



## English Learner Frequently Asked Questions

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### Language Proficiency Assessment Committee (LPAC)

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## IV. English Learner Services

### A. General

#### IV. A-1. What is the role of sheltered instruction in programs for English learners?

In any program for English learners, sheltered instruction plays a vital role by making content comprehensible while supporting language development. Even though the term *sheltered instruction* is not directly named in TAC Chapter 89, Subchapter BB, elements of sheltered instruction are evident in various requirements for English learners, such as the connection of content and language integrated instruction as provided through the English Language Proficiency Standards (ELPS). Particularly, sheltered instruction encompasses the specific terms that are addressed in TAC Chapter 74.4 ELPS, Part B for linguistically accommodated instruction that is communicated, sequenced, and scaffolded, which is required in all content areas for ELs regardless of program model.

Furthermore, although sheltered instruction is not explicitly addressed in TAC Chapter 89 1210 (d) in the ESL program model descriptions, linguistically and culturally responsive teaching are addressed, which compose essential elements in sheltered instruction. Additionally, 1210 (b) indicates that both bilingual and ESL programs shall address the affective, linguistic, and cognitive needs of ELs in all content areas, which also formulate key elements of sheltered instruction, including second language acquisition methods.

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#### IV. A-2. Can students who have met reclassification criteria continue in a bilingual or ESL program, and if so, what is the appropriate PEIMS coding?

Yes. If an English learner meets reclassification criteria, he or she can continue in the bilingual or ESL program with parental approval. Typically, this would be most applicable for students participating in a dual language immersion (DLI) program, due to the design of the program. In fact, based on the nature of the program, a dual language immersion program (one-way or two-way) is the only type of program for which the LPAC would recommend continuation after reclassification.

It is important to note that English proficient students enrolled in bilingual or ESL programs cannot exceed 40% of the total number of students enrolled in the program district-wide (TAC 89.1233).

This [Code Guide](#) resource provides details on how to code students in PEIMS after reclassification, specifically addressing students who exit program services and those who continue program services as well as if and to what extent these students generate Bilingual Education Allotment (BEA) funding.

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**IV. A-3. Can a school district concentrate the bilingual or ESL program at a limited number of schools within the district in order to provide the bilingual or ESL program? If so, is transportation required?**

Yes. School districts can locate their bilingual or ESL program on specific campuses within the district for the purpose of combining resources to support a full and equitable program. The decision on whether to provide transportation to these campuses is a local education agency decision. However, it is important that districts provide equal educational opportunity to every student and in recognition of the educational needs of English learners (TEC 29.051).

Typically, districts provide ESL program services at all campuses where ELs are enrolled and are more likely to concentrate their bilingual program into specific campuses to maximize staff and resources. In a district that is required to offer the bilingual program, the parent of an identified EL in the elementary grades must be offered the bilingual program, even if the program is provided on a campus other than the child's home campus. If the parent chooses to remain at the campus without the bilingual program, the parent would need to deny the bilingual program and accept the ESL program provided at the home campus. The PEIMS Parent Permission code for this situation is – A. Parents must be made aware of the benefits of each program in order to make an informed decision, and the school district needs to make every effort to ensure equitable access to the required programs.

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**IV. A-4. Can students who are English proficient participate in a bilingual education or ESL program?**

Per TAC 89.1233, with the approval of the school district and a student's parents/guardians, students who are not English learners may also participate in a bilingual education or ESL program with the understanding that the integrity of the program model is upheld. The number of participating students who are not English learners may not exceed 40% of the number of students enrolled in the program district-wide. It is important to emphasize that 60% English learners and 40% English proficient student participation refers to the district-wide program and not the campus or classroom level implementation.

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**IV. A-5. Are there grading exemptions for newcomer English learners who have recently enrolled in U.S. schools?**

No. Grading exemptions for newcomer ELs are not appropriate. The focus should be on instructional and classroom assessment practices for newcomer ELs that facilitate access to the curriculum and opportunities for varied methods for demonstrating content knowledge for grading purposes. Limited language proficiency in English should not be a basis for failure or retention.

*Resource:*

*The United States Department of Education (USDE) provides a [Newcomer Toolkit](#) resource for programmatic and instructional support for newcomer English learners.*

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#### **IV. A-6. How are the grade levels, course schedules, and English learner program placement handled for newcomer ELs, particularly those at the secondary level with little prior schooling documentation and limited proficiency in English?**

Grade placement of any student is a local decision. Districts and charters should NOT factor in English language proficiency when placing a student into an appropriate grade placement, as determined by age or prior school setting. However, there are several important factors to consider when determining grade placement for newcomer ELs:

- Prior schooling documentation from their home country that demonstrates grade completion,
- Current age of the student and estimated age of graduation (students can be enrolled in high school through age 21 as described in the [Student Attendance Accounting Handbook](#) in section 3.2.3 on Age Eligibility),
- Social-emotional factors associated with appropriate age placement.

