

(REQUIRED BY LAW)

(b) An open-enrollment charter school is subject to: . . . public school accountability under Subchapters B, C, D, E, G, and J, Chapter 39

Education Code 12.104(b)(2)(L).

POLICY

English Language Proficiency Assessments

In kindergarten through grade 12, an English language learner (ELL), as defined by Education Code, Chapter 29, Subchapter B as a student of limited English proficiency, shall be administered state-identified English language proficiency assessments annually in listening, speaking, reading, and writing to fulfill state requirements under Education Code, Chapter 39, Subchapter B, and applicable federal requirements. 19 TAC 101.1003(a).

Special Education Students

In rare cases, the student's ARD committee and language proficiency assessment committee (LPAC) may determine that it is not appropriate for an EL receiving special education services to participate in an English language proficiency assessment for reasons associated with the student's particular disability. The ARD shall document the decisions and justifications in the student's IEP, and the LPAC shall document the decisions and justifications in the student's permanent record file. The ARD committee and LPAC shall also determine and document the need for allowable testing accommodations in accordance with administrative procedures established by the TEA. 19 TAC 101.1003(b)–(c).

Assessment of Achievement in Academic Content Areas and Courses

Selection of Assessment Instrument

The LPAC shall select the appropriate state-mandated assessment option for each ELL in accordance with applicable Commissioner's Rules.

Assessment Selection for Special Education Students

For each ELL receiving special education services, the student's ARD committee in conjunction with the student's LPAC shall select the appropriate assessments. The LPAC shall document the decisions and justifications in the student's permanent record file, and the ARD committee shall document the decisions and justifications in the student's IEP.

Assessment decisions shall be made on an individual student basis and in accordance with administrative procedures established by the TEA. 19 TAC 101.1005(a).

Testing Accommodations

The LPAC shall, in conjunction with the ARD committee if the ELL is receiving special education services, determine and document any allowable testing accommodations for assessments in accordance with administrative procedures established by the TEA. 19 TAC 101.1005(e).

Refusal of Services

An ELL whose parent or guardian has declined bilingual education and special language program services is not eligible for special assessment, accommodation, or accountability provisions made available to ELLs on the basis of limited English proficiency. 19 TAC 101.1005(f).

Rules for Students First Enrolled in Grade 9 or Below in the 2011–2012 School Year

An ELL shall participate in the grades 3–8 and end-of-course requirements as required by Education Code 39.023(c). Except as provided below, an ELL shall be administered the general form of the English-version state assessment:

1. A Spanish-speaking ELL in grades 3–5 may be administered the Spanish-version assessment if the Spanish assessment will provide the most appropriate measure of the student’s academic progress.
2. An ELL in grade 3 or higher may be administered the linguistically-accommodated English version of the state’s mathematics, science, or social studies assessment if:
 - a. A Spanish-version assessment does not exist or is not the most appropriate measure of the student’s academic progress;
 - b. The student has not yet demonstrated English language proficiency in reading as determined by the state’s English language proficiency assessments; and
 - c. The student has been enrolled in U.S. schools for three school years or less or qualifies as an unschooled asylee or refugee enrolled in U.S. schools for five school years or less, as those terms are defined by Commissioner’s Rule.

In certain cases, an ELL who receives special education services may, as a result of his or her particular disabling condition, qualify for an alternative assessment instrument based on alternative achievement standards. 19 TAC 101.1005(b).

Assessment Provisions for Graduation

An ELL shall not be exempt from taking an end-of-course assessment for reasons associated with limited English proficiency or inadequate schooling outside the United States.

CHARTER SCHOOL BOARD POLICY MANUAL

POLICY GROUP 2 - INSTRUCTION

STATE ASSESSMENT OF ENGLISH LANGUAGE LEARNER STUDENTS PG-2.24

However, the following provisions apply to an ELL enrolled in an English I or II course or an English for Speakers of Other Languages I or II course if the ELL:

1. Has been enrolled in U.S. schools for three school years or less or qualifies as an unschooled asylee or refugee enrolled in U.S. schools for five school years or less, as those terms are defined by Commissioner's Rule; and
2. The student has not yet demonstrated English language proficiency in reading as determined by the state's English language proficiency assessments.

Concerning the applicable English I or English II assessment in which the student is enrolled, an ELL who meets the above criteria shall not be required to:

1. Use the assessment score as part of the cumulative score for graduation;
2. Retake the assessment each time it is administered if the student passes the course but fails to achieve the established minimum score on the assessment; or
3. Have the score on the assessment count for 15% of the student's final grade in the course.

19 TAC 101.1007.

Rules for Students First Enrolled in Grade 9 or Higher Prior to the 2011–2012 School Year

An ELL is not eligible for an exemption from exit-level testing requirements for graduation on the basis of limited English proficiency. However, ELLs who are recent immigrants may be granted a postponement of the administration of the exit-level assessment during their first 12 months of enrollment in U.S. schools.

A postponement is not permitted if a student would otherwise not be afforded the opportunity to take the exit-level assessments at least one time before the student's scheduled graduation date. The LPAC shall document the reason for the postponement in the student's permanent record file. 19 TAC 101.1023.

In certain cases, an ELL who receives special education services may, as a result of his or her particular disabling condition, qualify for an alternative assessment instrument based on alternative achievement standards. 19 TAC 101.1005(b).

Grade 10 and Exit-Level Assessments

Certain ELLs who have had inadequate schooling outside the United States may be eligible for a limited English proficiency exemption from the assessment of

CHARTER SCHOOL BOARD POLICY MANUAL

POLICY GROUP 2 - INSTRUCTION

STATE ASSESSMENT OF ENGLISH LANGUAGE LEARNER STUDENTS PG-2.24

academic skills during a period not to exceed their first three school years in U.S. schools.

1. An ELL who achieves a rating of advanced high on the state's English language proficiency assessment in reading during the student's first school year of enrollment in U.S. schools is not eligible for an exemption in the second or third school year of enrollment in U.S. schools. An ELL who achieves a rating of advanced or advanced high on this assessment during the student's second school year of enrollment in U.S. schools is not eligible for an exemption in the third school year of enrollment in U.S. schools.
2. During the first school year of enrollment in U.S. schools, the student may be granted a limited English proficiency exemption if the LPAC determines that the student has not had the schooling outside the United States necessary to provide the foundation of learning that Texas schools require and measure on the assessment, whether the foundation be in knowledge of the English language or specific academic skills and concepts in the subjects assessed.
3. During the second and third school year of enrollment in U.S. schools, the student whose schooling outside the United States was inadequate may be granted a LEP exemption if the LPAC determines that the student lacks the academic language proficiency in English necessary for an assessment of academic skills in English to measure the student's academic progress in a valid, reliable manner.

The reason for an exemption shall be documented by the LPAC in the student's permanent record file.

Students exempted under this provision shall be administered assessments in subjects and grades required by federal law and regulations in accordance with linguistically accommodated testing procedures delineated in the test administration materials.

An ELL whose parent or guardian has declined the services required by Education Code, Chapter 29, Subchapter B is not eligible for an exemption listed by Commissioner's Rule. 19 TAC 101.1025.