



# 2018-2019 STAAR 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 designated supports decisions for English learners (ELs) participating in the State of Texas Assessments of Academic Readiness (STAAR) program.

The procedures in this publication implement the EL assessment requirements in Chapter 39 of the Texas Education Code (TEC) and Chapter 101, Subchapter AA, Division 1, 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 guide,
- make assessment **decisions on an individual student basis**,
- work as a committee to make decisions, and
- maintain required documentation.

The role LPACs have in making assessment decisions for ELs 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 ELs to incorporate the teaching of English in daily content area instruction and to accommodate (communicate, sequence, and scaffold) the instruction according to the English language proficiency levels of their ELs. These requirements help ELs learn English and engage more meaningfully in the learning of subject matter.

The ELPS go a step further for ELs who are at the **beginning or intermediate level** of English language proficiency. 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.

Education service centers are required to provide school districts with annual training on LPAC procedures for making EL assessment and accommodation decisions.

## Test Participation Decisions

The STAAR program encompasses STAAR, STAAR Spanish, and STAAR Alternate 2. The STAAR program for grades 3–8 includes assessments of mathematics, reading, writing, science, and social studies. STAAR end-of-course (EOC) assessments are available for Algebra I, Algebra II, biology, English I, English II, English III, and U.S. history. More information about the STAAR program may be accessed at <http://tea.texas.gov/student.assessment/staar/>.

LPACs must make and document test participation decisions in accordance with STAAR program requirements.

## EL Participation in STAAR

<b>STAAR (grades 3–8 and EOC)</b>	<ul style="list-style-type: none"> <li>• General statewide assessment</li> <li>• Designated supports available for students who meet eligibility and can be found at <a href="https://tea.texas.gov/accommodations/">https://tea.texas.gov/accommodations/</a>.</li> <li>• Taken by ELs not administered an assessment listed below</li> </ul>
<b>STAAR Spanish (grades 3-5)</b>	<ul style="list-style-type: none"> <li>• Available for students in grades 3–5 for whom a Spanish version of STAAR most appropriately measures their academic progress</li> <li>• Not permitted for an EL whose parent or guardian has declined bilingual/ESL program services</li> </ul>
<b>STAAR Alternate 2</b>	<ul style="list-style-type: none"> <li>• Available for students receiving special education services, including those who are ELs, who meet requirements for an alternate assessment based on alternate achievement standards</li> <li>• Participation requirements and information regarding available accommodations can be found at <a href="http://tea.texas.gov/student.assessment/special-ed/staaralt/">http://tea.texas.gov/student.assessment/special-ed/staaralt/</a></li> </ul>

For EOCs, STAAR designated supports decisions can be carried over from fall to the spring and summer administrations. For Grade 5 and 8 retest opportunities, designated supports decisions can be carried over from April to the May and June administrations.

In making assessment decisions, keep the following points in mind:

- LPACs are responsible for obtaining the necessary information from the individual student’s teachers. In determining whether students meet the participation requirements, decisions must be made on an **individual** student basis.
- STAAR Spanish, in addition to being appropriate for students in bilingual programs who are receiving most of their academic instruction in Spanish, may sometimes be appropriate for an EL in an ESL program.  
Examples:
  - a Spanish speaker who has recently moved to the U.S.
  - an EL who recently moved from a campus with a Spanish bilingual education program to a campus with only an ESL program
  - a student in an ESL program who receives substantial academic support in Spanish
- LPACs are required to determine and document the number of school years in which an EL has been enrolled in a U.S. school. This information, which is reported to TEA in conjunction with the Texas English Language Proficiency Assessment System (TELPAS) and TELPAS Alternate, is used in TELPAS and TELPAS Alternate reporting, and accountability and performance-based monitoring measures. It is vital that LPACs follow state-defined policies and procedures to determine and annually document this important data element. See the *Other LPAC Resources* section of the Language Proficiency Assessment Committee Resources webpage at <http://tea.texas.gov/student.assessment/ell/lpac/> for instructions.
- In the case of an EL who receives special education services, the LPAC is responsible for working in conjunction with the student’s admission, review, and dismissal (ARD) committee to make and document assessment participation decisions. The decision may be made by key members of each committee if necessary.
- It is recommended that final assessment and designated supports decisions not be made until close to the time of the test administration to take into account the student’s progress in learning English.
- See page 6 for information about students who qualify as unschooled asylees or refugees.

## Designated Supports Decisions

LPACs are responsible for

- making designated supports decisions for ELs in accordance with the TEA policies described in this guide and the *Educator Guide to Accessibility within the STAAR Program*, and
- maintaining required documentation of the decisions.

