

## Guidance on Identification/ Reclassification: LPAC and ARD Committee Collaboration

When a student with a disability is, or might be identified as an English learner (EL), the student's admission, review, and dismissal (ARD) committee must work in conjunction with the language proficiency assessment committee (LPAC) to determine appropriate identification and reclassification criteria for a bilingual education or English as a Second Language (ESL) program. (19 TAC §§89.1226(h), (l), and (m)).

This document outlines processes for identification and reclassification of two groups of English learners:

- English learners served through special education; and
- English learners with a significant cognitive disability served through special education.

Student Population	Identification	Reclassification
Students served through special education	Follow <u>standard</u> process in TAC, 89.1226 as described in <b>Section 1</b>	Follow <u>standard</u> process as described in <b>Section 2</b>
Students served through special education with a <u>significant cognitive disability</u>		Follow <u>individualized</u> process described in <b>Section 3</b>

### Section 1: Identification of English Learners also Served through Special Education

The LPAC in conjunction with the ARD committee will identify a student as an English learner if the student's ability in English is so limited or the student's disabilities are so severe that the English language proficiency assessments described in 19 TAC §89.1226(c) cannot be administered. Local education agencies (LEAs) shall implement assessment procedures that differentiate between language proficiency and disabling conditions in accordance with 19 TAC Subchapter AA (relating to Commissioner's Rules Concerning Special Education Services) and shall establish placement procedures that ensure that placement in a bilingual education or ESL program is not refused solely because the student has a disability. Access to special education and bilingual or ESL services may not be restricted or denied due to limited staffing, scheduling, or other reasons of administrative convenience.

## Section 2: Reclassification of English Learners Served through Special Education

Under Texas Administrative Code (TAC) §89.1226(i), districts are required to use the 2019-2020 English Learner Reclassification Criteria Chart found at <http://tea.texas.gov/bilingual/esl/education/> to reclassify English learners (ELs) as English proficient. The reclassification criteria under TAC §89.1226(i) apply to the **vast majority** of English learners who are also served through special education.

For English learners who are also eligible for special education services, the standardized process for English learner reclassification is followed in accordance with applicable provisions 19 TAC §89.1226(i). However, annual meetings to review student progress and make recommendations for reclassification may occur but must be conducted by the LPAC in conjunction with the ARD committee. Additionally, LEAs must implement assessment procedures that differentiate between language proficiency and disabling conditions to ensure a bilingual education or English as a second language program is not refused solely because the student has a disability.

## Section 3: Individualized Reclassification of English Learners with a Significant Cognitive Disability and Served through Special Education

For an English learner with a significant cognitive disability, the LPAC in conjunction with the ARD committee may determine that the state's English language proficiency assessment for reclassification is not appropriate because of the nature of the student's disabling condition.

In these **rare cases**, an English learner with a significant cognitive disability (determined by the ARD committee) who is receiving special education services may qualify to be reclassified using permitted criteria under TAC §89.1226(m).

Only students meeting the [definition of a student with a significant cognitive disability](#), defined in the STAAR Alternate 2 eligibility and participation requirements, shall be considered for reclassification under 19 TAC §89.1226(m).

The LPAC in conjunction with the ARD committee may recommend that the student take the state's alternate English language proficiency assessment and shall determine an appropriate performance standard requirement for exit by language domain under subsection (i)(1).

This process is to be used to address the needs of an individual student, not groups of students. **Very few students qualify** for reclassification using these criteria.

### Step 1: Evaluate Whether Student Potentially Qualifies Using this Process

During the student's annual ARD meeting, the LPAC in conjunction with the ARD committee evaluates whether the state's English language proficiency assessment for reclassification is not appropriate because of the nature of the student's disabling condition. Key ARD and LPAC committee members discuss whether the student is eligible to be reclassified.

- This process applies **ONLY** to students meeting the [definition of a student with a significant cognitive disability](#).

- This process must be conducted by key ARD committee members (including certified or licensed evaluation personnel when applicable) and key LPAC members who are familiar with the student's current progress and needs, including one or more teachers with in-depth knowledge of the student's second language acquisition and academic achievement.
- **Caution** should be exercised when considering reclassification of students in grades 1-2. It may be premature in these grades to consider reclassification due to developmental factors related to emergent language and literacy. Additionally, in early grades, it is often difficult to know the effect of the student's disability on long-term prospects for second language acquisition.
- Consideration must include documented evidence in the student's individualized education program (IEP) that, because of the nature of the student's significant cognitive disability, the student is not expected to be able to attain English language proficiency in one or more domains and no longer appears to benefit from second language acquisition support in English to address second language acquisition cognitive, linguistic, and affective needs (or is expected to reach that point during the school year).
- Evidence must include both historical formal and informal assessment data and direct teacher input. Ongoing informal assessment data may come from checklists, inventories, and other formative evaluations designed to identify the levels of academic functioning and English language proficiency of the student. The input of appropriate certified or licensed evaluation personnel may be requested, as necessary, to help determine whether reclassification criteria are warranted. Direct teacher input should provide further insight into the student's classroom performance and needs, and include, if applicable, documentation of response to intervention, anecdotal notes, and other evidence drawn from sources such as classroom-based observations and classroom activities.

