Sec. 1. REQUIREMENTS UNDER TITLE III OF ESEA

Midland Academy Charter shall comply with the statutory requirements regarding English learners[1] and immigrant students upon receipt of funds under Title III of the Every Student Succeeds Act.

20 U.S.C. 6801–7014.

Sec. 2. STATE POLICY

It is the policy of the state that every student who has a primary language other than English and who is identified as an English learner shall be provided a full opportunity to participate in a bilingual education or English as a second language (ESL) program.

Sec. 3. MIDLAND ACADEMY CHARTER RESPONSIBILITIES

Midland Academy Charter shall:

1. Identify English learners based on criteria established by the state;
2. Provide bilingual education and ESL programs, as integral parts of its regular program;
3. Seek certified teaching personnel to ensure that English learners students are afforded full opportunity to master the essential skills and knowledge required by the state; and
4. Assess achievement for essential knowledge and skills in accordance with Chapter 29, Education Code to ensure accountability for English learners and the schools that serve them.

19 TAC 89.1201(a).

Sec. 4. IDENTIFYING ENGLISH LEARNER STUDENTS

Within the first four weeks following the first day of school, the language proficiency assessment committee (LPAC) shall determine and report to the Board the number of English learner students at each campus and shall classify each student according to the language in which the student possesses primary proficiency. The Board shall report that information to the Texas Education Agency ("TEA") before November 1 every year. *Education Code 29.053(b).*

Sec. 5. LANGUAGE PROFICIENCY ASSESSMENT COMMITTEES

Midland Academy Charter shall establish and operate a sufficient number of LPACs to enable them to discharge their duties within four weeks of the enrollment of English learner students.

[1] In this policy, the term "English learner" is synonymous with "emergent bilingual" student, as that term is used in Subchapter B, Chapter 29, Education Code.

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a) *LPAC Membership*

Each LPAC shall include:

1. An appropriately certified bilingual educator (for students served through bilingual education);
2. An appropriately certified English as a second language (ESL) educator (for students served through an ESL program);
3. A parent of the English learner participating in a bilingual or ESL program; and
4. A campus administrator.

Midland Academy Charter may add other trained members to the committee in any of the required categories. If Midland Academy Charter does not have an individual in one or more of the job classifications required, another professional staff member shall be designated to serve on the LPAC.

No parent serving on the LPAC shall be an employee of Midland Academy Charter.

All members of the LPAC, including parents, shall observe all laws and guidelines concerning student confidentiality. Midland Academy Charter will provide orientation and training for all members of the LPAC, including parents.

Education Code 29.063; 19 TAC 89.1220(a)-(f).

b) *Duties of LPAC*

The LPAC shall have the duties set forth at Education Code 29.063(c) and 19 TAC 89.1220(g)–(j), (l).

c) *Home Language Survey*

Within four weeks of each student's enrollment, Midland Academy Charter shall conduct a home language survey to determine the language normally used in the home and the language normally used by the student, whenever possible. The home language survey shall be conducted in English and in the home language, and signed by the student's parents if the student is in prekindergarten through grade 8, or by the student if the student is in grades 9 through 12. The original copy of the survey shall be kept in the student's permanent record.

Midland Academy Charter shall conduct only one home language survey of each student.

The home language survey shall be administered in English, Spanish, and Vietnamese; for students of other language groups, the home language survey shall be translated into the primary language whenever possible. The home language survey shall contain the following questions:

1. "What language is spoken in the child's home most of the time?"

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2. "What language does the child speak most of the time?"

If the response on the home language survey indicates that a language other than English is used, the student shall be tested in accordance with 19 Texas Administrative Code § 89.1226.

19 TAC 89.1215.

d) ***Classification as an English Learner***

The LPAC may classify a student as an English learner if:

1. The student's ability in English is so limited or the student's disabilities are so severe that assessment procedures cannot be administered;
2. The student's score or relative degree of achievement on the TEA-approved English proficiency test is below the levels established by TEA as indicative of reasonable proficiency;
3. The student's primary language proficiency score as measured by a TEA-approved test is greater than the student's proficiency in English; or
4. The LPAC determines, based on other information, including a teacher evaluation, parental viewpoint, or student interview, that the student's primary language proficiency is greater than the student's proficiency in English or that the student is not reasonably proficient in English.

