Guidance Related to ARD Committee and LPAC Collaboration

When a student with a disability is, or might be identified as an English language learner (ELL), the student's admission, review, and dismissal (ARD) committee must work in conjunction with the language proficiency assessment committee (LPAC) to determine appropriate entry and exit criteria for the state Bilingual English/English as a Second Language (BE/ESL) program (19 TAC §§89.1225(f)(4) and (k)).

The majority of these meetings are informal discussions between key members of the ARD committee and key members of the LPAC. The discussions address:

- The student's cognitive and linguistic abilities, and affective needs;
- Linguistic accommodations that will help the student access the general curriculum; and
- Whether the student will benefit from second language acquisition services.

These informal meetings result in a plan that is presented to the ARD committee. Decisions about entry, appropriate linguistic accommodations, and exit are made by the ARD committee in conjunction with the LPAC committee.

The agency is developing guidelines regarding entry into BE/ESL programs and will release them in the near future.

Exiting a Student from LEP services

As students approach the point where they no longer need second language acquisition support in English, key members of the ARD committee and the LPAC identify appropriate oral language, reading, and writing assessments and performance standards to verify that the students no longer need second language acquisition support in English to address the student's learning needs.

The ARD committee then considers the recommendations, and the committee makes decisions regarding the student’s exit from LEP services. The LPAC must also document decisions relating to a student’s exit from bilingual education or English as a second language (ESL) services.

Student Confidentiality

Due to the requirements of the Family Educational Rights and Privacy Act (FERPA), schools must take care to ensure that staff members protect student confidentiality while discussing special education and LEP issues. The school district always has the option of training the parent of the student receiving special education services as the LPAC parent representative, thereby avoiding the issue of student confidentiality.
If the school district chooses to involve an LPAC parent representative in discussions of special education and LEP issues for a student who is not the child of the LPAC parent representative, the school district can ensure compliance with FERPA in one of two ways.

First, the school district can notify parents in its annual FERPA notification that the school district treats LPAC parent representatives as school officials with legitimate educational interests in the education records of students for whom they act as LPAC parent representative. The LPAC parent representative may then receive information about a student whom the LPAC parent serves without the written consent of the student’s parent. The Annual Model Notification of FERPA Rights, published by the U.S. Department of Education Family Policy Compliance Office, contains sample language concerning the disclosure of education records, without parental consent, to parents and students serving on an official committee of a school district.

Second, if the school district does not identify parents serving on its official committees as school officials in its annual FERPA notification, the school district can provide an LPAC parent representative with information about a student after receiving written consent for the disclosure from the student’s parent.

For more information go to the Bilingual and English as a Second Language Education Programs webpage.