

(REQUIRED BY LAW)

(b) An open-enrollment charter school is subject to: . . . bilingual education under Subchapter B, Chapter 29
Education Code 12.104(b)(2)(G).

POLICY

Title III Requirements

The School shall comply with the statutory requirements regarding limited English proficient (LEP) and immigrant students upon receipt of funds under Title III of the No Child Left Behind Act. 20 U.S.C. 6801–7014.

State Policy

It is the policy of the state that every student who has a home language other than English and who is identified as LEP shall be provided a full opportunity to participate in a bilingual education or English as a second language (ESL) program.

School Responsibilities

The School shall:

1. Identify LEP students based on criteria established by the state;
2. Provide bilingual education and ESL programs, as integral parts of its regular program;
3. Seek certified teaching personnel to ensure that LEP students are afforded full opportunity to master the essential skills and knowledge required by the state; and
4. Assess achievement for essential knowledge and skills in accordance with Education Code Chapter 39 to ensure accountability for LEP students and the schools that serve them.

Education Code 29.051; 19 TAC 89.1201(a).

Identifying LEP Students

Within the first four weeks following the first day of school, the language proficiency assessment committee (LPAC) shall determine and report to the Board the number of LEP students at each campus and shall classify each student according to the language in which the student possesses primary proficiency. The Board shall report that information to the TEA before November 1 every year.

Language Proficiency Assessment Committees

The School shall establish and operate a sufficient number of LPACs to enable them to discharge their duties within four weeks of the enrollment of LEP students.

LPAC Membership

Each LPAC shall include:

1. A professional bilingual educator;
2. A professional transitional language educator;
3. A parent of a LEP student; and
4. A campus administrator.

The School may add other members to the committee in any of the required categories. If the School does not have an individual in one or more of the job classifications required, another professional staff member shall designate to serve on the LPAC.

In schools and grade levels at which the School is not required to provide a bilingual education program, the LPAC shall be composed of one or more professional personnel and a School-designated parent of an LEP student.

No parent serving on the LPAC shall be an employee of the School.

The professional staff members of the LPAC(s) shall be assigned those duties by the Superintendent or designee. Selection of parent members of LPAC(s) shall be made after soliciting volunteers and upon the recommendation of professionals involved in the bilingual/ESL programs.

Education Code 29.063; 19 TAC 89.1220.

Training

The School shall provide orientation and training for all members of the LPAC(s), which shall include a discussion of the committee's duties and a thorough explanation and review of all laws and rules governing the confidentiality of information regarding individual students. In performing their duties, committee members—including parents—shall be acting for the School and shall observe requirements regarding confidentiality of student records.

Education Code 29.063(a), (b); 19 TAC 89.1220(a)–(f)

Duties of LPAC

The LPAC shall have the duties set forth at Education Code 29.063(c) and 19 TAC 89.1220(g)–(j), (l).

Home Language Survey

Within four weeks of each student's enrollment, the School shall conduct a home language survey to determine the language normally used in the home and the language normally used by the student, whenever possible. The home language

survey shall be conducted in English and in the home language, and signed by the student's parents if the student is in prekindergarten through grade 8, or by the student if the student is in grades 9 through 12. The original copy of the survey shall be kept in the student's permanent record.

The School shall conduct only one home language survey of each student.

If a student is identified through the home language survey as normally speaking a language other than English, the student shall be tested in accordance with 19 TAC 89.1225 and, for students with disabilities, in accordance with 19 TAC 89.1230.

Education Code 29.056(a); 19 TAC 89.1215.

Classification as LEP

The LPAC may classify a student as LEP if:

1. The student's ability in English is so limited or the student's disabilities are so severe that assessment procedures cannot be administered;
2. The student's score or relative degree of achievement on the TEA-approved English proficiency test is below the levels established by TEA as indicative of reasonable proficiency;
3. The student's primary language proficiency score as measured by a TEA-approved test is greater than the student's proficiency in English; or
4. The LPAC determines, based on other information, including a teacher evaluation, parental viewpoint, or student interview, that the student's primary language proficiency is greater than the student's proficiency in English or that the student is not reasonably proficient in English.

Education Code 29.056(c)

Parental Notice and Consent

Not later than the 10th day after the LPAC's classification of a student as LEP, the LPAC shall give written notice of the classification to the student's parent. The notice must be in English and in the parent's primary language. The parents of students eligible to participate in the required bilingual education program shall be informed of the benefits of the bilingual education or special language program and that it is an integral part of the school program.

Pending parent approval, the School shall place the student in the recommended program, but may count only LEP students with parental approval for bilingual education allotment.

Education Code 29.056(a), (d); 19 TAC 89.1220(k)

PARTICIPATION OF NON-LEP STUDENTS

With the approval of the School and a student's parent, a student who is not LEP may participate in a bilingual education program. The number of participating students who are not LEP may not exceed 40% of the number of students enrolled in the program.

Education Code 29.058

Bilingual and ESL Programs

Upon the enrollment of 20 or more LEP students in any language classification in the same grade, the School shall offer a bilingual education or special language program as follows:

1. Bilingual education in kindergarten through the elementary grades.
2. Bilingual education, instruction in English as a second language, or other TEA-approved transitional language instruction in post-elementary grades through 8th grade.
3. Instruction in English as a second language in grades 9–12.

If a program other than bilingual education must be used in kindergarten through the elementary grades, documentation for the exception must be filed with and approved by TEA.

Education Code 29.053(c)-(d), 29.054.