Education Code 29.056(c).

e) ***Parent Notice and Consent***

Not later than the 10th day after the LPAC's classification of a student as an English learner, the LPAC shall give written notice of the classification to the student's parent. The notice must be in English and in the parent's primary language. The parents of students eligible to participate in the required bilingual education program shall be informed of the benefits of the bilingual education or special language program and that it is an integral part of the school program.

Placement of a student in the bilingual education or ESL program must be approved in writing by the student's parent.

Education Code 29.056(a); *19 TAC 89.1040(a)*.

Pending parent approval, Midland Academy Charter shall place the student in the recommended program, but may count only English learner students with parental approval for bilingual education allotment.

Education Code 29.056(a), (d); 19 TAC 89.1220(j).

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Midland Academy Charter may identify, exit, or place a student in a program without written parent approval if:

1. The student is 18 years of age or has had the disabilities of minority removed;
2. The parent provides approval by telephone or email that is documented in writing and retained; or
3. An adult recognized by Midland Academy Charter as standing in parental relation to the student provides written approval. This may include a foster parent, or employee of a state or governmental agency with temporary possession or control of the student.

19 TAC 89.1220(j), (m), .1240(a).

f) *Participation of Non-English Learner Students*

With the approval of Midland Academy Charter and a student's parent, a student who is not an English learner may participate in a bilingual education program. The number of participating students who are not English learners may not exceed 40% of the number of students enrolled in the program.

Education Code 29.058; 19 TAC 89.1233(c).

g) *Students with Disabilities*

Midland Academy Charter shall implement assessment procedures that differentiate between language proficiency and disabling conditions in accordance with 19 Administrative Code Chapter 89, Subchapter AA, and shall establish placement procedures that ensure that placement in a bilingual education or ESL program is not refused solely because a student has a disability.

LPAC members shall meet in conjunction with admission, review, and dismissal committee members to review and provide recommendations with regard to the educational needs of each English learner who qualifies for services in the special education program.

19 TAC 89.1230.

Sec. 6. <u>BILINGUAL AND ESL PROGRAMS</u>

Upon the enrollment of 20 or more English learner students in any language classification in the same grade, Midland Academy Charter shall offer a bilingual education or special language program as follows:

1. Bilingual education in prekindergarten through the elementary grades.
2. Bilingual education, instruction in English as a second language, or other TEA-approved transitional language instruction in post-elementary grades through 8th grade.
3. Instruction in English as a second language in grades 9–12.

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If a program other than bilingual education must be used in prekindergarten through the elementary grades, documentation for the exception must be filed with and approved by TEA.

Education Code 29.053(c)-(d), 29.054(a).

a) ***Program Content***

Midland Academy Charter's bilingual education program shall be a full-time program of dual-language instruction that provides for learning basic skills in the primary language of the students enrolled in the program and for carefully structured and sequenced mastery of English language skills. An ESL program shall be an intensive program of instruction in English from teachers trained in recognizing and dealing with language differences. The bilingual or ESL program shall be designed to consider the students' learning experiences and shall incorporate the cultural aspects of the students' backgrounds.

English learners shall participate fully with English-speaking students in regular classes provided in subjects such as art, music, and physical education. Midland Academy Charter shall provide students enrolled in the bilingual or ESL program a meaningful opportunity to participate fully with other students in all extracurricular activities. Elective courses may be taught in a language other than English.

Education Code 29.055, .057(b); 19 TAC 89.1210(f).

b) ***Classes and Facilities***

Students enrolled in the bilingual or ESL programs shall be placed in classes with other students of approximately the same age and level of educational attainment. Midland Academy Charter shall ensure that each student's instruction is appropriate to the student's level of educational attainment, and Midland Academy Charter shall keep adequate records of the educational level and progress of each student enrolled in the program.

Bilingual education and special language programs shall be located in each regular Midland Academy Charter campus rather than in separate facilities. Midland Academy Charter may concentrate the programs at a limited number of schools. Recent immigrant English learners shall not remain enrolled in newcomer centers for longer than two years.

Education Code 29.057; 19 TAC 89.1235.

Sec. 7. <u>COOPERATION AMONG DISTRICTS</u>

Midland Academy Charter may join with one or more other public schools to provide the required bilingual and special language programs. The availability of the programs shall be publicized throughout the schools involved.

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Midland Academy Charter may allow a nonresident English learner student to enroll in or attend its bilingual education or special language program if the student's district of residence does not provide an appropriate program. The district of residence shall pay the tuition for the student.

Education Code 29.059; *19 TAC 89.1205(e)*.