Newcomer ELs should have equitable access to the same grade level courses as their peers without restrictive requirements for pre-requisite courses that do not generate credits toward graduation. Furthermore, the interests of the student should be taken into consideration in order to provide opportunities for course participation that ignites intrinsic motivation.

Language program placement for newcomer ELs should maximize the services provided through the ESL program, or the bilingual education program as available at the secondary level. In grades three through twelve, ELs at a beginning or intermediate English language proficiency level should receive focused, targeted, and systematic language instruction (TAC 74.4 (b)(4)). This means that LEAs should strategically place ELs at these levels with more robust services than their EL peers. The USDE resource listed below provides further information on language services for newcomer ELs.

*Resource:*

*The United States Department of Education (USDE) provides a [Newcomer Toolkit](#) resource for programmatic and instructional support for newcomer English learners.*

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#### **IV. A-7. What is the appropriate PEIMS coding for English learners and English proficient students participating in bilingual education or ESL programs? How are the new codes utilized: Alternative Language Program, Former EL, Bilingual/ESL Funding?**

The following resources provide details on the Texas Student Data System (TSDS) Public Education Information Management System (PEIMS) revisions related to English learners and bilingual and ESL programs, effective for the 2019-2020 school year. Particularly, the [Code Guide](#) outlines how all codes related to bilingual education and ESL programs work together, including the new data elements.

- [Explanatory video](#) of revisions (Running time: 29:58)
- [PowerPoint](#) used in explanatory video
- LEP/EL [Decision Chart](#) for the Language Proficiency Assessment Committee (LPAC) with PEIMS codes (includes accessible version of flowchart)
- [Code Guide](#) for Bilingual and ESL Program Association
- [Texas Education Data Standards \(TEDS\) Section 4](#) - Description of Codes (2019-2020 EL related code tables, including new funding code table updates)

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## IV. English Learner Services

### B. Bilingual Education

#### IV. B-1. Should districts that have been required to offer a bilingual education program in previous years continue to offer the bilingual education program if their English learner enrollment falls below the minimum requirement per TEC 29.053 (c)?

Per TEC 29.053 (c), a school district is required to offer a bilingual education program when enrollment of English learners is at or above 20 students from the same language classification and same grade level across the district. If enrollment of English learners fluctuates below the requirement of 20 students, the district is not required to provide the bilingual education program but may continue to do so. It is strongly encouraged that districts maintain continuation of program services for students who have been participating in the bilingual program. Additionally, it is recommended that the district continues to seek appropriately certified bilingual teachers in the case that their enrollment of English learners fluctuates above the requirement of 20 students.

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#### IV. B-2. Does Texas offer a Seal of Biliteracy?

Texas offers a performance acknowledgement for bilingualism and biliteracy as indicated in Chapter 74. Curriculum Requirements, Subchapter B. Graduation Requirements ([§74.14, Relating to Performance Acknowledgements](#)).

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#### IV. B-3. Can students who participate in a dual language immersion program have the opportunity to obtain Languages other than English (LOTE) credit?

Yes. TAC 74.12 (b)(5)(F) provides the requirements for students who have successfully completed a dual language immersion/two-way or dual language immersion/one-way program in accordance with TAC 89.1210 (c)(3) and (4), 89.1227, and 89.1228 at the elementary level to satisfy one credit of the two LOTE credits required in a language other than English. Successful completion includes students who

- have participated in a dual language immersion program for at least five consecutive school years;
- achieve high levels of academic competence as demonstrated by performance of meets or masters grade level on the State of Texas Assessments of Academic Readiness (STAAR) in English or Spanish, as applicable; and
- achieve proficiency in both English and a language other than English as demonstrated by scores of proficient or higher in the reading and speaking domains on language proficiency or achievement tests in both languages.

Keep in mind that the LOTE credit for completion of a dual language immersion program at the elementary level may not be awarded retroactively, meaning the credit must be awarded at the time of completion of the above requirements.

*Resources:*

- [Languages Other Than English FAQs](#) – TEA Curriculum Division
- [TAC Chapter 74 Subchapter B – Graduation Requirements](#)

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**IV. B-4. Our school district provides a dual language immersion (DLI) program model at the middle and high school levels. What does DLI look like at secondary? What are the certification requirements for DLI teachers at middle and high school? And in which instances would an application for a bilingual exception or an ESL waiver be required for DLI teachers at the secondary level?**

As per TAC 89.1205 (g), LEAs are authorized to establish a bilingual education program at grade levels beyond elementary school, including DLI programs. When an LEA opts to provide bilingual education programming at the secondary level, it is required to adhere to all program requirements as described in §§89.1210, 89.1227, 89.1228, and 89.1229.

