Bilingual and English as a Second Language Education Programs

Frequently Asked Questions
The following are some frequently asked questions, which may be addressed directly by referencing state regulations. The intent of this document is to provide references and links to state regulations which will assist in guiding your district’s decisions about ELL programs.

For specific questions about your district ELL programs, please contact:

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<table>
<thead>
<tr>
<th>Topics</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>STAAR/EOC</td>
<td>2</td>
</tr>
<tr>
<td>Exit Criteria</td>
<td>3</td>
</tr>
<tr>
<td>ESL Programs</td>
<td>4</td>
</tr>
<tr>
<td>Bilingual/ESL Certification Requirements</td>
<td>5</td>
</tr>
<tr>
<td>Summer School</td>
<td>6</td>
</tr>
<tr>
<td>LPAC</td>
<td>7</td>
</tr>
<tr>
<td>Reference Links</td>
<td>8</td>
</tr>
</tbody>
</table>
**STAAR/EOC**

**Q. Do students in their first year in U.S. schools have to take STAAR and/or the EOC exams?**

A. Yes, immigrant students as well as foreign exchange students participate in STAAR and/or EOC tests their first year. *(There is a first year exemption for unschooled asylees or refugees in grades 3-8, as indicated TAC §101.1005.)*

http://ritter.tea.state.tx.us/rules/tac/chapter101/ch101aa.html#division1

**Q. What is the special provision for English I for ELL students?**


(a) Although an English language learner (ELL) shall not be exempt from taking an end-of-course assessment for reasons associated with limited English proficiency or inadequate schooling outside the United States, special provisions under subsection (b) of this section shall apply to an ELL enrolled in an English I course or an English for Speakers of Other Languages (ESOL) I course if the ELL:

1. has been enrolled in U.S. schools for three school years or less or qualifies as an unschooled asylee or refugee enrolled in U.S. schools for five school years or less; and
2. the student has not yet demonstrated English language proficiency in reading as determined by the assessment under §101.1003 of this title (relating to English Language Proficiency Assessments). *(Has not achieved Advanced High on TELPAS Reading)*

(b) Concerning the applicable English I assessment in which the student is enrolled, an ELL who meets the eligibility criteria in subsection (a) of this section shall not be required to retake the assessment each time it is administered if the student passes the course but fails to achieve the passing standard on the assessment.

**Q. What accommodations are available for the EOC exams when students speak little or no English?**

A. Students enrolled in an ESL program may receive linguistic accommodations, and some students may take STAAR/EOC L for Math, Science or Social Studies. STAAR and EOC L are available for ELLs who

- are not most appropriately assessed with STAAR Spanish, AND
- have not yet attained a TELPAS advanced high reading rating in grade 2 or above, AND
- have been enrolled in U.S. schools for 3 school years or less starting with first grade (5 school years or less if a qualifying unschooled asylee or refugee)

http://www.tea.state.tx.us/student.assessment/ell/staarl/

**Q. What accommodations can ELL’s have on STAAR?**

A. The two linguistic accommodations are extra time and dictionaries of various types. For a detailed description of STAAR and TELPAS accommodations click on the following link:

http://www.tea.state.tx.us/student.assessment/accommodations/
### Exit Criteria

#### Q. Do linguistic accommodations hinder a student from being exited? (Ex. Extra time, etc.)


#### Q. Do Special Education Accommodations also keep students from exiting?

**A.** Special Education accommodations on STAAR and/or in the classroom do not keep students from exiting from LEP status. Accommodations provided due to a student’s IEP per LPAC/ARD decisions do not hinder a student from exiting.

§89.1225. Testing and Classification of Students.
(k) The ARD committee in conjunction with the language proficiency assessment committee 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 bilingual education or English as a second language program is determined by the ARD committee in conjunction with the language proficiency assessment committee in accordance with applicable provisions of subsection (h) of this section.

Also see Guidance Related to ARD Committee and LPAC Collaboration at: [http://www.tea.state.tx.us/index2.aspx?id=2147496923](http://www.tea.state.tx.us/index2.aspx?id=2147496923)

#### Q. Why do some students remain in LEP/ELL status (Limited English Proficient/English Language Learner) longer than others?