General information regarding updated designated supports policies for STAAR is located in the TEA guide titled *Educator Guide to Accessibility within the STAAR Program*, which is available on the Accommodation Resources page at <http://tea.texas.gov/student.assessment/accommodations/>.

The types of designated supports that are most suitable change as ELs learn English, and the degree of need for particular designated support lessens. The ELPS require all teachers to accommodate the instruction of ELs in their classes commensurate with the students' English language proficiency levels. This calls for teachers to monitor and adjust designated support as ELs learn more English. Doing so supports the learning of both subject matter and English.

While some designated supports may be appropriate for instructional use, they may not be appropriate or allowable on a statewide assessment. Providing unfamiliar or inappropriate designated supports during statewide assessments may hinder rather than help a student. LPACs are responsible for coordinating with the content area teachers of ELs to make designated supports decisions in accordance with the eligibility criteria specified for each support.

For an EL with a disability, the LPAC is responsible for making and documenting designated supports decisions in conjunction with the student's ARD committee, Section 504 placement committee, response to intervention (RTI) team, or student assistance team, as applicable. LPACs are required to work in conjunction with the applicable committee in making both designated supports decisions related to an EL's language proficiency and designated supports decisions related to the student's disability. This collaboration helps ensure that factors related to disabling conditions and second language acquisition are both carefully considered.

Students for whom the LPAC recommends Oral Administration, Content and Language Supports, or Extra Time as designated supports for any reading or writing assessment (including English I and English II), may not be considered for reclassification at the end of the school year.

Comprehensive information regarding designated supports can be found on the Accommodations Resources webpage located at <http://tea.texas.gov/student.assessment/accommodations/>.

## Decisions about Exemptions

Section 101.1005 of the TAC allows the exemption of certain qualifying EL asylees and refugees from being administered a STAAR assessment in grades 3–8.

### Exemptions

As indicated in 19 TAC §101.1005, an EL who meets the eligibility criteria below shall not be required to take a STAAR assessment in grades 3-8.

### Eligibility Criteria

This exemption applies to an EL who

- qualifies as an unschooled asylee or refugee,
- is in the first year of enrollment in U.S. schools, and
- is in grades 3–8.

## Decisions about English I EOC Special Provision

Section 101.1007 of the TAC includes an English I EOC provision for ELs served in bilingual/ESL programs who meet specified eligibility criteria.

### English I EOC Special Provision

As indicated in 19 TAC §101.1007, an EL who meets the eligibility criteria below shall not be required to retake the assessment each time it is administered if the student passes the course but fails to meet the passing standard on the assessment.

### Eligibility Criteria

This provision applies to an EL enrolled in an English I course or an English for Speakers of Other Languages (ESOL) I course if the EL —

- has been enrolled in U.S. schools for 3 school years or less or qualifies as an unschooled asylee or refugee enrolled in U.S. schools for 5 school years or less, and
- has not attained a TELPAS advanced high reading rating in grade 2 or above.

An EL whose parent or guardian has declined bilingual/ESL program services is **not** eligible for this provision.

This provision acknowledges the unique circumstances of specific ELs whose ability to engage with high school English language arts course material, due to limited time in the U.S. and limited time to learn English, depends on instructional scaffolding, including linguistic supports based on their second language acquisition needs, that cannot be provided as a designated support during the standardized English I EOC assessment.

LPACs must maintain documentation of eligibility for the special provision. Eligibility must be determined in conjunction with the student's enrollment in English I/ESOL I.

Note that students who are eligible for the special provision do have the **option** of retaking the assessment.

## Documentation of Decisions

For each EL, the LPAC must maintain documentation of STAAR participation and designated supports decisions in the student's permanent record file.

- If the EL receives special education services, documentation must also be maintained by the ARD committee in the student's individualized education program (IEP).
- If the EL has a Section 504 placement committee, documentation must be maintained by the placement committee in the student's 504 record, or individualized accommodation plan (IAP).

Each committee must document the decisions for **both** designated supports related to an EL's language proficiency and designated supports related to the student's disability.

The sample forms that follow are provided to assist LPACs in meeting documentation requirements. The forms are available on the Language Proficiency Assessment Committee Resources webpage at <http://tea.texas.gov/student.assessment/ell/lpac/>. LPACs may modify or reformat the forms as long as all components of required state documentation are included. School districts may require additional supporting documentation and evidence.

## STAAR Participation and Designated Supports Decisions

This form may be used by the LPAC to document and justify STAAR participation decisions and to record designated supports decisions, as required by Section 101.1005 of the TAC.