In DLI programs, as per TAC 89.1210(c)(3) and (4), instruction in the partner language never falls below 50% of the overall instructional time. At the secondary level, the minimum expectation for DLI instruction in the partner language equates to 50% of the total number of core content periods, e.g. two courses per academic year delivered in the partner language. In summary:

- a minimum of two courses to be provided in the partner language at each grade level for the duration of the secondary DLI program; and
- a minimum of one language/literacy/ communication course to be provided in English at each grade level for the duration of the DLI program.

All DLI teachers shall be appropriately certified for the content area/grade level they are assigned to teach. Additional certification requirements for teachers providing DLI instruction to English learners through secondary DLI programming are provided in the chart below:

**Secondary DLI Programming: Minimum Yearly Coursework and Certification Requirements for Teachers of English Learners Served Through DLI Programming**

Grade Level	2 Courses in Partner Language (offered at each secondary grade level, for duration of the DLI program)	1 Course in English (offered at each secondary grade level, for duration of the DLI program)	Certifications Required for teachers serving English learners through secondary DLI programming
Grades 6 – 12, or grades 7 – 12, when grade 6 is clustered with the elementary grades	<p><b>Course 1:</b> Language/literacy (e.g. Spanish Language Arts, Pre-AP/AP Spanish Language, Pre-AP/AP Spanish Literature, etc.)</p> <p><b>Course 2:</b> LEA-determined content course (math, science, social studies), OR LEA-determined elective (e.g. health sciences, ethnic studies, medical translation, legal aide, bilingual education, etc.)</p>	<b>Course:</b> English Language Arts/Reading (ELAR), and other* related English language/literacy/communications course (e.g. ESOL 1, ESOL 2, speech, debate, journalism, etc.)	<p><b>All DLI teachers:</b> Certified for content area/grade level</p> <p><b>DLI partner language teachers (serving English learners):</b> Also certified in bilingual education</p> <p><b>DLI ELAR/other* teachers (serving English learners):</b> Also certified in ESL</p>

The guidance provided in this FAQ question reflects best practices identified in the research regarding effective secondary DLI program model implementation, namely:

- Provision of language/literacy/communications instruction in the partner language and in English at every grade level, to address the DLI program bilingualism/biliteracy goal
- Flexibility in elective programming, to encourage local decision-making, promote responsiveness to local needs, and allow for student choice, which are all practices associated with DLI program sustainability at the secondary level

If an LEA does not have the appropriately certified staff to implement the secondary DLI program model, the LEA shall submit a bilingual exception (not an ESL waiver) in accordance with TAC 89.1207. This requirement applies to teachers assigned to deliver instruction in the partner language (bilingual exception for a teacher lacking the appropriate bilingual education certification) and to teachers assigned to deliver instruction in English (bilingual exception for a teacher lacking the appropriate ESL certification).

**IV. B-5. What is the appropriate procedure for a student who registers at his/her zoned campus (home campus), is identified as an English learner (EL), and is eligible for placement in the district's bilingual education program, but the bilingual program is located on another campus?**

- The LPAC at the home campus
  - includes (at a minimum) the LPAC administrator, an ESL certified teacher, and an LPAC parent. It is not necessary to include a bilingual certified teacher if one is not present on the home campus.
  - should be able to explain the benefits of the bilingual program and why it is recommended for the student. Parents must be fully aware of access to and benefits of the bilingual program in order to make an informed decision.
  - should not hesitate to recommend the bilingual education program even though it is not offered on the home campus. There should be a district procedure for connecting the family to the appropriate bilingual campus (clear communication between the two campuses, busing information, knowledge about exact location of bilingual campus, etc.).
  - should not present both the bilingual education and ESL program simultaneously to the parents, especially when both programs are not available on the home campus, because bilingual and ESL program placement is an LPAC recommendation. The LPAC should make its recommendation based on the best program for the student, not the program's location.
- If parents
  - accept bilingual program placement, the home campus should ensure a smooth transition between the home and bilingual campus.
  - deny bilingual program placement, denial of program services paperwork should be signed. Then the home campus should explain the benefits of the ESL program provided on the home campus and offer parents the opportunity for ESL program participation.

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## IV. English Learner Services

### C. English as a second language (ESL)

#### IV. C-1. Do all teachers of English learners need to be ESL certified? Do all English Language Arts and Reading (ELAR) teachers need to be ESL certified?