**A.** The legal/technical answer is that a student is still considered LEP until he/she meets all the exit criteria requirements found on the 2014-2015 English Proficiency Exit Criteria Chart (PDF, 103KB). Identify reasons (TELPAS, STAAR, both). Is there a language issue, academic issue or both? There are several variables that can contribute to students becoming “Long Term ELL’s”. Recommendations could include placing a student in an RTI process, and evaluate whether instructional methods have not been successful for individual students only or for a group of students.

#### Q. Why can’t ELL’s exit from LEP status if they met criteria but used or were allowed linguistic accommodations on STAAR Reading/Writing?

**A.** Linguistic accommodations for STAAR should only be assigned as needed for each individual student. If a student is dependent on linguistic accommodations on state assessments then continued language support may be needed before a student is completely ready to exit from LEP status.
ESL Programs

**Q.** What are the requirements for Content Based and Pull-Out ESL Programs?

**A.** §89.1210. Program Content and Design.

(g) The English as a second language program shall be implemented with consideration for each English language learner's unique readiness level through one of the following program models.

(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.

**Q.** My JH/HS ESL teacher asked “Is it OK for me to cover English-related skills using non-ELA content during pull-out ESL time? (Example: reading a history text, writing a science paper, etc.)

**A.** §89.1210. Program Content and Design.

(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.

*Comment: Chapter 89 does not specify that you may not use content from Social Studies or Science. A best practice is to incorporate Social Studies and Science content (i.e. Non-fiction) into our English language arts instruction. As long as you remain focused on ELA skills the content could be Social Studies or Science based. However the ESL pull-out class is not intended to be a tutorial class for content subjects. JP*
# Bilingual/ESL Certification Requirements

**Q.** What are the teacher certification requirements for Bilingual and ESL programs for each level (Elementary, Middle School, High School)?

**A.** 2014-15 Student Attendance Accounting Handbook

Section 6-Bilingual/English as a Second Language (ESL)

### 6.10 Teacher Certification Requirements

The following paragraphs describe the certification requirements for teachers of bilingual and ESL education program courses.

#### 6.10.1 Students in Grades PK through 5

Students in grades PK through 5 (or through 6, if grade 6 is clustered with elementary grades) who are counted for funding in the bilingual education program must be served by bilingual-certified staff members.

Students in grades PK through 5 (or through 6, if grade 6 is clustered with elementary grades) who are counted for funding in the ESL education program must be served by ESL-certified staff members.

#### 6.10.2 Students in Grades 6 through 8

Students in grades 6 through 8 (if grade 6 is not clustered with elementary grades [PK–5]) must be served by at least one teacher who is certified in ESL for that grade level and is responsible for meeting the linguistic needs of the LEP students.

#### 6.10.3 Students in Grades 9 through 12

Students in grades 9 through 12 may be counted for funding in a bilingual or ESL education program even if they are served by staff members who are not bilingual/ESL-certified, but only if the staff members have received professional development in sheltered instruction. However, ESOL I and ESOL II must be taught by teachers who have an English or English Language Arts certification plus an ESL or Bilingual certification.


**Q.** Are Sheltered Instruction and ELPS training still required? When/Where are they offered?

**A.** Sheltered Instruction is requirement for all content high school teachers who serve ESL students. See TAC §89.1210 (g) and Student Attendance Accounting Handbook, Section 6.10.3. Sheltered Instruction training is recommended for all teachers who serve ELL students based as it is a research based approach to instruction.

The ELPS are a required component of instruction for English Language Learners per TAC §74.4 (a), so all teachers of ELL students should be trained on the integration of the ELPS.

Region 7 will offer both Sheltered Instruction and ELPS training throughout the year at the service center and in districts upon request. ELPS training is also available online through Project Share.

