

**Process for Considering Special Exit Criteria
from Bilingual/English as a Second Language (ESL) Services
Under 19 TAC §89.1225(k)¹**

2009–2010 School Year

Grades 1–12

Under Texas Administrative Code (TAC) §89.1225(h), districts are required to use the exit criteria represented in the chart titled *2009 - 2010 English Proficiency Exit Criteria Chart* found at <http://ritter.tea.state.tx.us/curriculum/biling/0809ExitCriteriaChart091708.pdf> (Please update with 09-10 exit chart when available) to exit limited English proficient (LEP) students from bilingual/ESL programs. The exit criteria under TAC §89.1225(h) apply to the vast majority of **LEP students who receive special education services**. In rare cases, a LEP student receiving special education services may qualify to be exited using criteria permitted under TAC §89.1225(k), which give special consideration to a LEP student for whom assessments and/or standards under TAC §89.1225(h) are not appropriate because of the nature of a student's particular disabling condition.

This document outlines the process to follow when considering whether a student qualifies to exit using the criteria authorized by TAC §89.1225(k).

Step 1: Schedule Meeting to Evaluate Whether Student Potentially Qualifies for Exit

At or near the beginning of the school year, a meeting is to be scheduled between key admission, review, and dismissal (ARD) committee and language proficiency assessment committee (LPAC) members to discuss whether the student qualifies to exit using criteria under §TAC 89.1225(k).

- Through this process, a determination is made about the assessments and/or English language proficiency assessment standards to be used in the exiting process.
- This process applies **ONLY** when one or more assessments and/or English language proficiency assessment standards under TAC §89.1225(h) 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://www.tea.state.tx.us/special.ed/guidance/ardlpac.html>
- This process is to be used to address the needs of an individual student, not groups of students. Very few students qualify to exit using the TAC §89.1225(k) criteria.
- This process must be conducted by key admission, review, and dismissal (ARD) committee members (including a diagnostician when applicable) and key language proficiency assessment committee (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(k) Exit 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(k) exit 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 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(k) exit 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.

¹ Title 19 Texas Administrative Code Chapter 89 Adaptations for Special Populations; Subchapter BB. Commissioner's Rules Concerning State Plan for Educating Limited English Proficient Students

Step 3: Specify Assessments and English Language Proficiency Test Standards

After reviewing the evidence and concluding 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 meeting participants review the assessment information in the IEP and make exit criteria recommendations based on the information below.

Caution should be exercised when considering exit of students in Grades 1-2. It may be premature in these grades to consider exit 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

- Norm-referenced standardized achievement tests are not required for students in grades 1-2 eligible under TAC §89.1225(k).
- **ACADEMIC CONTENT ASSESSMENTS OF READING AND WRITING IN GRADES 3-12****Modification of performance standards on academic content assessments not permitted**
The Texas Education Agency has already modified student performance standards on TAKS through the development of TAKS–M and TAKS–Alt. Further modification of performance standards on academic content assessments is not permitted. **State-established standards must be used.**
- **Selection of appropriate academic content assessments**
Students considered for exit criteria under TAC §89.1225(k) should be those designated to take TAKS–M or TAKS–Alt as determined by the ARD committee in conjunction with the LPAC. If a rare situation occurs in which TAKS (Accommodated) or TAKS is considered to be the appropriate academic content assessment for a student who needs modified English language proficiency standards, consult the Education Service Center bilingual/ESL contacts for guidance. **Reminder: State-established standards must be used.**

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**
 - **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

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 Exit Criteria in Formal ARD Committee Meeting

Key members of the ARD committee and LPAC present the documentation at a formal 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 ARD committee meeting, the IEP is updated with documentation of the modified exit criteria if the committee as a whole determines that exit is anticipated.

Step 6: Determine and Document Whether Student Has Met Modified Exit 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(h) to determine whether the student has met the modified exit 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 ARD committee meeting is necessary for students whose annual ARD committee meeting is held at a different time.
- If the decision is made to exit the student based on the assessment results and subjective teacher evaluation, the ARD committee finalizes and documents the change in placement or program and delineates instructional services including the monitoring period for exited students. Furthermore, as required under TAC §89.1220(m)(7) relating to exit from bilingual education or ESL services, the LPAC also documents the exit decision in the student's permanent record file.

Please see also: <http://www.tea.state.tx.us/special.ed/guidance/ardlpac.html>