAC §89.1245, §89.1207

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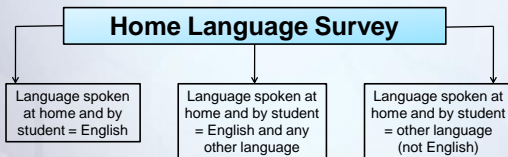
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## Home Language Survey



19 TAC §89.1215

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## Identification

- Home Language Survey (HLS)
- If the HLS indicates a language other than English, testing **must** be initiated to determine English proficiency.\*
- *The HLS shall contain two questions. §89.1215*
  - (1) What language is spoken in your home most of the time?
  - (2) What language does your child speak most of the time?

*\*Parent permission for language proficiency testing is not required.*



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## Identification of Transferring Students

If the student transfers from a school **in** Texas:

- Review the withdrawal form, if available, to see if he/she was being served in a program or identified as an ELL in PEIMS.
- Try to get as much original documentation as possible, especially the HLS (document your attempts).
- Once a student is identified as an ELL in Texas, the district **does not** have to proceed with a new identification process.
- The LPAC identifies and places the student within the first **20 school days** of enrollment. Be sure that all of the necessary signed documents are in the student's LPAC folder.



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## Identification of Transferring Students

If the student transfers from a school **outside** of Texas:

- Review any documentation brought in by the student.
- Proceed with Texas law, including HLS, for identification as outlined for Texas students new to the district.
- Review information found in the database on students who have previously attended Texas schools (refer to previous slide).



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## Timeline

The campus/charter school has **20 school days** to complete the testing and convene as an LPAC to determine the ELL status of each student.

19 TAC §89.1220(e)

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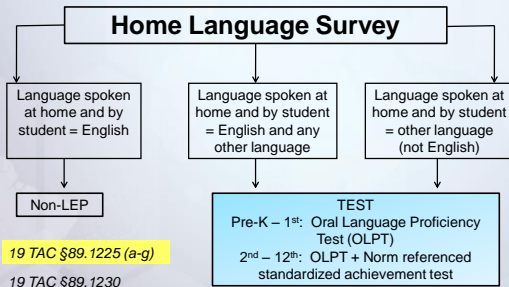
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## Entry Assessment



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## Testing and Classification of Students

### Grades PK-1:

- TEA-approved **oral language proficiency test (OLPT)** (*listening and speaking*) in English (and OLPT in primary language for bilingual programs)

### Grades 2-12:

- TEA-approved **oral language proficiency test (OLPT)** (*listening and speaking*) in English (and OLPT in primary language for bilingual programs), **AND**
- Reading and language arts sections of an English **norm-referenced standardized achievement test** approved by the state (**Through the attempted assessment administration the student's English ability is so limited that the test would not be valid**)

<http://tea.texas.gov/bilingual/esl/education/>

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19 TAC §89.1225

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## Testing Administrator

The person administering the oral language proficiency test (***listening and speaking***) must have documentation of training in the administration and scoring of the test **and** must be proficient in the language of the test.

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## ELL Determinations

The LPAC, not the test administrator, must meet and review ***all assessment*** results to determine ELL status.

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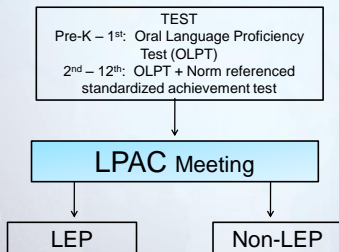
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## LPAC Meeting (Membership)



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## Language Proficiency Assessment Committee

- The school district shall have **written local board policy** on file to establish and operate a LPAC.
- Local board policy shall include procedures for the selection, appointment, and training of the committee members.
- **It may be necessary to train more than one parent to be able to cover the number of LPACs for a year, especially early in the year and at the end of the year.**
- **School districts may join with other school districts to share LPAC parents.**

19 TAC §89.1220

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## Composition of the LPAC

- Each school district required to offer bilingual education and special language programs (ESL) shall establish an LPAC.
- The LPAC is composed of a:
  - campus administrator\*
  - professional bilingual educator\*
  - ESL teacher/professional transitional language educator\*
  - parent of a current ELL participating in the required bilingual or special language program (ESL)
    - this parent may not be an employee of the school district\*

\*All members must be present!