In addition to keeping this form in the student's permanent record file, the LPAC may provide a copy of Part II of the form to the testing coordinator to ensure that the student is administered the correct test and provided the correct designated supports.

### **PART I: Documentation and Justification of STAAR Participation Decisions**

Keep the following in mind when completing the table in Part I of the form:

- For STAAR Spanish, the justification must specifically relate to the participation requirements and must specifically validate the assessment decision.
- For STAAR, it is enough to include a general statement such as, "The LPAC has determined STAAR to be the most appropriate assessment," or "The student does not meet participation requirements for other assessments."
- For STAAR Alternate 2, the form detailing the participation requirements is completed by the ARD committee. For an EL for whom STAAR Alternate 2 is appropriate, LPAC documentation of the justification (using the sample form provided by TEA or a similar form) may include a statement such as, "Based on LPAC and ARD committee review of STAAR Alternate 2 participation requirements, the student meets the requirements for reasons specific to the student's disability. Attached is a copy of the completed TEA form for determining participation." Second language acquisition is not a factor in determining participation for this assessment. The STAAR Alternate 2 form may be found at <http://tea.texas.gov/student.assessment/special-ed/staaralt/>

### **PART II: Record of Test Participation and Designated Supports Decisions for the STAAR Program**

The table in Part II may be used by the LPAC to document the student's designated supports decisions for each subject or course assessed.

- The teacher's signature on this page affirms that the student's designated supports are based on the student's second language acquisition needs and are routinely used in classroom instruction and testing.

## STAAR Eligibility for English I EOC Special Provision

This form may be used by the LPAC to document eligibility of the EL for the English I EOC special provision. In addition to keeping this form in the student's permanent record file, a copy should also be provided to the campus testing coordinator.

## Communicating Assessment Decisions

LPACs are responsible for providing STAAR assessment coordinators with assessment and designated supports information for ELs in time for appropriate testing arrangements to be made.

## Qualifying as an Unschooled Asylee or Refugee

To qualify as an unschooled asylee or refugee, each of the following criteria must be met:

- The student must be identified as limited English proficient (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'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.; *and*
  2. the student is being provided designated supports 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 direct result of the student's inadequate schooling outside the U.S.

An EL who qualifies as an unschooled asylee or refugee may be eligible for the English I EOC special provision during the student's fourth or fifth school year of enrollment in a U.S. school if all other requirements are met. Refer to the *Decisions about Exemptions* section on pages 3 and 4 of this document for information about unschooled asylees or refugees in their first year in U.S. schools.

### Questions and Answers about Qualifying as Unschooled Asylees and Refugees

1. ***In determining how long an asylee or refugee has been in U.S. schools, do we go by the arrival date on the Form I-94 Arrival/Departure record or the student's first school year of enrollment in U.S. schools?***

Follow the instructions for the Years in U.S. Schools data collection for TELPAS. In accordance with this data collection, start with the student's first school year of enrollment in U.S. schools but do not include enrollment in a U.S. school prior to grade 1.

2. ***From whom should a school district obtain documentation of a student's asylee/refugee status?***

Documentation should come from the parent or legal guardian (or student if 18 or older). If applicable, a resettlement agency or other social services provider that assisted the student at the time of initial enrollment in U.S. schools may be contacted for possible assistance with this process.

3. ***What successor documentation can be used in place of Form I-94?***

19 TAC, Section 101.1010 (a)(2) states that the student must 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.'" One example of an authorized "successor document" is a green card, which will contain a code indicating status as a refugee (RE6, RE7, RE8, or RE9) or asylee (AS6, AS7, or AS8).

Other forms of acceptable documentation for humanitarian populations that are included in refugee services as defined in 45 Code of Federal Regulations §400.41 and 8 United States Code §1101 and referenced in TAC 101.1005 (c)(1) can be found on the U.S. Office of Refugee Resettlement (ORR) webpage located at: <https://www.acf.hhs.gov/orr/resource/status-and-documentation-requirements-for-the-orr-refugee-resettlement-program>.

For questions regarding whether a document other than Form I-94 or green card is an acceptable form of documentation, contact Kathleen Gillen, Children's Service Specialist of Refugee School Impact (RSI) Migration and Refugee Services at the United States Conference of Catholic Bishops (USCCB) via email [KGillen@usccb.org](mailto:KGillen@usccb.org) or by phone (202) 541-5406. The Texas Health and Human Services Commission (HHSC) no longer administers the refugee program for the state of Texas. USCCB is the replacement designee for the federal Refugee School Impact grant.

Specific written documentation must be maintained in the student's permanent record file verifying the determination by USCCB that the form of documentation available to the district is acceptable.