**Q.** Does Region 7 offer a workshop to prepare for the ESL Supplemental TExES Exam?

**A.** Yes, it is offered at least once in the fall, spring and summer.

**For a list of available workshops, including Sheltered Instruction and the ESL Supplemental TExES Exam Prep click on the following link:** Bilingual/ESL/LEP
### Summer School

**Q. Is there a required number needed to offer LEP summer school for K-1?**

**A.** §89.1250. Required Summer School Programs.

(2) Establishment of, and eligibility for, the program.

(A) Each school district required to offer a bilingual or English as a second language (ESL) program in accordance with the TEC, §29.053, shall offer the summer program.

(B) To be eligible for enrollment:

(i) a student must be eligible for admission to kindergarten or to Grade 1 at the beginning of the next school year and must be an English language learner; and

(ii) a parent or guardian must have approved placement of the English language learner in the required bilingual or 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).

however . . .

(4) Funding and records for programs.

(A) (iii) Any school 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 school districts must demonstrate that they have aggressively attempted to encourage student participation.
**LPAC**

<table>
<thead>
<tr>
<th>Q. <strong>How often must LPAC meet on each student?</strong></th>
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</table>
| **A.** Upon *initial enrollment* - within the student’s first 20 school days  
In the *spring* to determine appropriate assessments, immediately prior to state assessments (for students in tested grades)  
At the *end of the year* for annual review and for the following year’s placement decisions  
*As needed* to discuss student progress  
See LPAC Framework slide 38  

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<thead>
<tr>
<th>Q. <strong>How often does an Oral Language Proficiency Test need to be administered?</strong></th>
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</thead>
</table>
| **A.** The state requires an OLPT upon initial enrollment in Texas schools, if the Home Language Survey indicates a language other than English spoken at home and/or by the student. District policy can require testing at least once per year to monitor growth and/or to be used as part of exit criteria.  
See LPAC Framework slides 25, 26 for additional testing information. |

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<thead>
<tr>
<th>Q. <strong>If an ELL student transfers into the district and was in a Bilingual or ESL program at their previous school, do you still test and LPAC them?</strong></th>
</tr>
</thead>
</table>
| **A.** Within Texas – No testing required. Always have an initial LPAC. Use the original home language survey and OLPT/Norm Referenced tests if they are available. If a student transfers from out of state/country- begin process of identification (HLS, OLPT Test and LPAC).  
See slides 22, 23 of LPAC Framework PowerPoint Presentation.  
# Reference Links

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ELL (English Language Learner) Assessment Information</td>
<td></td>
</tr>
<tr>
<td>English Language Proficiency Standards (ELPS)</td>
<td></td>
</tr>
<tr>
<td>Language Proficiency Assessment Committee (LPAC) Framework</td>
<td></td>
</tr>
<tr>
<td>List of Approved Tests for Assessment of English Language Learners</td>
<td>List of Approved Tests (Printable Full Version - PDF, 207KB)</td>
</tr>
<tr>
<td>LPAC - Language Proficiency Assessment Committees</td>
<td></td>
</tr>
<tr>
<td>Project Share</td>
<td><a href="http://www.projectsharetexas.org">http://www.projectsharetexas.org</a></td>
</tr>
<tr>
<td>TELPAS Resources</td>
<td>More information is available under the Student Assessment Directory</td>
</tr>
<tr>
<td>Texas Education Agency - Bilingual and English as a Second Language Education Programs</td>
<td></td>
</tr>
<tr>
<td>Texas Administrative Code, Chapter 89</td>
<td>Commissioner's Rules Concerning State Plan for Educating English Language Learners</td>
</tr>
<tr>
<td>Texas Administrative Code, Chapter 101</td>
<td>Commissioner's Rules Concerning the Participation of English Language Learners in State Assessments</td>
</tr>
<tr>
<td>Texas Education Code (TEC) §29.051 -29.064</td>
<td>Bilingual Education and ESL Programs</td>
</tr>
<tr>
<td>Texas English Language Learners Portal</td>
<td><a href="http://elltx.org/resources.html">http://elltx.org/resources.html</a></td>
</tr>
</tbody>
</table>