



# TAKS Decision-Making Guide for LPACs

## Overview

This Texas Education Agency (TEA) publication is designed to guide language proficiency assessment committees (LPACs) in making assessment and accommodation decisions for English language learners (ELLs) participating in the Texas Assessment of Academic Knowledge and Skills (TAKS) program.

The TAKS program includes only exit level TAKS.

The procedures in this guide implement the ELL assessment requirements of Chapter 39 of the Texas Education Code (TEC) and Chapter 101, Subchapter AA, Division 2, of the Texas Administrative Code (TAC). The TEC and TAC are accessible from the A–Z index of the TEA website at <http://tea.texas.gov/>. **The regulations require LPACs to make assessment decisions in accordance with administrative procedures established by TEA. In fulfilling their responsibilities, LPACs must**

- adhere to the administrative procedures in this and other TEA-provided resources,
- make assessment decisions on an individual student basis,
- determine and monitor appropriate instructional interventions,
- work as a committee to make decisions, and
- maintain required documentation.

The role LPACs have in making assessment decisions for ELLs supports appropriate implementation of both the content area Texas Essential Knowledge and Skills (TEKS) and the Texas English Language Proficiency Standards (ELPS). In Section 74.4 of the TAC, the ELPS require all teachers of ELLs to incorporate the teaching of English in daily content area instruction and to linguistically accommodate (communicate, sequence, and scaffold) the instruction according to the English language proficiency levels of their ELLs. These requirements help ELLs learn English and engage more meaningfully in the learning of subject matter.

The ELPS go a step further for ELLs who are at the **beginning or intermediate level** of English language proficiency because students who do not proceed quickly through these levels are at particular risk of falling behind academically and having difficulty catching up once they reach higher proficiency levels. The ELPS require districts to provide intensive, focused, and systematic second language acquisition instruction designed specifically to build the foundation of English vocabulary, grammar, and syntax that these students vitally need to get beyond the intermediate level.

This guide's procedures, in that they help campuses regularly monitor the progress of ELLs and the linguistic supports they are receiving, assist districts in ensuring effective implementation of the state curriculum.

## Exit Level LEP Postponement

Exit level limited English proficient (LEP) postponement procedures are based on the TAC, Subchapter AA, Division 2, Section 101.1023. Like other Texas public school students, ELLs are required to perform satisfactorily on the exit level tests to fulfill their graduation requirements. The LPAC may, however, grant a postponement of the administration of the exit level assessment during a student's first 12 months of enrollment in U.S. schools. This deferral is called an **exit level LEP postponement**. The decision to grant a postponement must allow the student at least one opportunity to take the exit level assessment before the student's scheduled graduation date. LEP postponements are not subject-specific.

### Monitoring Student Needs

LPACs should promptly identify any newly arrived immigrant students who may qualify for an exit level LEP postponement. It is important for school professionals to be aware of the unique educational needs of such students and for the students to be aware of their course and testing requirements for graduation.

Linguistically accommodated instruction, special interventions to accelerate the English acquisition of beginning and intermediate ELLs, and other carefully targeted instructional interventions should be provided, monitored, and adjusted as needed during the school year.

**It is vital for teachers to be appropriately trained in methods that accelerate the English acquisition and academic achievement of ELLs who enter the U.S. in high school. Information about this type of professional development is available from education service centers and TEA.**

### LEP Postponement Documentation Requirements

When a student is granted a LEP postponement, the student's permanent record file must contain documentation of the following:

- the student's LEP status, program participation, and date(s) of enrollment in U.S. schools;
- evidence of the student's inadequate foundation in knowledge of the English language, as determined by scores on required assessments for identification and placement administered when the student initially enrolled and was classified as LEP;
- instructional interventions that are being implemented to accelerate the student's learning; and
- evidence that the student lacks the progress by the time of the test administration for the test to provide a meaningful measure of the student's knowledge and skills, as determined by informal assessments or the subject-area teachers' review of the student's performance in class.

If a student is granted a postponement from more than one test administration during the 12-month period, documentation of the student's instructional interventions and progress by the time of the test administration must be updated. LEP postponement decisions must be made and documented on an administration-by-administration basis. To meet the documentation requirements, LPACs may use the following TEA-provided form available on the Language Proficiency Assessment Committee Resources webpage.

- *Decision to Grant a TAKS Exit Level LEP Postponement*

Locally developed forms may be used if all components of required state documentation are included.

