



## English Learner Frequently Asked Questions

---

### Language Proficiency Assessment Committee (LPAC)

---

#### **Table of Contents**

#### **I. LPAC Introduction**

- A. [General](#)
- B. [LPAC / Admission Review and Dismissal \(ARD\) Collaboration](#)

#### **V. Resources**

- A. [Texas Education Agency](#)
- B. [State Statute and Rule](#)
- C. [Professional Development and Certification](#)
- D. [English Learner Data](#)

## I. LPAC Introduction

### A. General

#### I. A-1. What is our population of English learners (ELs) in Texas?

Based on PEIMS data reports for spring of 2020, there are 1,113,518 identified English learners in Texas from pre-kindergarten to twelfth grade. English learners make up 20% of the total student population in Texas.

89% of the identified ELs in Texas have a primary language of Spanish. The next five prominent language backgrounds of ELs in Texas are: Vietnamese (1.5%), Arabic (1.2%), Urdu (0.5%), Mandarin (0.5%), and Telugu (Telegu) (0.4%).

*Resource:* [English Learners in Texas Fact Sheet](#)

[Back to Table of Contents](#)

08-21-2020

#### I. A-2. Are digital/electronic signatures permissible for both parents and LPAC members on any LPAC documentation (including Home Language Survey, Parent Approval, LPAC meeting documentation, etc)?

Yes, digital/electronic signatures are permissible. A “digital signature” is defined as “an electronic identifier by the person using it to have the same force and effect as the use of a manual signature”. A digital signature is satisfactory for a home language survey if executed pursuant to rules adopted by the governing body (school board) as provided by Government Code, Section 2054.0609b. In the event of an agency audit of a district’s Bilingual/ESL program or when transferring records to another school district in which the student enrolls, a district needs to be able to provide documentation to the agency or to the receiving district that the survey or other documentation for the student was signed by the appropriate party regardless of the method used.

[Back to Table of Contents](#)

09-14-2018

#### I. A-3. What is the record retention period for LPAC records?

The LPAC records retention schedule is cessation of services (ending at reclassification) plus 5 years (including the two years of monitoring).

*Resource:*

[Texas State Library and Archives Commission: Local Schedule for School Districts, Section 3-2: Bilingual and Special Language Program Records](#)

[Back to Table of Contents](#)

09-14-2018

**I. A-4. How often should LPAC meetings be held?**

LPAC meetings are to be held

- within the four weeks of the initial enrollment, for identification and/or review,
- prior to state assessments for determination of appropriate assessments and designated supports,
- at the end of the year for annual review and for the following year's placement decisions,
- as needed to discuss student progress.

[Back to Table of Contents](#)

10-19-2018

**I. LPAC Introduction****B. LPAC / Admission Review and Dismissal (ARD) Collaboration****I. B-1. Can the decisions of the ARD committee override the decisions of the LPAC?**

No. For students who are identified as English learners and have qualified for special education services, the ARD committee and LPAC must collaborate on decisions such as assessment, program services, and instruction.

Similarly, the LPAC must coordinate with any other special programs for which the EL is eligible (such as 504 or advanced academics/gifted and talented) while ensuring that ELs have full access to language program services (TAC 89.1220 (g)(4)).

*Resource:* [Guidance Related to ARD and LPAC Collaboration](#) TEA webpage

[Back to Table of Contents](#)

09-14-2018

**I. B-2. How is the English learner identification assessment utilized for students with a significant cognitive disability?**

Per TAC 89.1226 (h), if a student's ability in English is so limited or the student's disabilities are so severe that the English language proficiency assessment for identification cannot be administered, the LPAC in conjunction with the ARD committee identifies the student as an English learner. The attempted assessment is to be maintained in the LPAC documentation. Currently, there are no allowances for alternative identification assessments under the Every Student Succeeds Act (ESSA).

[Back to Table of Contents](#)

11-08-2019

**I. B-3. How is the English learner identification assessment administered for students who are non-verbal, deaf, and/or visually impaired?**

An attempt must be made to administer the English language proficiency assessment for identification. If no response or a response other than English is provided, the trial is scored as a non-fluent score. The attempted assessment is to be maintained in the LPAC documentation. Currently, there are no allowances for alternative identification assessments under the ESSA.

*Resource:* LPAC Guidance for Deaf or Hard of Hearing English Learners [video](#) and [PowerPoint](#).

[Back to Table of Contents](#)

08-21-2020

**I. B-4. Can English learners who qualify to receive special education services use different criteria for reclassification?**

Under TAC 89.1226(i), districts are required to use the [English Learner Reclassification Criteria Chart](#) to reclassify ELs as English proficient. The reclassification criteria under TAC 89.1226(i) apply to the vast majority of ELs who also have identified special needs. In rare cases, an EL with significant cognitive disabilities who is receiving special education services may qualify to be reclassified using criteria permitted under TAC 89.1226(m), which gives special consideration to an EL for whom assessments and/or standards under TAC 89.1226(i) are not appropriate because of the nature of a student's particular disabling condition.

Students eligible to be considered using the reclassification criteria under TAC 89.1226(m) should only be those designated to take STAAR Alternate 2 and/or those who meet participation requirements for TELPAS Alternate, as determined by LPAC, in conjunction with the ARD committee. An *Alternative English Learner Reclassification Rubric* for the subjective teacher evaluation portion of the reclassification criteria is currently under development.

The [Individualized Reclassification Process for a Student with a Significant Cognitive Disability](#) begins at the beginning of the school year by the LPAC and ARD in order for the individualized reclassification criteria to be utilized at the end of the school year.