TAC 89.1210 (d) provides the descriptions for the two state-approved ESL program models that apply to ESL programs in prekindergarten through twelfth grade: ESL content-based and ESL pull-out.

- To meet compliance standard for an ESL content-based program, ELs would need to receive all content instruction by an ESL certified teacher(s), which includes ELAR, mathematics, science, and social studies.
- To meet compliance standard for an ESL pull-out program, ELs would need to receive ELAR instruction by an ESL certified teacher(s). The pull-out model compliance standards can be met in three ways
  - The ELAR teacher is also ESL certified and provides the ESL support within the classroom.
  - The ELAR teacher co-teaches with an ESL certified teacher who provides the full-time ESL support within the classroom.
  - If the ELAR teacher is not ESL certified, ELs have an additional ESL course that provides ELAR instruction by a teacher who is certified in ELAR and ESL.
- Important notes:
  - For ESL pull-out and ESL content-based, when the ELAR TEKS are split between two teachers, an English language arts (ELA) teacher and a reading teacher, ESL certification is required for both the ELA teacher and the reading teacher if no other ESL support is provided through co-teaching by an ESL teacher or pull-out by an additional ESL course. This only applies when the required ELAR TEKS have been split and are taught by two teachers in order to meet the required curriculum (typically in 7<sup>th</sup> grade, for example); this does not apply to additional reading intervention courses that are not part of the required curriculum.
  - English to Speakers of Other Languages (ESOL) I and ESOL II must be taught by ESL certified teachers.

#### Resources:

- [ESL Waiver Scenario Chain](#): *This resource explains the various ways in which an ESL program can be implemented at the elementary and secondary levels, including appropriate PEIMS coding.*
- [Teacher Assignments: TAC 231](#)

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**IV. C-2. When and how will the new ELLA and ELDA courses be administered?**

The English Learners Language Arts (ELLA) TEKS for grade 7 (TAC 128.22) and grade 8 (TAC 128.23), adopted in 2017, will be implemented in classrooms beginning in the 2019-2020 school year. The ELLA TEKS address all of the Chapter 110 English Language Arts and Reading TEKS for grades 7 and 8 and have additional student expectations to support second language acquisition.

The English Language Development and Acquisition (ELDA) TEKS, adopted in 2017 (TAC 128.36), are scheduled to be implemented in classrooms beginning in the 2020-2021 school year. They were designed to provide instructional opportunities for recent immigrant students with little or no English proficiency.

The ELDA course will satisfy elective credit requirements for graduation. The course must be taken concurrently with a corequisite language arts and reading course. Students may take this course with a different corequisite for a maximum of two credits. The recommended corequisites are ESOL I and ESOL II, though the course may be paired with other state-approved English or Spanish language arts and reading courses as appropriate.

Districts and charter schools that wish to offer a language development course prior to the 2020-2021 school year may consider offering the state-approved innovative courses Newcomers English Language Development (NELD) A and B. These courses may satisfy state elective credit and require the approval of the local board of trustees.

*Resources:*

*For more information or questions related to the ELLA, ELDA, or NELD-A/B courses, contact the TEA Curriculum division at [curriculum@tea.texas.gov](mailto:curriculum@tea.texas.gov) or (512) 463-9581.*

*For information on instructional materials for these courses, contact the TEA Instructional Materials Division (512) 463-9601 or [instructional.materials@tea.texas.gov](mailto:instructional.materials@tea.texas.gov).*

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**IV. C-3. Can a teacher who holds a TESOL certification only teach in an ESL program?**

No. TESOL certification is not listed as an approved certification for teaching in an ESL program in Texas. TAC 231 provides the Requirements for Public School Personnel Assignments that delineates the teacher assignments with allowable certificates for all grade levels and subject areas.

*Resource:*

TAC 231: <http://ritter.tea.state.tx.us/sbecrules/tac/chapter231/>.

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**IV. C-4. How many minutes are required for the ESL pull-out program?**

There is not a set minutes requirement for ESL pull-out programs. It is up to the district to justify and ensure that the amount of time provided for the ESL pull-out program is equitable to the ELAR instruction of English proficient students. It is important to note that if students are physically pulled out of the classroom for ESL support, ELs should not be taken out of content instruction nor should ELs lose equitable access to subjects such as art, music, and physical education.

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**IV. C-5. When will the newly adopted ESL certification standards be implemented? When will the ESL Supplemental certification test change?**

The [new ESL Supplemental certification standards](#) were adopted to be effective July 21, 2019. However, the TEA is in the early stages of facilitating development for a new TExES ESL Supplemental #154 test framework and test items. The current projected timeline for an updated ESL certification exam is September of 2021.