## TAKS Provisions for ELLs Receiving Special Education Services

When an ELL receives special education services, the student's admission, review, and dismissal (ARD) committee is required to work in conjunction with the student's LPAC to ensure that issues related to both the student's particular disability and English language proficiency level are carefully considered when assessment decisions are made. If the student is not eligible for an exit level LEP postponement, the TAKS requirements for the student are the same as for other students receiving special education services.

LPACs must maintain documentation of all assessment and accommodation decisions in the student’s permanent record file, and the ARD committee must document the information in the student’s individualized education program (IEP).

Note that factors related to how much English the student knows (language proficiency in English) must not be used in determining the appropriateness of an assessment. The selection of the appropriate type of assessment is related to the student’s disabling condition, not acquisition of English as a second language.

Exit level ELLs receiving special education services who take TAKS may qualify for a LEP postponement in accordance with the state-defined criteria in the “Exit Level LEP Postponement” section of this guide.

## TAKS Provisions for Qualifying ELL Unschooled Asylees and Refugees

Special linguistic accommodation provisions are permitted for currently enrolled eligible asylees and refugees who are beyond the exit level LEP postponement period but are not yet in their sixth school year of enrollment in U.S. schools. Such students may receive certain linguistic accommodations on exit level TAKS tests. Allowable linguistic accommodations include Bilingual, English, and ESL dictionaries; reading assistance; extended time; and bilingual glossary (math, science and social studies only). An Accommodation Request Form should be used to submit linguistic accommodation requests to TEA on an individual student basis. The request should specify that the student qualifies for special linguistic accommodation provisions as an ELL unschooled asylee/refugee and **must** include information explaining why the particular linguistic accommodations are appropriate.

### Eligibility and Documentation Requirements

The LPAC is responsible for reviewing the criteria below to determine whether a student qualifies for the special linguistic accommodation provisions as an unschooled asylee or refugee. All criteria must be met.

- The student must be identified as LEP as defined by state law in TEC, Section 29.052 and must participate in a state-approved bilingual or ESL program.
- The student’s permanent record file must contain appropriate documentation of asylee/refugee status. The student must
  - be an asylee as defined by 45 Code of Federal Regulations, Section 400.41 or a refugee as defined by 8 United States Code, Section 1101, and
  - have a Form I-94 Arrival/Departure record, or a successor document, issued by the United States Citizenship and Immigration Services that is stamped with “Asylee,” “Refugee,” or “Asylum.”

Note that the Language Proficiency Assessment Committee Resources webpage includes a TEA form that may be used in the rare case that a campus has compelling evidence of a student’s asylee or refugee status but is unable to obtain official documentation by the time of the applicable test administration.

- The student must be beyond the exit level LEP postponement period but must not yet be in the sixth school year of enrollment in U.S. schools.
- The student’s permanent record file must document that
  1. the student had little or no formal schooling outside the U.S. and lacked basic primary language literacy upon enrollment in school in the U.S.;
  2. the student is being provided linguistic accommodations and other ongoing interventions by the district to meet the student’s unique affective, linguistic, and cognitive needs; and
  3. as of the semester of the test administration, the student continues to lack the necessary foundation in the TEKS as a result of the student’s inadequate schooling outside the U.S.

Documentation of the accommodations to be provided should be kept in the student’s permanent record file.

## TAKS ELL Assessment Questions and Answers

- 1. A new immigrant student has enrolled the week before testing. Due to time constraints, the school has not been able to officially designate the student as LEP or obtain all necessary information related to the student's schooling outside the U.S. How should the LPAC proceed to make an appropriate testing decision for this student?**

When a new immigrant student enrolls just before testing, the LPAC must make every effort to obtain the appropriate information. Ultimately, the LPAC will need to make an educationally sound assessment decision using all information gathered. The LPAC must maintain careful documentation both of the effort it has made to obtain complete information and the reason for the assessment decision. This information should be kept in the student's permanent record file.

### Provisions for Unschooled Asylees and Refugees

- 2. Do state regulations extend how long unschooled asylees and refugees are eligible for LEP postponements?**

No, the LEP postponement period is the same as for other ELLs.

- 3. We have an ELL asylee who was in his third school year in U.S. schools last year and reached the advanced level on the TELPAS reading test. Is he eligible for the provisions?**

The TAKS eligibility criteria do not include a specific TELPAS level. The LPAC will need to review all criteria, including the one related to whether the student lacks the necessary foundation in the TEKS as of the time of the test administration as a result of the student's inadequate schooling outside the U.S.

Answers to questions about asylee/refugee assessment provisions not specific to TAKS may be found in the **2015–2016 STAAR Decision-Making Guide for LPACs** on the Language Proficiency Assessment Committee Resources webpage.