## **Step 2: Specify Assessments and Individualized Criteria for Reclassification in Formal LPAC in Conjunction with ARD Committee Meeting**

If, after Step 1, the LPAC in conjunction with the ARD committee determines the student qualifies for the individualized reclassification process, the LPAC in conjunction with the ARD committee, meet to specify assessments and individualized criteria for reclassification.

- The meeting shall take place as early in the current school year as possible or at the end of the year to be applied the next school year. The meeting must occur prior to the student's participation in the identified assessments.
- The LPAC in conjunction with the ARD committee reviews the assessment information in the IEP and makes reclassification criteria recommendations based on the information below:
  - **Grade 1:**
    - **English Language Proficiency Assessment**
      - **TELPAS**
      - Determine, by language domain and TELPAS Proficiency Level, individualized criteria for reclassification, based on student's language proficiency and disability.
      - Exemptions by language domain are permitted.

- **Academic Content Assessments of Reading and Writing**
  - Norm-referenced standardized achievement tests are not required for this grade level.
- **Subjective Teacher Evaluation**
  - **English Learner Reclassification Rubric – Alternate**
- **Grade 2:**
  - **English Language Proficiency Assessment**
    - **TELPAS Alternate**
    - Determine, by language domain and TELPAS Alternate Proficiency Label, individualized criteria for reclassification, based on student’s language proficiency and disability.
    - Exemptions by language domain are not permitted.
  - **Academic Content Assessments of Reading and Writing**
    - Norm-referenced standardized achievement tests are not required for this grade level.
  - **Subjective Teacher Evaluation**
    - **English Learner Reclassification Rubric – Alternate**
- **Grades 3-12:**
  - **English Language Proficiency Assessment**
    - **TELPAS Alternate**
    - Determine, by language domain and TELPAS Alternate Proficiency Label, individualized criteria for reclassification, based on student’s language proficiency and disability.
    - Exemptions by language domain are not permitted.
  - **Subjective Teacher Evaluation**
    - **English Learner Reclassification Rubric – Alternate**
- **Grades 3-10:**
  - **Academic Content Assessments of Reading and Writing**
    - **STAAR Alternate 2**
    - STAAR Alternate 2 is an assessment based on alternate academic achievement standards.
    - State assessment standards must be used for all state assessments.
    - Further modification of performance standards on academic content assessments is not permitted.
- **Grades 11-12:**
  - **Academic Content Assessments of Reading and Writing**
    - Norm-referenced standardized achievement tests are not required for this grade level.
- Based on discussion at the formal LPAC in conjunction with ARD committee meeting, the IEP is updated with documentation of the individualized reclassification criteria.

**Step 3: Determine and Document Whether Student Has Met Individualized Reclassification Criteria**

At the end of the year, key member of the LPAC and ARD committee meet to review the assessment results and subjective teacher evaluation to determine whether the student has met the individualized reclassification criteria.

- This meeting is to be held at the end of the school year, as required by TAC Section 89.1220(g).
- If the decision is made to reclassify the student based on the assessment results and subjective teacher evaluation using the English Learner Reclassification Rubric Alternate, the LPAC in conjunction with ARD committee finalizes and documents the change in placement or program and includes these decisions in the student's IEP.
- Furthermore, as required under TAC §89.1220(l)(1)(H) relating to exit from bilingual education or ESL services, the LPAC documents the reclassification decision in the student's permanent record file and sends a notification of reclassification to the student's parents and requests written approval for exit from the bilingual or ESL program.

**NOTE:** *Due to the requirements of the Family Educational Rights and Privacy Act (FERPA), schools must take care to ensure that staff members protect student confidentiality when discussing special education issues. Each trained member of the LPAC shall sign an oath of confidentiality because of testing results and other information that is shared and analyzed. This is a requirement due to each student and his or her family's right to confidentiality. When reviewing progress of an English learner with a significant cognitive disability during an LPAC / ARD meeting at end of year to make reclassification decisions, the LPAC shall share only limited information regarding student assessments results, namely did or did not meet reclassification criteria.*