19 TAC §89.1220  
TEC §29.063

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## Membership Guidelines

- All LPAC members shall be trained **annually**.
- If one of the members does not understand English (parent), the training should be developed **in the member's primary language**.
- At the LPAC meeting, an interpreter should be available if the parent representative is not proficient in English.
- The parent representative volunteers his/her participation in the LPAC.
- The student's parents are not required to attend the LPAC meeting.

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## Membership Guidelines

- The trained LPAC parent serves as the representative parent for all ELLs. Anyone that is a designated LPAC member at these meetings must be trained in order to follow the process accordingly.
- Each trained member shall also sign an oath of confidentiality (sample included in the manual) because of testing and other information that is shared and analyzed for all students must be considered with respect to each student and his/her family's right to confidentiality.

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## LPAC Guidelines

- All required members are given prior notification of the meeting.
- All required members meet and a chair is selected for the meeting.
- Members review and discuss **all** student data and information.
- Members arrive at appropriate decisions.
- Members sign and date all documentation/LPAC forms.
- **Districts must have an ELL folder which must be in a secure location.**
- **Maintain records for five years after exiting/reclassification and two years of monitoring.**

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## LPAC Guidelines

- Decisions are included in the LPAC minutes which are kept in a **secure** central location.
- The committee meeting is adjourned.
- Documentation for each student is filed in the student's record.

*(Sample forms for LPAC meetings are included in the manual.)*

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## Required Documentation

The student's record shall contain:

- Documentation of all actions impacting the ELL
- Identification of the student
- Designation of the student's level of proficiency
- Recommendations of program placement
- Parent approval for entry or placement
- The dates of entry into, and placement within, the program

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## Required Documentation

The student's record shall contain:

- Assessment
- Additional interventions
- The date of exit from program and parent approval
- Results of monitoring

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## Required LPAC Meetings

- Upon *initial enrollment* - within the student's first 20 school days
- In the *spring* to determine appropriate assessments, immediately prior to state assessments
- At the *end of the year* for annual review and for the following year's placement decisions, which may include the use of linguistic accommodations, as appropriate
- *As needed* to discuss student progress

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## LPAC Responsibilities

- Identification of ELLs
- Assessment and documentation review
- Placement
- Instructional methodologies and/or interventions
- Instructional linguistic accommodations or accommodations for assessment
- Coordination
- Parental Approval
- Annual Review (linguistic and academic progress)

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## Determining Eligibility at PreK-1<sup>st</sup> Grade

At PreK – 1<sup>st</sup> grade:

- In prekindergarten through grade 1, the student's score on the English oral language proficiency test is below the level designated for indicating limited English proficiency.
- **Student must be assessed in both English and the primary language if the district is required to provide a bilingual program.**

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## Determining Eligibility at Grades 2-12

At grades 2-12:

- The student's score on the TEA-approved English Oral Language Proficiency Test (OLPT) is below the level designated for indicating ELL
- For eligibility, the student's score on the English reading and/or English language arts sections of the TEA-approved norm-referenced standardized achievement instrument at his or her grade level is below the 40th percentile;
- The student's ability in English is so limited that the administration of the TEA norm-referenced assessment instrument is not valid.

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## Eligibility for Students with Disabilities

Students with disabilities whose scores indicate limited English proficiency on the assessment determined by the **key members** of the ARD committee in conjunction with the **key members** of the LPAC are identified as ELL.

<http://tea.texas.gov/index2.aspx?id=2147496923>

19 TAC §89.1230  
19 TAC §89.1225 (f) (4)



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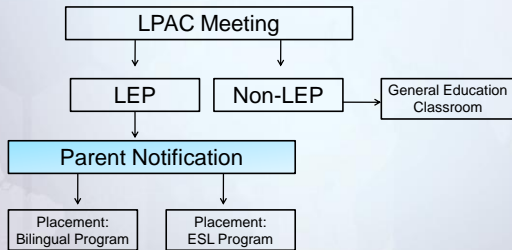
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## Parent Notification/Program Placement



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## Bilingual Education Program

- The law requires that each school district or charter school which has an enrollment of 20 or more ELLs of the same language classification in the same grade level district-wide shall offer a bilingual education program for ELLs in grades Pre-K through 5.
- Grade 6 shall be included when clustered with elementary grades.

<http://tea.texas.gov/bilingual/esl/education/>

19 TAC §89.1205, §89.1210

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## Bilingual Education Program

- English language learners shall be provided instruction in language arts, mathematics, science, and social studies both in their home language and in English.
- Content area instruction in both languages shall be structured to ensure that the students master the required essential knowledge and skills and higher-order thinking skills in all subjects.
- Literacy development in the primary language facilitates the transfer from primary language (L1) to second language (L2).
- Oral language testing requirements in both the primary language and English **must be reviewed for placement**.
- ESL is a component of the bilingual program.