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## IV. English Learner Services

**D. Bilingual Exceptions / ESL Waivers****IV. D-1. How do we know if a Bilingual Education Exception needs to be filed? How do we know if an ESL Waiver needs to be filed?**

TAC Chapter 89.1207 provides bilingual education exception and ESL waiver requirements for all Local Education Agencies (LEAs), which includes all school districts, Districts of Innovation, and open-enrollment charter schools.

The following resources walk districts through the process of identifying whether their district needs to file a Bilingual Education Exception or ESL Waiver. These resources have been updated to reflect revisions to PEIMS coding beginning in the 2019-2020 school year and can be found under "Resources" at the bottom of the [TEA Bilingual Education Exception and ESL Waiver Application webpage](#).

- [Bilingual Education Exception Scenario Chain](#)
- [English as a Second Language \(ESL\) Waiver Scenario Chain](#)

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**IV. D-2. If a teacher is an elementary self-contained classroom and serving ELs under a Bilingual Exception and is also not ESL certified, what PEIMS Parental Permission code should the campus use for these students? Should this teacher be under both a Bilingual Exception and an ESL Waiver?**

If a teacher is under a bilingual exception, he or she would not also be under an ESL waiver. The fact that the teacher is not ESL certified would be mentioned on the Bilingual Exception Application as part of the information on the district's alternative language program plan. The students' parent permission codes would be (E) since the district has filed a bilingual education exception, and the program codes would be Alternative Language Program (01) since the children are in an alternative plan from a bilingual education exception. The program codes for bilingual and ESL would be (0).

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**IV. D-3. We have an appropriately bilingual or ESL certified teacher, but the teacher's certification is under a probationary or emergency permit status. Does that mean that the teacher needs to be added to the bilingual exception or ESL waiver?**

If a teacher has the appropriate bilingual or ESL certificate in a probationary or emergency permit status, the teacher is therefore appropriately certified for the specified time period and would not need to be added to the bilingual education exception or ESL waiver.

The [emergency permit](#) process is initiated by the district on behalf of the teacher with advanced preparation to ensure that the teacher obtains the permit for the school year in which the teacher will be instructing. A teacher must meet [specific requirements](#) in order to obtain the permit.

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**IV. D-4. Our teacher that needs to be bilingual or ESL certified to meet state compliance for our bilingual or ESL program has taken and passed the appropriate certification exam. Can we leave this teacher off the bilingual exception or ESL waiver?**

No. Passing a certification exam does not suffice. The appropriate bilingual or ESL certification must be posted to the teacher's certificate before the November 1<sup>st</sup> deadline for filing a bilingual exception or ESL waiver. If a teacher is in the process of obtaining the appropriate certification, such as participating in an alternative certification program, and the appropriate certification has not yet been obtained and posted to the teacher's certificate, the teacher would count toward the bilingual exception or ESL waiver.

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**IV. D-5. In previous years, the ESL Waiver application asked for teacher's names who were under the waiver. The current application does not. Do we need to submit the names of these teachers to TEA?**

No. Revisions to TAC Chapter 89, Subchapter BB that were adopted on July 15, 2018 now require districts that submit an ESL Waiver to maintain documentation at the district level that includes the names and teaching assignments, per campus, of each teacher who is assigned to implement the ESL program and is under the ESL waiver, along with the estimated date for completion of the ESL supplemental certification. The expectation is that the ESL certification of those under the waiver is to be completed by the end of the school year for which the waiver was requested. [TAC 89.1207 (b)(2)(B)].

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**IV. D-6. If our district is submitting for both a bilingual education exception and an ESL waiver application, can we consolidate the comprehensive professional development (PD) plan into one combined document, or do we have to have a separate plan for each?**

LEAs who have submitted a bilingual exception and an ESL waiver can consolidate the comprehensive PD plan into one document as long as the LEA differentiates clearly the plan for teachers under the exception and the plan for teachers under the waiver.

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**IV. D-7. What is the Comprehensive Professional Development (PD) Plan, and how is it funded?**

TAC Chapter 89.1207 (a)(1)(D) and (b)(1)(D) explain the assurance for districts who file a bilingual education exception and/or ESL waiver to implement a comprehensive PD plan. This plan is not included in the bilingual exception or ESL waiver application but shall be maintained at the district level.

TAC Chapter 89.1207 (a)(1)(E) and (b)(1)(E) explain the assurance for districts who file a bilingual education exception and/or ESL waiver to utilize at least 10% of the bilingual education allotment (BEA) to fund their comprehensive PD plan. In cases where an LEA has applied for both a bilingual education exception and an ESL waiver for the 2019-2020 school year, the LEA must assure that a total of at least 10% of their BEA funds are utilized for PD provided through the comprehensive PD plans.

