



# Bilingual & English as a Second Language Program Evaluation

2025-2026

Report prepared by:

Dr. Pedro Garcia

Bilingual, ESL & Migrant Programs Director

Office of Curriculum, Instruction and Assessment

June 2026



## Table of Contents

Introduction	3
State Regulations for Bilingual & ESL Education	
Texas Education Code, Chapter 29	4
Texas Administrative Code, Chapter 89	15
Bilingual Program Model Type	20
ESL Program Model Type	23
Federal Regulations	
Title III, Part A English Language Acquisition	41
Emergent Bilingual Learners' Data	45
TELPAS Data	48
Results Driven Accountability	59
Staff Development	62
Exceptions & Waivers Report	65



Marble Falls Independent School District  
2025-2026 School Year Bilingual and English as a Second Language Program  
Evaluation

## Introduction

In accordance with Chapter 89 of the Texas Administrative Code, which governs the state's requirements for serving English Learners, this evaluation ensures compliance with state mandates while also supporting ongoing efforts to enhance instructional quality and student outcomes. The report examines program effectiveness through data-driven analysis, identifying areas of success as well as opportunities for improvement.

The 2025–2026 Bilingual and English as a Second Language (ESL) Program Evaluation Report presents a detailed analysis of the district's Bilingual and ESL programs, focusing on their implementation, effectiveness, and impact on English Learners (ELs) during the academic year. This report has been prepared by Dr. Pedro Garcia, Director of Bilingual, ESL, and Migrant Programs in the Office of Curriculum, Instruction, and Assessment.

By aligning with both state regulations and best practices in multilingual education, this report serves as a tool for continuous improvement and strategic planning. Its findings are intended to inform district leadership, educators, and stakeholders as we work collaboratively to provide equitable, effective, and culturally responsive education for all English Learners.



## State Regulations

### Texas Education Code Chapter 29. Educational Programs

#### Subchapter B. Bilingual Education and Special Language Programs

##### Sec. 29.051. STATE POLICY.

English is the basic language of this state. Public schools are responsible for providing a full opportunity for all students to become competent in speaking, reading, writing, and comprehending the English language. Large numbers of students in the state come from environments in which the primary language is other than English. Experience has shown that public school classes in which instruction is given only in English are often inadequate for the education of those students. The mastery of basic English language skills is a prerequisite for effective participation in the state's educational program. Bilingual education and special language programs can meet the needs of those students and facilitate their integration into the regular school curriculum. Therefore, in accordance with the policy of the state to ensure equal educational opportunity to every student, and in recognition of the educational needs of emergent bilingual students, this subchapter provides for the establishment of bilingual education and special language programs in the public schools and provides supplemental financial assistance to help school districts meet the extra costs of the programs.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by: Acts 2021, 87th Leg., R.S., Ch. 973 (S.B. 2066), Sec. 5, eff. September 1, 2021.

##### Sec. 29.052. DEFINITIONS.

In this subchapter:

- (1) "Emergent bilingual student" means a student whose primary language is other than English and whose English language skills are such that the student has difficulty performing ordinary classwork in English.
- (2) "Parent" includes a legal guardian of a student.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by: Acts 2021, 87th Leg., R.S., Ch. 973 (S.B. 2066), Sec. 6, eff. September 1, 2021.

##### Sec. 29.053. ESTABLISHMENT OF BILINGUAL EDUCATION AND SPECIAL LANGUAGE PROGRAMS.

(a) The agency shall establish a procedure for identifying school districts that are required to offer bilingual education and special language programs in accordance with this subchapter.

(b) Within the first four weeks following the first day of school, the language proficiency assessment committee established under Section 29.063 shall determine and report to the board of trustees of the district the number of emergent bilingual students on 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 agency before November 1 each year.

(c) Each district with an enrollment of 20 or more emergent bilingual students in any language classification in the same grade level shall offer a bilingual education or special language program. (d) Each district that is required to offer bilingual education and special language programs under this section shall offer the following for emergent bilingual students:

- (1) bilingual education in kindergarten through the elementary grades;
- (2) bilingual education, instruction in English as a second language, or other transitional language instruction approved by the agency in post-elementary grades through grade 8; and (3) instruction in English as a second language in grades 9 through 12.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by: Acts 2021, 87th Leg., R.S., Ch. 973 (S.B. 2066), Sec. 7, eff. September 1, 2021.