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## Bilingual Education Program

The bilingual education program shall be implemented with consideration for each ELL's unique readiness level through one of the following program models:

- Transitional Bilingual/Early Exit
- Transitional Bilingual/Late Exit
- Dual Language Immersion/Two-way
- Dual Language Immersion/One-way

19 TAC §89.1210 (c) (2) (3),  
§89.1227, §89.1228 47

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## ESL Program

The law requires that all ELLs for whom a district is not required to offer a bilingual education program shall be provided an ESL program, regardless of the students' grade levels, and home language, and regardless of the number of students.

19 TAC §89.1205 (d), §89.1210  
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## ESL Program

- Uses second language methods throughout the curriculum
- Provides instruction that includes TEKS based academic content, as well as, language development
- Differentiates instruction of content according to language proficiency levels
- Provides academic instruction that is on grade level

<http://tea.texas.gov/bilingual/esl/education/>

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## ESL Program

The English as a Second Language program shall be implemented with consideration for each ELL's unique readiness level through one of the following program models:

- Content-Based Program Model
- Pull-Out Program Model

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## Recommending Program Placement

Pending parent approval of an ELL's entry into the bilingual/ESL program, the district/charter school will place the student in the recommended program.

***Bilingual allotment information is found in Texas Education Code (TEC) §42.153***

19 TAC §89.1220 (j)

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## Recommending Program Placement

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

- The student is 18 years of age or has had the disabilities of minority removed
- Reasonable attempts to inform and obtain permission from a parent or guardian have been made and documented
- Approval is obtained from:
  - An adult or foster parent or employee of the state
  - The student, if no parent, guardian, or other responsible adult is available, or
- A parent or guardian has not objected in writing

19 TAC §89.1220 (m) 52

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## Additional Services

- The LPAC may also recommend other programs or services offered through the school district.
- The LPAC is also responsible for facilitating student participation in other special programs (Advanced Academics-Gifted and Talented, Special Education, Career and Technical Education, Dyslexia, etc.).

19 TAC §89.1220 (g) (4)

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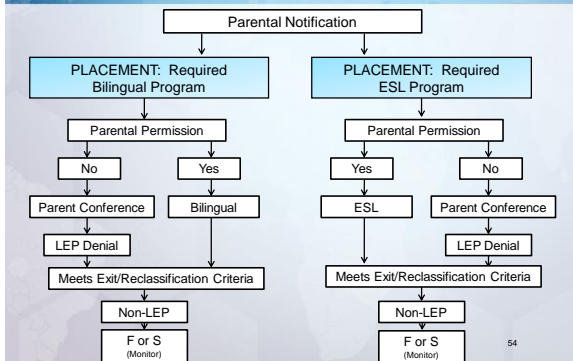
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## Parental Approval



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## Parental Approval

- After the LPAC recommends placement of the ELLs, written parental approval must be obtained.
- Remember the parent approval form should be in both English and the native language of the parent.

19 TAC §89.1240

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## Parental Approval/Rights

- The parent **approval** letter includes information regarding the English proficiency level of the student and a description of the program as well as the benefits of the program.
- These benefits should be described on each parent **approval** letter and supplemented through brochures or other publications.
- A plan for when the student may graduate and be exited may be included according to Personal Graduation Plan (PGP) for ELLs at high school.
- School districts may enroll students who are non-ELL in the bilingual education program in accordance with TEC §29.058.

19 TAC §89.1233 19 TAC §89.1240 (a)

[Title III Part C Section 3302 (a)(5)(D)]

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## Parent Denials

- If a parent denies the placement decision, then the student is identified in PEIMS as an ELL with a parent denial until the student meets exit criteria.
- It is recommended that the progress of the ELL with a parent denial on file be closely monitored.

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## Parent Denials

- Monitor and facilitate the educational process, as you would for all students.
- Rate each students' listening, speaking and writing proficiency with TELPAS (beginning at grade K through grade 12).
- Administer the TELPAS Reading test beginning at grade 2, until the student is no longer identified as ELL through grade 12.

