

Q. What if the ARD (Admission, Review, and Dismissal) Committee agrees that a student who is currently receiving services in a Bilingual/ESL classroom will be more appropriately served in a setting other than the Bilingual/ESL classroom?

- A. The student's native language proficiency, as well as their English proficiency need to be evaluated by the LPAC committee, which will make recommendations to the ARD Committee. This will allow the ARD Committee to determine language dominance, proficiency and placement. Ch. 89.1220, 89.1225, 89.1230

Q. Should the ARD Committee consider encouraging the parent to exit their child from Bilingual/ESL program?

- A. A limited English proficient student may only be exited when he/she meets exit criteria, Chapter 89.1225(h). The ARD Committee is not the appropriate forum for this discussion.

Q. If a child is non-verbal, should the school district provide testing in the child's native language?

- A. The child should receive assessment and instruction in their native language or other mode of communication, unless it is clearly not feasible to do so. Under Notes for S13 Item (I)
- The district is responsible to document the reason that it was not feasible to conduct the evaluation in the native language.
 - When the student's dominant language is other than English, verify that the student was evaluated in his/her dominant language by reviewing:
 - Oral Language Proficiency scores
 - LPAC report
 - Documentation of the examiner's proficiency in the student's dominant language or
 - A description of the procedures used to ensure the student was evaluated in his/her dominant language when the examiner was not proficient in that language.
 - The evaluation instruments are administered by persons who possess knowledge about a students' cultural and linguistic characteristics and how these affect performance in academic, social, and other areas of learning. S13 (1) L

Q. How can the terms Denial, Exit, and Waiver be used in the context of dismissing students from the Bilingual/ESL Program, during the ARD process?

A. The terms Denial, Exit, and Waiver have specific definitions and are not intended to be used by any other entity than indicated below. Definitions:

- Waiver in the Bilingual/ESL program means that – DEC Indicator B22; the district has a WAIVER for the ESL program and is implementing a plan approved by the Texas Education Agency.
- Denial – Parental Denials DEC Indicator B20; states that "The district should be making an effort to reduce the number of parental denials by explaining the purpose and content of the program and the benefits to students placed in the program."
- Exit – "The language proficiency assessment committee (LPAC) uses required criteria to exit limited English proficient (LEP) students from the bilingual education or English as a second language (ESL) programs." 89.1225 (h)

Q. If a Limited English Proficient 3-year-old qualifies for special education services, is the school district required to provide Bilingual/ESL services?

A. "If the LEA has a program called prekindergarten and are serving 3-year- olds, 4-year-olds, or both, they need to serve those that are LEP identified with either ESL or Bilingual, depending on the requirement of the district." Dr. Georgina Gonzalez, Texas Education Agency Requirement found in 89.1205 (a)

Q. Once the English language learner who receives special education services is exited from Bilingual/ESL Program, does the LPAC have any further obligation to monitor the progress of this child?

A. Yes, the LPAC shall monitor the academic progress of each student who has exited from Bilingual/ESL Program within the past two years in order to determine whether the student is academically successful, as defined in 89.1225(j). 89.1220 (l);

Q. When does the ARD Committee have the authority to dismiss a student from the Bilingual/ESL Program?

A. The ARD Committee does not have the authority to dismiss from, or place students in, Bilingual/ESL Programs. Nor does the ARD have the authority to "waive" services. Chapter: 89.1225(h)