#### Sec. 29.054. EXCEPTION.

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

(b) An application for an exception may be filed with the agency when a district is unable to hire a sufficient number of teachers with teaching certificates appropriate for bilingual education instruction to staff the required program. The application must be accompanied by:

- (1) documentation showing that the district has taken all reasonable affirmative steps to secure teachers with teaching certificates appropriate for bilingual education instruction and has failed;
- (2) documentation showing that the district has affirmative hiring policies and procedures consistent with the need to serve emergent bilingual students;
- (3) documentation showing that, on the basis of district records, no teacher having a teaching certificate appropriate for bilingual instruction or emergency credentials has been unjustifiably denied employment by the district within the past 12 months; and
- (4) a plan detailing specific measures to be used by the district to eliminate the conditions that created the need for an exception.

(c) An exception shall be granted under this section on an individual district basis and is valid for only one year. Application for an exception for a second or succeeding year must be accompanied by the documentation prescribed by Subsection (b).

(d) During the period for which a district is granted an exception under this section, the district must use alternative methods approved by the agency to meet the needs of its emergent bilingual students, including hiring teaching personnel under a bilingual emergency permit.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by: Acts 2021, 87th Leg., R.S., Ch. 973 (S.B. 2066), Sec. 8, eff. September 1, 2021.



**Sec. 29.055. PROGRAM CONTENT; METHOD OF INSTRUCTION.**

(a) A bilingual education program established by a school district 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. A program of instruction in English as a second language established by a school district shall be a program of intensive instruction in English from teachers trained in recognizing and dealing with language differences.

(b) A program of bilingual education or of instruction in English as a second language shall be designed to consider the students' learning experiences and shall incorporate the cultural aspects of the students' backgrounds.

(c) In subjects such as art, music, and physical education, emergent bilingual students shall participate fully with English-speaking students in regular classes provided in the subjects.

(d) Elective courses included in the curriculum may be taught in a language other than English. (e) Each school district shall provide students enrolled in the program a meaningful opportunity to participate fully with other students in all extracurricular activities.

(f) If money is appropriated for the purpose, the agency shall establish a limited number of pilot programs for the purpose of examining alternative methods of instruction in bilingual education and special language programs.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by: Acts 2021, 87th Leg., R.S., Ch. 973 (S.B. 2066), Sec. 9, eff. September 1, 2021.

**Sec. 29.056. ENROLLMENT OF STUDENTS IN PROGRAM.**

(a) The agency shall establish standardized criteria for the identification, assessment, and classification of emergent bilingual students eligible for entry into the program or exit from the program. The student's parent must approve a student's entry into the program, exit from the program, or placement in the program. The school district or parent may appeal the decision under Section 29.064. The criteria for identification, assessment, and classification may include:

(1) results of a home language survey conducted within four weeks of each student's enrollment to determine the language normally used in the home and the language normally used by the student, conducted in English and the home language, signed by the student's parents if the student is in kindergarten through grade 8 or by the student if the student is in grades 9 through 12, and kept in the student's permanent folder by the language proficiency assessment committee;

(2) the results of an agency-approved English language proficiency test administered to all students identified through the home survey as normally speaking a language other than English to determine the level of English language proficiency, with students in kindergarten or grade 1 being administered an oral English proficiency test and students in grades 2 through 12 being administered an oral and written English proficiency test; and

(3) the results of an agency-approved proficiency test in the primary language administered to all students identified under Subdivision (2) as being of



limited English proficiency to determine the level of primary language proficiency, with students in kindergarten or grade 1 being administered an oral primary language proficiency test and students in grades 2 through 12 being administered an oral and written primary language proficiency test.

(b) Tests under Subsection (a) shall be administered by professionals or paraprofessionals with the appropriate English and primary language skills and the training required by the test publisher.

(c) The language proficiency assessment committee may classify a student as emergent bilingual 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 agency-approved English proficiency test is below the levels established by the agency as indicative of reasonable proficiency;

(3) the student's primary language proficiency score as measured by an agency-approved test is greater than the student's proficiency in English; or

(4) the language proficiency assessment committee 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.