*(Title III, Part A, Subpart 2.Sec.3121(a)(4); TAC §89.1220(k); TEC §29.0561*

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## Parent Denials

- The LPAC must review the student's TELPAS and state assessment scores at the end of each year.
- Once a student meets exit criteria (19 TAC §89.1225), he/she is reclassified as Non-ELL in PEIMS.
- Students with parent denials are also monitored for two additional years.

*(Title III, Part A, Subpart 2.Sec.3121(a)(4); TAC §89.1220(k); TEC §29.0561*

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## PEIMS Date

- The LPAC makes the determination during the meeting if the student will be ELL or non ELL.
- The date the school district has received all documentation is the date the student's PEIMS status can be coded as being eligible for ELL funding.

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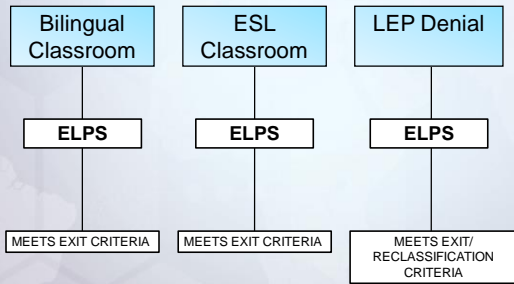
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## State Assessments



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## LPAC Decisions about State Assessments

In the spring of the current school year, the LPAC will convene to determine the appropriate assessment option for ELLs before the administration of the state criterion-referenced test that year.

*Refer to the LPAC Decision-Making Process for the Texas Assessment Program for complete information.*

[http://tea.texas.gov/student\\_assessment/ell/lpac/](http://tea.texas.gov/student_assessment/ell/lpac/)



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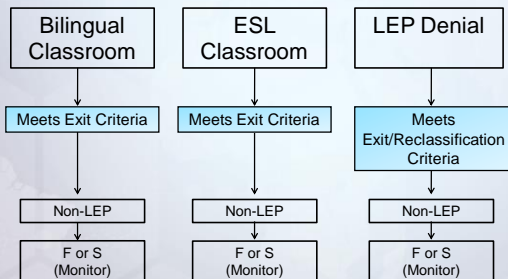
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## Annual Review



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## Annual Review

At the end of the year, the LPAC reviews **every** child:

- identified in PEIMS as ELL, being served in a bilingual or ESL program
- identified in PEIMS as a ELL parental denial
- that has met criteria for bilingual/ESL program exit, is no longer classified as ELL in PEIMS, and is in his/her first (F) or second (S) year of monitoring



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## Annual Review

The LPAC should review:

- Benchmarks
- Classroom Tests
- State Criterion-Referenced Test Data
- Norm-referenced English and Spanish (when applicable) Standardized Achievement Test Data
- Oral Language Proficiency Test Data
- TELPAS, TPRI, Tejas LEE, etc.
- Passing grades in all subjects and courses taken
- Any input that will give a well-rounded picture of the student's growth and progress

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## LPAC Decisions about End-of-Year (EOY)

LPACs shall conduct EOY LPAC meetings for all ELLs, including those who are possible candidates for exit from the bilingual or ESL program, even though results from the spring STAAR administration will not yet be available.

- For students being considered for exit, the LPAC will document that all the necessary criteria have been met **and** that they are awaiting the necessary STAAR results in order to make a final exit decision.
- The LPAC must have a follow-up process as soon as scores are received by the district.
- Once scores are received, a member of the LPAC will enter the scores into the documentation and complete the exiting process for eligible students without the need for another LPAC meeting.

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## LPAC Decisions about End-of-Year (EOY) cont.

- Please remember that this process applies to students who have met all other exit criteria and are awaiting pending STAAR Reading and/or STAAR Writing scores.
- Students for whom the LPAC recommends the use of Dictionaries, Oral Administration, Language and Vocabulary Supports, or Extra Time as an accommodation for any reading or writing assessment, may not be considered for exit at the end of the school year.
- Once the LPAC documents have been completed, the district can then follow up with letters of exit approval to parents whose students met exit criteria.
- Please be sure that an LPAC representative that will be in the district or on the campus knows about this process so that it can be completed.
- The following link is for the 2017-2018 school year testing calendar: <http://tea.texas.gov/student.assessment/calendars/>

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## Reclassification (Exiting) of ELLs

A student may only be considered for reclassification, as Non-ELL, at the end of the school year based on the following criteria:

- proficiency in oral English language;
- at or above the 40<sup>th</sup> percentile in **both** the reading and language arts sections of the TEA-approved norm-referenced measure; and
- consideration of a subjective teacher evaluation.