Program Content

The School's bilingual education program shall be a full-time program of dual-language instruction that provides for learning basic skills in the primary language of the students enrolled in the program and for carefully structured and sequenced mastery of English language skills. An ESL program shall be an intensive program of instruction in English from teachers trained in recognizing and dealing with language differences. The bilingual or ESL program shall be designed to consider the students' learning experiences and shall incorporate the cultural aspects of the students' backgrounds.

LEP students shall participate fully with English-speaking students in regular classes provided in subjects such as art, music, and physical education. The School shall provide students enrolled in the bilingual or ESL program a meaningful opportunity to participate fully with other students in all extracurricular activities. Elective courses may be taught in a language other than English.

Education Code 29.055; 19 TAC 89.1210(g).

Classes and Facilities

Students enrolled in the bilingual or ESL programs shall be placed in classes with other students of approximately the same age and level of educational attainment. The School shall ensure that each student's instruction is appropriate to the student's level of educational attainment, and the District shall keep adequate records of the educational level and progress of each student enrolled in the program.

Bilingual education and special language programs shall be located in each regular School campus rather than in separate facilities. The School may concentrate the programs at a limited number of schools, provided that the enrollment in those schools shall not exceed 60% LEP students.

Education Code 29.057; 19 TAC 89.1235.

Cooperation Among Districts

The School may join with one or more other districts to provide the required bilingual and special education programs. The availability of the programs shall be publicized throughout the districts involved.

The School may allow a nonresident LEP student to enroll in or attend its bilingual education or special language program if the student's district of residence does not provide an appropriate program. The district of residence shall pay the tuition for the student.

Education Code 29.059.

Summer Program

If the School is required to offer a bilingual education or special language program, it shall offer a voluntary summer school program for LEP children who will be eligible for admission to kindergarten or first grade at the beginning of the next school year.

A school that operates on a semester system shall offer the program during the period school is recessed for the summer and for one-half day for eight weeks or on a similar schedule approved by the Board. A school that operates on any other system shall offer 120 hours of instruction on a schedule established by the Board.

The program must be an intensive bilingual education or special language program that meets the standards set by TEA, and the student/teacher ratio may not exceed 18:1. The School shall comply with the requirements of 19 TAC 89.1250 in providing such a program.

Other Program

The School may establish on a full- or part-time basis other summer school, extended day, or extended week bilingual or special language programs for LEP students and may join with other districts in establishing such programs.

Neither the summer program nor the other programs may substitute for the program to be provided during the regular school year.

Education Code 29.060.

Personnel

Teachers assigned to bilingual education and ESL programs must be appropriately certified in bilingual education or ESL, respectively. Education Code 29.061(b), (c).

If the School is unable to hire a sufficient number of teachers with bilingual teaching or ESL certificates, the School may file an application for exception with TEA in accordance with 19 TAC 89.1207.

Education Code 29.054; 19 TAC 89.1207.

LEP Students and State Assessments

In grades 3–12, an LEP student shall participate in the assessment of academic skills in accordance with Commissioner’s rules at 19 TAC Chapter 101, subchapter AA. 19 TAC 101.5(c).

Program Exit

The School may transfer an LEP student out of a bilingual education or special language program for the first time or a subsequent time if the student is able to participate equally in a regular all-English instructional program as determined by:

1. TEA-approved tests administered at the end of each school year to determine the extent to which the student has developed oral and written language proficiency and specific language skills in English;
2. Satisfactory performance on the reading assessment instrument under Education Code 39.023(a) or an English language arts assessment instrument under Education Code 39.023(c), as applicable, with the assessment instrument administered in English, or, if the student is enrolled in the first or second grade, an achievement score at or above the 40th percentile in the reading and language arts sections of an English standardized test approved by the TEA; and
3. TEA-approved criterion-referenced tests and the results of a subjective teacher evaluation.

Education Code 29.056(g).

Notice to Parents

The School shall notify the student's parent of the student's reclassification as English proficient and his or her exit from the bilingual education or English as a second language program and acquire approval as required under Education Code 29.056(a). Students meeting exit requirements may continue in the bilingual or English as a second language program with parental approval but are not eligible for inclusion in the School's bilingual education allotment.

19 TAC 89.1240(b).

Evaluation of Transferred Students and Reenrollment

The LPAC committee shall reevaluate a student who is transferred out of a bilingual education or special language program if the student earns a failing grade in a subject in the foundation curriculum during any grading period in the first two school years after the student is transferred to determine whether the student should be reenrolled in a bilingual education or special language program.

During the first two school years after a student is transferred out of a bilingual education or special language program, the LPAC shall review the student's performance and consider:

1. The total amount of time the student was enrolled in bilingual education or special language programs;
2. The student's grades each grading period in each subject in the foundation curriculum;
3. The student's performance on state assessment instruments;
4. The number of credits the student has earned toward high school graduation, if applicable; and
5. Any disciplinary actions taken against the student under the Student Code of Conduct.

After the evaluation, the LPAC may require intensive instruction for the student or reenroll the student in a bilingual education or special language program.

Education Code 29.0561

PEIMS Reporting Requirements

If required to offer bilingual education or special language programs, the School shall include the following information in its PEIMS report:

1. Demographic information on students enrolled in the School's bilingual education or special language programs;

CHARTER SCHOOL BOARD POLICY MANUAL
POLICY GROUP 2 – INSTRUCTION
BILINGUAL EDUCATION AND ENGLISH AS A
SECOND LANGUAGE SERVICES

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2. The number and percentage of students enrolled in each instructional model of a bilingual education or special language program offered by the School; and
3. The number and percentage of students identified as LEP students who do not receive specialized instruction.

Education Code 29.066(a).