(d) Not later than the 10th day after the date of the student's classification as an emergent bilingual student, the language proficiency assessment committee shall give written notice of the classification to the student's parent. The notice must be in English and 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.

(e) The language proficiency assessment committee may retain, for documentation purposes, all records obtained under this section.

(f) The district may not refuse to provide instruction in a language other than English to a student solely because the student has a disability.

(g) A district may transfer an emergent bilingual student 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) agency-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 Section 39.023(a) or an English language arts assessment instrument under Section 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 agency; and

(3) agency-approved criterion-referenced tests and the results of a subjective



teacher evaluation.

(h) If later evidence suggests that a student who has been transferred out of a bilingual education or special language program has inadequate English proficiency and achievement, the language proficiency assessment committee may reenroll the student in the program. Classification of students for reenrollment must be based on the criteria required by this section.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by: Acts 2006, 79th Leg., 3rd C.S., Ch. 5 (H.B. 1), Sec. 3.06, eff. May 31, 2006. Acts 2021, 87th Leg., R.S., Ch. 973 (S.B. 2066), Sec. 10, eff. September 1, 2021.

#### **Sec. 29.0561. EVALUATION OF TRANSFERRED STUDENTS; REENROLLMENT.**

(a) The language proficiency assessment committee shall reevaluate a student who is transferred out of a bilingual education or special language program under Section 29.056(g) if the student earns a failing grade in a subject in the foundation curriculum under Section 28.002(a) (1) 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.

(b) During the first two school years after a student is transferred out of a bilingual education or special language program under Section 29.056(g), the language proficiency assessment committee shall review the student's performance and consider:

- (1) the total amount of time the student was enrolled in a bilingual education or special language program;
- (2) the student's grades each grading period in each subject in the foundation curriculum under Section 28.002(a)(1);
- (3) the student's performance on each assessment instrument administered under Section 39.023(a) or (c);
- (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 Subchapter A, Chapter 37.

(c) After an evaluation under this section, the language proficiency assessment committee may require intensive instruction for the student or reenroll the student in a bilingual education or special language program.

*Added by Acts 2006, 79th Leg., 3rd C.S., Ch. 5 (H.B. 1), Sec. 3.07, eff. May 31, 2006.*

#### **Sec. 29.057. FACILITIES; CLASSES.**

(a) Bilingual education and special language programs must be located in the regular public schools of the district rather than in separate facilities.

(b) Students enrolled in bilingual education or a special language program shall be placed in classes with other students of approximately the same age and level of educational attainment. The school district shall ensure that the instruction given each student is appropriate to the student's level of educational attainment, and the district shall keep adequate records of the educational level and progress of each student enrolled in the program.

(c) The maximum student-teacher ratio shall be set by the agency and shall reflect the



special educational needs of students enrolled in the programs.

*Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.*

**Sec. 29.058. ENROLLMENT OF STUDENTS WHO DO NOT HAVE LIMITED ENGLISH PROFICIENCY.** With the approval of the school district and a student's parents, a student who does not have limited English proficiency may also participate in a bilingual education program. The number of participating students who do not have limited English proficiency may not exceed 40 percent of the number of students enrolled in the program.

*Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.*

**Sec. 29.059. COOPERATION AMONG DISTRICTS.**

(a) A school district may join with one or more other districts to provide the bilingual education and special language programs required by this subchapter. The availability of the programs shall be publicized throughout the districts involved.

(b) A school district may allow a nonresident emergent bilingual student to enroll in or attend its bilingual education or special language programs if the student's district of residence does not provide an appropriate program. The tuition for the student shall be paid by the district in which the student resides.

*Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.*

*Amended by: Acts 2021, 87th Leg., R.S., Ch. 973 (S.B. 2066), Sec. 11, eff. September 1, 2021.*

**Sec. 29.060. PRESCHOOL, SUMMER SCHOOL, AND EXTENDED TIME PROGRAMS.**

(a) Each school district that is required to offer a bilingual education or special language program shall offer a voluntary program for emergent bilingual children who will be eligible for admission to kindergarten or the first grade at the beginning of the next school year. A school that operates on a system permitted by this code other than a semester system shall offer 120 hours of instruction on a schedule the board of trustees of the district establishes. A school that operates on a semester system shall offer the program:

- (1) during the period school is recessed for the summer; and
- (2) for one-half day for eight weeks or on a similar schedule approved by the board of trustees.