See Exit Criteria Chart for grade-specific requirements. 19 TAC §89.1225 (h-j)

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## Reclassification of ELLs

- Students in pre-kindergarten and kindergarten **may not be exited** from a bilingual education or ESL program.
- An annual review is still conducted by the LPAC for all students identified as ELL in order to assess and document progress.

19 TAC §89.1225 (i)

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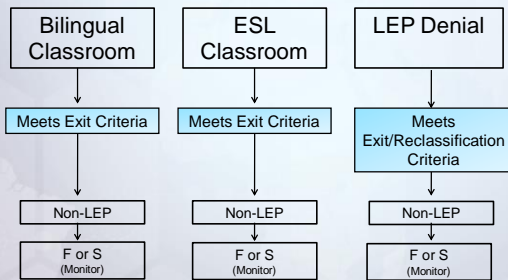
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## Parental Notification/Approval



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## Parental Notification/Approval

- Once the LPAC reclassifies a student as Non-ELL, **parents must be notified** that the student has met state criteria for exit and will be monitored for two years.
- Parent **approval** of the student's exit must be present in the student's record.
- Sample letters are found under **Suggested Forms**.

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## Reclassifying ELLs with Disabilities

- The ARD committee, in conjunction with the LPAC, shall determine an appropriate assessment instrument and performance standard requirement for exit.
- The decision to exit a student is determined by the key members of the ARD in conjunction with the key members of LPAC.

<http://tea.texas.gov/index2.aspx?id=4098>

19 TAC §89.1225 (k)  
§89.1230

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## Evaluation of Reclassified Students

The LPAC 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 29.002(a) 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.

TEC §29.0561(a)

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## Reclassified Students

During the first two school years after a student is transferred out of a bilingual education or special language program under Section 29.0561 (b), the LPAC 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 29.002 (a) (1);

TEC §29.0561(b)

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## Reclassified Students

- (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.

TEC §29.0561(b)

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## Reclassified Students

After an evaluation under this section, the LPAC may require intensive instruction for the student or reenroll the student in a bilingual education or special language program.

TEC §29.0561(c)

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## Required Summer School Programs

- 19 TAC §89.1250 Required Summer School Programs
- TEA Correspondence/Summer School Program for ELLs who will be eligible for admission to kindergarten and grade 1
- A sample of Summer Program Parent Survey is included in the LPAC Manual under the Forms section.

19 TAC §89.1250 77

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## Program Evaluation

All school districts/campuses required to conduct a bilingual education or ESL program shall:

- Conduct periodic assessments in the languages of instruction to determine program impact and student outcomes in all subject areas.
- Annually report (and retain the report) the academic progress in either language of the ELL, the extent to which they are becoming proficient in English, the number of students who have been exited from the bilingual education and ESL programs, and the number of teachers and aides trained and the frequency, scope, and results of the training (TEC §7.028).

19 TAC §89.1265 78

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## Program Evaluation

- Report to parents the progress of their child as a result of participation in the program offered to ELLs in English and the home language at least annually.
- Develop, review, and revise the campus improvement plan described in the Texas Education Code §11.253, for the purpose of improving student performance for ELLs.

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## Program Evaluation

- §89.1267. Standards for Evaluation of Dual Language Immersion Program Models.
- (a) A school district implementing a dual language immersion program must conduct **annual formative and summative evaluations** collecting a full range of data to determine program impact on student academic success.

19 TAC §89.1267

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## Program Evaluation

- (b) The success of a dual language immersion program is evident by students in the program demonstrating high levels of language proficiency in English and the other language and mastery of the Texas essential knowledge and skills for the foundation and enrichment areas. Indicators of success may include scores on statewide student assessments in English, statewide student assessments in Spanish (if appropriate), norm-referenced standardized achievement tests in both languages, and/or language proficiency tests in both languages.

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## Content Objectives

- Identify critical points of 19 Texas Administrative Code (TAC) Chapter 89.
- Summarize a single section of 19 TAC Chapter 89.
- Create a representation of the understanding of a section of 19 TAC Chapter 89.
- Present the representation to the entire group.

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## Language Objectives

- Engage in discussion about 19 TAC Chapter 89 using key vocabulary related to the LPAC framework.
- Read one section of 19 TAC Chapter 89 to identify critical information to share with the entire group.
- Collaborate with a group to create a visual representation of their section of 19 TAC Chapter 89.

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## For More Information

Contact your local Education Service Center.

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