Although the target audience of the comprehensive PD plan is the teacher(s) under the bilingual exception and/or ESL waiver, additional teachers can participate in the professional development activities as available.

The 10% of BEA funds for the comprehensive PD plan does not include recruitment efforts. Recruitment efforts are an allowable use of BEA funds that are not within the 10% for the comprehensive PD plan.

*Resource:*

The TEA English Learner Support Division has developed a resource for [Allowable Use of Bilingual Education Allotment \(BEA\) Funds Comprehensive Professional Development Plan](#) that explains how districts who submit a bilingual exception and/or ESL waiver can utilize BEA funds for their comprehensive professional development plan. This document has been updated in November 2018 and can be found under "Resources" at the bottom of the [TEA Bilingual Education Exception and ESL Waiver Application webpage](#).

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**IV. D-8. If the appropriately certified bilingual or ESL teacher is on medical leave under the Family and Medical Leave Act (FMLA), does the long-term substitute teacher need to be appropriately certified in bilingual or ESL certified? Does the long-term substitute need to be added to the bilingual exception and/or ESL waiver?**

As long as the classroom teacher (who is currently on leave) is appropriately certified for the bilingual and/or ESL program, the long-term substitute does not need to be added to the bilingual education exception and/or ESL waiver.

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**IV. D-9. Do teachers in an Alternative Certification Program need to be included in the bilingual education exception or ESL waiver?**

If a teacher is in an Alternative Certification Program and has not yet obtained a bilingual education or ESL supplemental certification in addition to his/her grade level/content certification, he or she is not yet appropriately certified to teach in the bilingual education or ESL program and would be included on the exception or waiver.

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**IV. D-10. If a teacher who was included in the bilingual education exception or ESL waiver application on or before November 1<sup>st</sup> obtains his or her appropriate certification during the school year, should the PEIMS codes of his/her students participating in the bilingual education or ESL program be changed immediately or at the start of the next school year?**

At the time that the teacher becomes appropriately certified for the bilingual education or ESL program, the district will adjust the students' [PEIMS codes](#) accordingly. This [Code Guide](#) provides comprehensive detail on all bilingual/ESL associated codes. The following PEIMS codes for students participating in a bilingual or ESL program are affected by the submission of a district's bilingual education exception and/or ESL waiver and would be adjusted **as described in the charts below**:

<b>English Learner (EL) PEIMS Coding</b>			
<b>While Teacher is Under Bilingual Education Exception or ESL Waiver</b>		<b>Once Teacher is Appropriately Certified for the Bilingual Education or ESL Program</b>	
<b>Parental Permission Code</b>	ESL = J	<b>Parental Permission Code</b>	ESL = K
	Bilingual = E		Bilingual = D
<b>Program Code</b>	ESL = 0 and Alternative Language Program = 02	<b>Program Code</b>	ESL = • Content-Based: 2 • Pull-Out: 3
	Bilingual = 0 and Alternative Language Program = 01		Bilingual = • Transitional Early Exit: 2 • Transitional Late Exit: 3 • Dual Language Immersion Two-Way: 4 • Dual Language Immersion One-Way: 5
<b>Bilingual / ESL Funding Code</b>	Alternative Language Program for ESL = BE	<b>Bilingual / ESL Funding Code</b>	ESL = BE (no change)
	Alternative Language Program for Bilingual = BE		Bilingual = • Transitional Early Exit and Transitional Late Exit: BE (no change) • Dual Language Immersion Two-Way: D1 • Dual Language Immersion One-Way: D2

<b>English Proficient (EP) Student PEIMS Coding</b>			
<b>While Teacher is Under Bilingual Education Exception or ESL Waiver</b>		<b>Once Teacher is Appropriately Certified for the Bilingual Education or ESL Program</b>	
<b>Parental Permission Code</b>	EP in ESL = H	<b>Parental Permission Code</b>	EP in ESL = H (no change)
	EP in Bilingual = 3		EP in Bilingual = 3 (no change)
	Reclassified EP in ESL or Bilingual = G		Reclassified EP in ESL or Bilingual = G (no change)
<b>Program Code</b>	ESL = 0 and Alternative Language Program = 02	<b>Program Code</b>	ESL = • Content-Based: 2 • Pull-Out: 3
	Bilingual = 0 and Alternative Language Program = 01		Bilingual = • Transitional Early Exit: 2 • Transitional Late Exit: 3 • Dual Language Immersion Two-Way: 4 • Dual Language Immersion One-Way: 5
<b>Bilingual / ESL Funding Code</b>	Alternative Language Program for ESL = BE	<b>Bilingual / ESL Funding Code</b>	ESL = BE (no change)
	Alternative Language Program for Bilingual = BE		Bilingual = • Transitional Early Exit and Transitional Late Exit: BE (no change) • Dual Language Immersion Two-Way: D1 • Dual Language Immersion One-Way: D2

Further detail on PEIMS coding is provided in the Bilingual ESL Program Association [Code Guide](#).