*Resource:* [Guidance Related to ARD and LPAC Collaboration](#) TEA webpage

[Back to Table of Contents](#)

11-08-2019

**I. B-5. Can the administrator in an ARD committee meeting for an EL who also receives special education services perform the role of the ARD committee administrator and the role of the LPAC representative simultaneously?**

No. According to TAC Chapter 89, Subchapter AA for Commissioner's Rules Concerning Special Education Services, section 1050 (c)(1)(J) refers to the LPAC representative as a professional staff member who is a member of the LPAC. As stated in this section, the LPAC representative may also be the ARD committee general education or special education teacher representative simultaneously. Typically, the best representative of the needs of the EL in the ARD is the bilingual or ESL educator from the LPAC that directly instructs the student and has detailed knowledge of the student's linguistic needs and strengths.

*Resource:* [TAC Chapter 89, Subchapter AA Commissioner's Rules Concerning Special Education Services](#)

[Back to Table of Contents](#)

12-18-2018

**I. B-6. Can the ARD and LPAC determine that an EL who receives special education services will not participate in the bilingual or ESL program?**

No. An English learner who receives special education services cannot be limited from access to the appropriate bilingual or ESL program. The joint colleague letter from the United States Department of Justice (DOJ) and the United States Department of Education, Office of Civil Rights (OCR) provided in January of 2015 clearly outlines the responsibility of LEAs to appropriately serve ELs with disabilities as follows:

*“School districts must provide EL students with disabilities with both the language assistance and disability-related services to which they are entitled under Federal law. Districts must also inform a parent of an EL student with an individualized education program (IEP) how the language instruction education program meets the objectives of the child’s IEP.*

*The Departments (OCR and DOJ) are aware that some school districts have a formal or informal policy of “no dual services,” i.e., a policy of allowing students to receive either EL services or special education services, but not both. Other districts have a policy of delaying disability evaluations of EL students for special education and related services for a specified period of time based on their EL status. These policies are impermissible under the IDEA and Federal civil rights laws, and the Departments expect SEAs (State Education Agencies) to address these policies in monitoring districts’ compliance with Federal law. Further, even if a parent of an EL student with a disability declines disability-related services under the IDEA or Section 504, that student with a disability remains entitled to all EL rights and services as described in this guidance.”*

*Resource: The quote above can be found on pages 24-25 of the [joint colleague letter from the United States Department of Justice \(DOJ\) and the United States Department of Education, Office of Civil Rights \(OCR\) provided in January of 2015](#).*

## VII. Resources

### A. Texas Education Agency

#### English Learner Support Web Resources

- [Supporting English Learners in Texas \(EL Portal\)](#)
- [TEA Bilingual and ESL Programs](#) webpage
- [LPAC Framework](#)
- [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](#)

[Back to Table of Contents](#)

08-21-2020

#### English Learner Support Division

- EL Support Email: [EnglishLearnerSupport@tea.texas.gov](mailto:EnglishLearnerSupport@tea.texas.gov)
- LPAC Framework questions: [lpac@tea.texas.gov](mailto:lpac@tea.texas.gov)
- Phone: 512-463-9414
- Julie Lara-Martinez, Director of English Learner Support: [Julie.Martinez@tea.texas.gov](mailto:Julie.Martinez@tea.texas.gov)
- 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)
- Xóchitl Anabel Rocha, Dual Language Coordinator: [Xochitl.Rocha@tea.texas.gov](mailto:Xochitl.Rocha@tea.texas.gov)
- Carlene Thomas, ESL Program Coordinator: [Carlene.Thomas@tea.texas.gov](mailto:Carlene.Thomas@tea.texas.gov)

[Back to Table of Contents](#)

08-21-2020

**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

[Back to Table of Contents](#)

09-14-2018

**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](#)

[Back to Table of Contents](#)

11-08-2019

**Certification Division**

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

[Back to Table of Contents](#)

09-14-2018



**VII. Resources**

<b>B. State Statute and Rule</b>	
<b>Texas Education Code</b>	
<ul style="list-style-type: none"> <li>• <a href="#">Chapter 29, Subchapter B: Bilingual Education and Special Language Programs</a></li> </ul>	
<b>Texas Administrative Code</b>	
<ul style="list-style-type: none"> <li>• <a href="#">Chapter 89, Subchapter BB: Commissioner's Rules Concerning State Plan for Educating English Learners</a></li> <li>• <a href="#">Chapter 231. Requirements for Public School Personnel Assignments</a></li> </ul>	
<a href="#">Back to Table of Contents</a>	08-21-2020

**VII. Resources**

<b>C. Professional Development and Certification</b>	
<b>Pearson</b>	
<ul style="list-style-type: none"> <li>• <a href="#">Texas Educator Certification Examination Program</a></li> </ul>	
<b>Texas Gateway</b>	
<ul style="list-style-type: none"> <li>• <a href="#">Home</a> webpage</li> <li>• <a href="#">Sheltered Instruction Training Series</a></li> <li>• <a href="#">Title III Early Childhood Education for English Learners</a></li> <li>• <a href="#">Title III, Part A: Strengthening and Increasing Parental Outreach</a></li> </ul>	
<a href="#">Back to Table of Contents</a>	09-14-2018

**VII. Resources**

<b>D. English Learner Data</b>	
<b><a href="#">PEIMS Standard Reports</a></b>	
<ul style="list-style-type: none"> <li>• <a href="#">ELL Student Reports by Category and Grade</a></li> <li>• <a href="#">ELL Student Reports by Language and Grade</a></li> </ul>	
<b><a href="#">Texas Assessment Management System</a> – Analytic Portal</b>	
<ul style="list-style-type: none"> <li>• <a href="#">Data Intersection for Texas Student Assessments</a></li> </ul>	
<a href="#">Back to Table of Contents</a>	12-18-2018