Sec. 8. SUMMER PROGRAM

If Midland Academy Charter is required to offer a bilingual education or special language program, it shall offer a voluntary summer school program for English learners who will be eligible for admission to kindergarten or first grade at the beginning of the next school year.

The program must be an intensive bilingual education or special language program that meets the standards set by TEA, and the student/teacher ratio may not exceed 18:1. Midland Academy Charter shall comply with the requirements of 19 TAC 89.1250 in providing such a program.

a) ***Other Programs***

Midland Academy Charter may establish on a full- or part-time basis other summer school, extended day, or extended week bilingual or special language programs for English learners and may join with other districts in establishing such programs. Neither the summer program nor the other programs may substitute for the program to be provided during the regular school year.

Education Code 29.060.

Sec. 9. PERSONNEL

Teachers assigned to bilingual education and ESL programs must be appropriately certified in bilingual education or ESL, respectively. *Education Code 29.061(b), (c)*.

If Midland Academy Charter is unable to hire a sufficient number of teachers with bilingual teaching or ESL certificates, Midland Academy Charter may file an application for exception with TEA in accordance with 19 TAC 89.1207.

Education Code 29.054; 19 TAC 89.1207.

Sec. 10. ENGLISH LEARNERS AND STATE ASSESSMENTS

In kindergarten through grade 12, an English learner student shall participate in state assessments in accordance with Commissioner's rules at 19 TAC Chapter 101, subchapter AA.

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Sec. 11. PROGRAM EXIT

Midland Academy Charter may transfer an English learner out of a bilingual education or special language program for the first time or a subsequent time if the student is able to participate equally in a regular all-English instructional program as determined by:

1. TEA-approved tests administered at the end of each school year to determine the extent to which the student has developed oral and written language proficiency and specific language skills in English;
2. Satisfactory performance on the reading assessment instrument under Education Code 39.023(a) or an English language arts assessment instrument under Education Code 39.023(c), as applicable, with the assessment instrument administered in English, or, if the student is enrolled in the first or second grade, an achievement score at or above the 40th percentile in the reading and language arts sections of an English standardized test approved by the TEA; and
3. TEA-approved criterion-referenced tests and the results of a subjective teacher evaluation.

Education Code 29.056(g).

a) *Notice to Parents*

Midland Academy Charter shall notify the student's parent in writing of the student's reclassification as English proficient and his or her exit from the bilingual education or English as a second language program and acquire written approval as required under Education Code 29.056(a). Students meting exit requirements may continue in the bilingual or English as a second language program with parental approval but are not eligible for inclusion in Midland Academy Charter's bilingual education allotment.

19 TAC 89.1240(b).

b) *Evaluation of Transferred Students and Reenrollment*

The LPAC committee shall reevaluate a student who is transferred out of a bilingual education or special language program if the student earns a failing grade in a subject in the foundation curriculum during any grading period in the first two school years after the student is transferred to determine whether the student should be reenrolled in a bilingual education or special language program.

During the first two school years after a student is transferred out of a bilingual education or special language program, the LPAC shall review the student's performance and consider:

1. The total amount of time the student was enrolled in bilingual education or special language programs;
2. The student's grades each grading period in each subject in the foundation curriculum;

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3. The student's performance on state assessment instruments;
4. The number of credits the student has earned toward high school graduation, if applicable; and
5. Any disciplinary actions taken against the student under the Student Code of Conduct.

After the evaluation, the LPAC may require intensive instruction for the student or reenroll the student in a bilingual education or special language program.

Education Code 29.0561.

Sec. 12. PEIMS REPORTING REQUIREMENTS

If required to offer bilingual education or special language programs, Midland Academy Charter shall include the following information in its PEIMS report as required by Education Code 29.006(a):

1. Demographic information on students enrolled in Midland Academy Charter's bilingual education or special language programs;
2. The number and percentage of students enrolled in each instructional model of a bilingual education or special language program offered by Midland Academy Charter; and
3. The number and percentage of students identified as English learners who do not receive specialized instruction.

Sec. 13. PROGRAM EVALUATION

If Midland Academy Charter is required to conduct a bilingual education or ESL program, it shall conduct an annual evaluation in accordance with Education Code 29.053, collecting a full range of data to determine program effectiveness to ensure student academic success. The annual evaluation report shall be presented to the Board before November 1 of each school year, and the report shall be retained at the administrative level in accordance with Education Code 29.062.

Midland Academy Charter shall report to parents the progress of their child in acquiring English as a result of participation in the program offered to English learners.

19 TAC 89.1265.

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