**IV. D-11. Do bilingual education and ESL certification requirements apply to charter schools and districts of innovation (DOI)?**

Yes, open-enrollment charter schools and districts of innovation must comply with bilingual education and ESL program certification requirements even if their general certification requirements differ.

*Resources:*

[TEA Charter Schools FAQ](#) (Question #7)

[TEA Districts of Innovation FAQ](#) (Question #9)

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NEW 11-08-2019

**IV. D-12. Do special education teachers of English learners need to be bilingual or ESL certified?**

If a special education teacher is serving a student in a general education bilingual or ESL classroom through inclusion or a resource time that is not the entire content time, the student still has access to the bilingual or ESL program through the certified classroom teacher, so the special education teacher would **not** need to be bilingual or ESL certified.

If the English learner is served in a self-contained special education classroom where he/she receives all content instruction by the special education teacher, then the teacher of the self-contained special education classroom must also be appropriately certified to provide bilingual or ESL program services. Therefore, if the self-contained special education teacher in this case is not appropriately certified, a bilingual education exception or ESL waiver would need to be filed for this classroom.

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NEW 11-08-2019

**IV. D-13. What if our district is filing a bilingual education exception and have not yet begun development of the bilingual program, particularly when applying for an exception for languages other than Spanish?**

Overall, the bilingual education exception includes two basic types of exception scenarios:

- 1) A district has a bilingual education program (in any language) and is only missing one or more of the appropriately certified teacher(s).
- 2) The district has met the requirement for providing a bilingual program (in any language) but has not yet begun the bilingual education program in the district at any grade level.

In the second scenario above, the district is planning for the number of classrooms and teachers that would be needed in order to provide the bilingual education program for the amount of English learners (ELs) with that language classification and calculates accordingly, likely by clustering the ELs with that language classification and based on appropriate teacher/student ratios.

In any language for which the district meets the minimum requirement to provide the bilingual education program but does not have the appropriately certified teachers to provide the program, a bilingual education exception is filed for that language. Of course, it is recognized that there are many languages for which a district may meet this requirement that a language certification is not yet available.



The following are the languages for which there are currently bilingual education certification exams as found in TAC §233.6 and as described in this [test requirements chart](#):

- Spanish
- American Sign Language
- Arabic
- Chinese
- Japanese
- Vietnamese

Please note the following regarding submission of the bilingual education exception and PEIMS coding as it relates to Spanish and languages other than Spanish:

- As stated above, **the bilingual education exception will be filed regardless of language classification or availability of a language certification exam.**
- **For Spanish**, if the district has not yet established the bilingual education program for which they are now required, the English learners who would be eligible for the Spanish/English bilingual education program will be coded as an E for Parental Permission (indicating that the exception was filed) and 01 for Alternative Language Program to the bilingual education program.
- **For languages other than Spanish**, if the district has not yet established the bilingual education program for which they are now required, the English learners who would be eligible for that language's bilingual education program will be placed in an ESL program and coded in PEIMS as such (K for Parental Permission and either 2 or 3 for ESL Program based on the district's implementation of a content-based or pull-out model).

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NEW 11-08-2019

#### IV. D-14. For English learners served in an Early Education (EE) setting, where are they indicated on the bilingual education exception/ESL waiver application?

If a bilingual education exception or ESL waiver is needed for English learners served in an EE setting, this data will be included under the prekindergarten (PK) student, classroom, and teacher data on the application.

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NEW 11-08-2019

## IV. English Learner Services

### E. Assessment / LPAC Decision-Making

#### IV. E-1. Can an English learner, particularly a newcomer, be exempt from taking the State of Texas Assessments of Academic Readiness (STAAR)?

Generally speaking, ELs cannot be exempt from taking STAAR, even as newcomers. However, if an English learner, in grades 3 through 8 only, is documented as an unschooled asylee/refugee in his or her first year in U.S. schools, the student can be exempt for that first school year as determined by the LPAC (TAC 101.1005).

*Resource:*

*For more information, see the LPAC Decision-Making Resources on the [TEA Student Assessment website](#).*

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#### IV. E-2. What schools are considered in the calculation of years in U.S. schools data collection?

