

# Process for Considering Reclassification of English Learners who also have Identified Special Needs Under 19 TAC §89.1225(m)<sup>1</sup>

2018-2019 School Year

Grades 1–12

Under Texas Administrative Code (TAC) §89.1225(i), districts are required to use the 2018-2019 English Learner Reclassification Criteria Chart found at <http://tea.texas.gov/bilingual/esl/education/to> to reclassify English learners (ELs) as English proficient. The reclassification criteria under TAC §89.1225(i) apply to the vast majority of **English learners also have identified special needs**. In rare cases, an English learner with significant cognitive disabilities who is receiving special education services may qualify to be reclassified using criteria permitted under TAC §89.1225(m), which gives special consideration to an English learner for whom assessments and/or standards under TAC §89.1225(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 §89.1225(m) should only be those designated to take STAAR Alternate 2 and/or those who meet participation requirements for TELPAS Alternate, as determined by the language proficiency assessment committee (LPAC), in conjunction with the admission, review and dismissal (ARD) committee.

This document outlines the process to follow when considering whether an English learner qualifies to be reclassified using the criteria authorized by TAC §89.1225(m). 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 this criteria.

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

At or near the beginning of the school year, a meeting is to be scheduled between key ARD and LPAC committee members to discuss whether the student is eligible to be reclassified using criteria under §TAC 89.1225(m).

- Through this process, a determination is made about the assessments and/or English language proficiency assessment standards to be used for reclassification.
- This process applies **ONLY** when one or more assessments and/or English language proficiency assessment standards under TAC §89.1225(i) are not appropriate for the student in a particular language domain for reasons directly associated with the student's disability. In following this process, refer also to the document titled *Guidance Related to ARD Committee and LPAC Collaboration* found at <http://tea.texas.gov/index2.aspx?id=2147496923>.
- This process must be conducted by key ARD committee members (including a diagnostician 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.

## Step 2: Discuss Evidence of Need for Use of §89.1225(m) Reclassification Criteria

At the meeting, the participants discuss the second language acquisition of the student within the context of the individual student's disability to consider whether the TAC §89.1225(m) reclassification criteria are warranted.

- Consideration must be IEP-based and must include documented evidence that, because of the nature of the student's 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

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<sup>1</sup> Title 19 Texas Administrative Code Chapter 89 Adaptations for Special Populations; Subchapter BB. Commissioner's Rules Concerning State Plan for Educating English Learners

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 a diagnostician may be requested, as necessary, to help determine whether the TAC §89.1225(m) reclassification criteria are warranted. Direct teacher input should provide further insight into the student's classroom performance and needs, and should 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 3: Specify Assessments and English Language Proficiency Test Standards**

If, after reviewing the evidence, the meeting participants conclude that the student no longer benefits from second language acquisition support in English (or is expected to reach that point during the school year), the participants review the assessment information in the IEP and make reclassification criteria recommendations based on the information below.

**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.**

#### **ACADEMIC CONTENT ASSESSMENTS OF READING AND WRITING IN GRADES 1-2**

- For English learners with significant cognitive disabilities who are being considered for reclassification criteria under TAC §89.1225(m), norm-referenced standardized achievement tests are not required for students in grades 1-2.

#### **ACADEMIC CONTENT ASSESSMENTS OF READING AND WRITING IN GRADES 3-12**

- **Selection of appropriate academic content assessments**  
Students considered for reclassification criteria under TAC §89.1225(m) should be only those designated to STAAR Alternate 2, as determined by the ARD committee in conjunction with the LPAC.  
**Reminder: State-established standards must be used for all state assessments.**
- **Modification of performance standards on academic content assessments not permitted**  
STAAR Alternate 2 is an assessment based on alternate academic achievement standards. Further modification of performance standards on academic content assessments is not permitted.  
**State-established standards must be used for all state assessments.**

#### **ENGLISH LANGUAGE PROFICIENCY ASSESSMENTS IN GRADES 1-12**

- **Modification of English language proficiency assessment standards on a domain-by-domain basis**  
Any modified standards must be supported by historical data and evidence that the student is not expected to be able to attain English language proficiency because of factors directly related to the student's disability and that the student 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).
- **Selection of appropriate English language proficiency assessments**  
**Grade 1: Students in grade 1 will take the general TELPAS** in the applicable language domains as determined by the ARD committee in conjunction with the LPAC since there is not a TELPAS Alternate option in grade 1. For reclassification purposes, the district can determine to utilize TELPAS levels by domain or an OLPT/English language writing proficiency test from the state-approved list for the appropriate domain as listed below.
  - **Listening:** TELPAS listening or other OLPT from state-approved list
  - **Speaking:** TELPAS speaking or other OLPT from state-approved list
  - **Reading:** TELPAS reading or other English language reading proficiency test from state-approved list
  - Writing:** TELPAS writing or other English language writing proficiency test from state-approved list

**Grade 2:** Students in grade 2 may take the general TELPAS in the applicable language domains as determined by the ARD committee in conjunction with the LPAC or may meet eligibility for taking TELPAS Alternate. For reclassification purposes, the district can determine to utilize TELPAS/TELPAS Alternate levels by domain or an OLPT/English language writing proficiency test from the state-approved list for the appropriate domain.

**Grades 3-12:** Students that are designated to take STAAR Alternate 2 and/or meet the TELPAS Alternate participation requirements, as determined by the LPAC in conjunction with the ARD committee will be assessed with TELPAS Alternate in all of the four language domains (listening, speaking, reading, and writing).

#### **Step 4: Prepare Documentation**

Key members of the ARD committee and LPAC document the evidence, recommendation, assessments, and any modified English language proficiency test standards.

#### **Step 5: Discuss Recommended Reclassification Criteria in Formal LPAC in Conjunction with ARD Committee Meeting**

Key members of the LPAC and the ARD committee present the documentation at a formal LPAC in conjunction with ARD committee meeting.

- The meeting should 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.
- Based on discussion at the formal LPAC in conjunction with ARD committee meeting, the IEP is updated with documentation of the modified reclassification criteria if the committee as a whole determines that reclassification is anticipated.

#### **Step 6: Determine and Document Whether Student Has Met Modified Reclassification Criteria**

At the end of the year, the ARD committee, with key LPAC members, meets to review the assessment results and subjective teacher evaluation required under TAC §89.1225(i) to determine whether the student has met the modified reclassification criteria.

- The subjective teacher evaluation must reflect the status of the student following the administration of the assessments.
- This meeting is to be held at the end of the school year, as required by TAC Section 89.1220(g). This means that an additional LPAC in conjunction with ARD committee meeting is necessary for students whose annual ARD committee meeting is held at a different time.
- If the decision is made to reclassify the student based on the assessment results and subjective teacher evaluation, the LPAC in conjunction with ARD committee finalizes and documents the change in placement or program and delineates instructional services including the monitoring period for reclassified students. Furthermore, as required under TAC §89.1220(l)(1)(H) relating to exit from bilingual education or ESL services, the LPAC also documents the reclassification decision in the student's permanent record file.