

Guidance on Identification and Placement of Emergent Bilingual Students/English Learners Prior to Kindergarten

PURPOSE

The purpose of this guidance document related to identification and placement of emergent bilingual students prior to Kindergarten is to distinguish between [key terms](#), explain [key elements](#) of the enrollment process, and to clarify common [enrollment process scenarios](#). Particularly, this resource explains the interrelatedness of services for students served through special education and the identification process for emergent bilingual students to be dually served in bilingual education or English as a Second Language (ESL) programs.

ENROLLMENT PRIOR TO KINDERGARTEN

For any student initially enrolling in a three- or four-year-old public-school program, a [Home Language Survey \(HLS\)](#) shall be administered and the state process followed for identification as an emergent bilingual (EB) student.

- This includes:
 - students with or without identified special needs.
 - students who are enrolled, not in membership due to attending school for less than 2 instructional hours per day.
 - students in a Head Start or private school program that are dually enrolled in a local education agency (LEA), based on the district's partnership with the Head Start/private school program.
- The [identification and placement process](#) for emergent bilingual students shall be completed within four calendar weeks of enrollment per 19 TAC §89.1226(b).
- If a parent believes an error was made when completing the HLS, the parent may request a correction, only if: 1) the child has not yet been assessed for English proficiency; and 2) corrections are made within two calendar weeks of the child's enrollment date.
- Emergent bilingual students [qualify for prekindergarten \(PK\)](#); however, EB students may be coded as Early Education (EE) based on special education services in conjunction with their language program services.

ENROLLMENT PROCESS SCENARIOS

WHAT IF...

- **the child is identified as an emergent bilingual student during registration, but the child does not enroll?**

The HLS and EB student identification apply when coupled with initial enrollment during the same school year. If the child does not attend school during the school year for which he/she has been classified as an emergent bilingual student, then the HLS and identification documentation for the EB student must be retained. If the student comes back to enroll in the

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following school year, he/she should be given a new HLS and the [state's process for identification](#) would begin again.

WHAT IF...

- **the child is not yet three years old during spring or summer registration when identification assessments for emergent bilingual students are occurring?**

The identification assessment for an emergent bilingual student cannot be administered before the child is three as it is not valid until age three.

- **the three- or four-year-old attends school for less than two hours of instruction per day for special education services?**

Although this child would be enrolled, not in membership, the HLS will be administered, and the [state's identification process for EB students](#) followed at this time. If the child is identified as an EB student, the LPAC in conjunction with the ARD committee will collaborate to ensure that the child has access to both the special education and bilingual/ESL program services. The LPAC in conjunction with the ARD committee may determine:

- that the child will participate in the district's available full-time prekindergarten program (in the appropriate age level), since the child has met prekindergarten eligibility based on his/her classification as an emergent bilingual student;
- that the child will receive his/her special education and bilingual/ESL program services in the district's early education (EE) setting; or
- that the child will only receive drop-in services at this time.
 - In this scenario of drop-in services only, the district would not have a way to provide the required bilingual education or ESL program yet for this child.
 - This child is still identified as an emergent bilingual student, but his/her bilingual education or ESL program services will begin when the child is able to participate in a full-time prekindergarten program or early education setting with parental approval.
 - It will be vital for the LPAC and ARD committee to ensure the full participation of the child in a bilingual education or ESL program once the child has a full-time program to attend. Keep in mind that a "full-time program" includes half- and full-day programs.

- **the child has been receiving special education services prior to age three and is now turning three?**

A child with a particular disability, such as blind/visually impaired or deaf/hard of hearing, may be receiving supportive services prior to his/her third birthday. However, the HLS administration and the [identification process for emergent bilingual students](#) do not begin prior to age three. When the child turns three, the ARD committee meets and determines eligibility for Early Childhood Special Education (ECSE) services. If the ARD committee determines that the child is eligible for ECSE services beginning at age three, the HLS is administered, and the EB identification process is initiated. If identified, the emergent bilingual student will receive the bilingual education or ESL program through the ECSE services. However, although an identified emergent bilingual student qualifies for a 3-year-old prekindergarten program (if

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available), the student must be three by Sept. 1 of the current school year to be eligible for prekindergarten program entry.

DEFINITION OF TERMS

STUDENT DISTINCTION:

Emergent Bilingual (EB) Student

As a result of House Bill 2066 in the 87th Texas legislature, the term “emergent bilingual student” replaced the term of “limited English proficient (LEP) student” used in the [Texas Education Code \(TEC\), Chapter 29, Subchapter B](#), and thus, will be changing the term of “English learner (EL)” used in [19 TAC Chapter 89, Subchapter BB](#). These terms describe the same group of Texas students, describing a student who is in the process of acquiring English and has another language as the student’s primary or home language. In the revised [Texas Education Data Standards \(TEDS\)](#), the terms of “emergent bilingual” and “English learner” have been bridged as EB/EL. It’s important to note that the term “English learner” is still used in federal regulations and guidance.

PROGRAMS:

Early Childhood Intervention (ECI)

A program within the Texas Health and Human Services Commission for families with children birth up to age three, with developmental delays, disabilities or certain [medical diagnoses](#) that may impact development.

Early Childhood Special Education (ECSE)

Special education services provided to children aged three through five years. To receive ECSE services, a child aged three through five years must meet the same eligibility requirements as other special education students. An Admission Review and Dismissal (ARD) committee must meet and document in the student’s record that the student is eligible to receive services through this program.

Prekindergarten (Pre-K)

A program that a district is required to offer if they identify 15 or more eligible children. To be eligible, a child must be at least four years of age by September 1 of the current school year and [meet at least one of the seven criteria for eligibility](#). A district may offer a pre-K program for three-year-old children using the same eligibility criteria but is not required to do so.

PROCESSES AND PEIMS DISTINCTIONS:

Early Education (EE)

A grade level assigned to students with disabilities who are either not eligible for pre-kindergarten, or eligible but only receive special education services in a self-contained setting, prior to kindergarten.

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Enrolled, Not in Membership

Students who participate in fewer than two hours of instruction per day and do not generate ADA (and do not participate in an alternative attendance accounting program).

Enrollment

Receiving instruction and services in a public school and generating average daily attendance (ADA), as opposed to being registered but not yet receiving instruction and services.

Registration

Gathering of necessary documentation for enrollment, which may include initiation of the identification process for emergent bilingual students in accordance with a district's local procedures.