For purposes of calculating years in U.S. schools, only schools (including home schools and private schools) based within the 50 states, Washington D.C., and U.S. Department of Defense (DoD) schools are to be considered U.S. schools.

*Resource:*

*The Instructions for Years in U.S. Schools Data Collection document is located on the [TEA Student Assessment LPAC Resources](#) website.*

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#### IV. E-3. If an EL has met all curriculum course requirements for graduation but is enrolled in school for special education transition services only, is the student required to take TELPAS?

No. If an English learner has met all curriculum course requirements for graduation and is only receiving transition services through special education, he or she is not required to take TELPAS. TELPAS is only for ELs enrolled in grades K-12, and a student receiving transition services only is likely not coded at any of these grade levels.

Similarly, if an EL has met all curriculum course requirements for graduation but is in school only for STAAR EOC completion requirements, the student would not be required to take TELPAS.

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**IV. E-4. For the English Language Proficiency Assessment portion of the English learner reclassification criteria, can the TELPAS composite score be utilized to meet this criterion?**

No. The student would need to reach **Advanced High in each** TELPAS domain of Listening, Speaking, Reading, and Writing to meet the English Language Proficiency Assessment portion of the [reclassification criteria](#).

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## VII. Resources

### A. Texas Education Agency

#### English Learner Support Web Resources

- [TEA Bilingual and ESL Programs](#) webpage
- [LPAC Framework](#)
- **Newly Re-designed!** [Supporting English Learners in Texas \(EL Portal\)](#)
- [Title III, Part A](#) webpage

#### Quick Access to Key Resources

- [Parent Brochures](#) for Bilingual Programs and ESL Programs in English, Spanish, and Vietnamese
- [Building Bilingual and ESL Programs](#) LEA Leader Tool
- House Bill (HB) 3 Bilingual Education Allotment [Video](#)

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#### English Learner Support Division

- EL Support Email: [EnglishLearnerSupport@tea.texas.gov](mailto:EnglishLearnerSupport@tea.texas.gov)
- Phone: 512-463-9414
- Amy Johnson, Bilingual Program Coordinator: [Amy.Johnson@tea.texas.gov](mailto:Amy.Johnson@tea.texas.gov)
- Roberto Manzo, English Learner Program Coordinator: [Roberto.Manzo@tea.texas.gov](mailto:Roberto.Manzo@tea.texas.gov)
- Rickey Santellana, Title III Program Coordinator: [Rickey.Santellana@tea.texas.gov](mailto:Rickey.Santellana@tea.texas.gov)
- Carlene Thomas, ESL Program Coordinator: [Carlene.Thomas@tea.texas.gov](mailto:Carlene.Thomas@tea.texas.gov)

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#### Assessment Division

- [Student Assessment](#) webpage
- [Information on State Assessments for English Learners](#) webpage
- [LPAC Student Assessment Resources](#) webpage
- General Email: [student.assessment@tea.texas.gov](mailto:student.assessment@tea.texas.gov)
- State Assessments for English Learners Email: [assessment.specialpopulations@tea.texas.gov](mailto:assessment.specialpopulations@tea.texas.gov)
- Phone: 512-463-9536

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**Curriculum Division**

- [TEA Curriculum](#) webpage
- General Email: [curriculum@tea.texas.gov](mailto:curriculum@tea.texas.gov)
- Phone: 512-463-9581
- Spanish Language Arts and Reading ([SLAR](#)) [TEKS Resources](#)

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**Certification Division**

- [TEA Certification](#) webpage:
- General Email: [curriculum@tea.texas.gov](mailto:curriculum@tea.texas.gov)
- Phone: 512-936-8400

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**VII. Resources****B. State Statute and Rule****Texas Education Code**

- [Chapter 29, Subchapter B: Bilingual Education and Special Language Programs](#)

**Texas Administrative Code**

- [Chapter 89, Subchapter BB: Commissioner's Rules Concerning State Plan for Educating English Learners](#)
- [Chapter 231. Requirements for Public School Personnel Assignments](#)

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**VII. Resources****C. Professional Development and Certification****Pearson (NEW Test Administrator as of September 1, 2018)**[Texas Educator Certification Examination Program](#)**Texas Gateway**

- [Home](#) webpage
- [Sheltered Instruction Training Series](#)
- [Title III Early Childhood Education for English Learners](#)
- [Title III, Part A: Strengthening and Increasing Parental Outreach](#)

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**VII. Resources****D. English Learner Data****[PEIMS Standard Reports](#)**

- [ELL Student Reports by Category and Grade](#)
- [ELL Student Reports by Language and Grade](#)

**[Texas Assessment Management System](#) – Analytic Portal**

- [Data Intersection for Texas Student Assessments](#)

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