(b) Enrollment of a child in the program is optional with the parent of the child.

(c) The program must be an intensive bilingual education or special language program that meets standards established by the agency. The student/teacher ratio for the program may not exceed 18/1.

(d) A school district may establish on a full- or part-time basis other summer school, extended day, or extended week bilingual education or special language programs for emergent bilingual students and may join with other districts in establishing the programs.



(e) The programs required or authorized by this section may not be a substitute for programs required to be provided during the regular school year.

(f) The legislature may appropriate money from the foundation school fund for support of a program under Subsection (a).

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by: Acts 2021, 87th Leg., R.S., Ch. 973 (S.B. 2066), Sec. 12, eff. September 1, 2021.

#### Sec. 29.061. BILINGUAL EDUCATION AND SPECIAL LANGUAGE PROGRAM

**TEACHERS.** (a) The State Board for Educator Certification shall provide for the issuance of teaching certificates appropriate for bilingual education instruction to teachers who possess a speaking, reading, and writing ability in a language other than English in which bilingual education programs are offered and who meet the general requirements of Chapter 21. The board shall also provide for the issuance of teaching certificates appropriate for teaching English as a second language. The board may issue emergency endorsements in bilingual education and in teaching English as a second language.

(b) A teacher assigned to a bilingual education program using one of the following program models must be appropriately certified for bilingual education by the board:

- (1) transitional bilingual/early exit program model; or
- (2) transitional bilingual/late exit program model.

(b-1) A teacher assigned to a bilingual education program using a dual language immersion/one-way or two-way program model must be appropriately certified by the board for:

- (1) bilingual education for the component of the program provided in a language other than English; and
- (2) bilingual education or English as a second language for the component of the program provided in English.

(b-2) A school district that provides a bilingual education program using a dual language immersion/one way or two-way program model may assign a teacher certified under Subsection (b-1)(1) for the language other than English component of the program and a different teacher certified under Subsection (b-1)(2) for the English language component.

(c) A teacher assigned to an English as a second language program must be appropriately certified for English as a second language by the board.

(d) A school district may compensate a bilingual education or special language teacher for participating in a continuing education program that is in addition to the teacher's regular contract. The continuing education program must be designed to provide advanced bilingual education or special language program endorsement or skills.

(e) The State Board for Educator Certification and the Texas Higher Education Coordinating Board shall develop a comprehensive plan for meeting the teacher supply needs created by the programs outlined in this subchapter.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by: Acts 2015, 84th Leg., R.S., Ch. 453 (H.B. 218), Sec. 1, eff. June 15, 2015.



**Sec. 29.062. COMPLIANCE.**

(a) The legislature recognizes that compliance with this subchapter is an imperative public necessity. Therefore, in accordance with the policy of the state, the agency shall evaluate the effectiveness of programs under this subchapter based on the achievement indicators adopted under Section 39.053(c), including the results of assessment instruments. The agency may combine evaluations under this section with federal accountability measures concerning emergent bilingual students.

(b) The areas to be monitored shall include:

- (1) program content and design;
- (2) program coverage;
- (3) identification procedures;
- (4) classification procedures;
- (5) staffing;
- (6) learning materials;
- (7) testing materials;
- (8) reclassification of students for either entry into regular classes conducted exclusively in English or reentry into a bilingual education or special education program; and
- (9) activities of the language proficiency assessment committees.

(c) Not later than the 30th day after the date of an on-site monitoring inspection, the agency shall report its findings to the school district or open-enrollment charter school and to the division of accreditation.

(d) The agency shall notify a school district or open-enrollment charter school found in noncompliance in writing, not later than the 30th day after the date of the on-site monitoring. The district or open enrollment charter school shall take immediate corrective action.

(e) If a school district or open-enrollment charter school fails to satisfy appropriate standards adopted by the commissioner for purposes of Subsection (a), the agency shall apply sanctions, which may include the removal of accreditation, loss of foundation school funds, or both.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2003, 78th Leg., ch. 201, Sec. 19, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 895 (H.B. 3), Sec. 33, eff. June 19, 2009.

Acts 2015, 84th Leg., R.S., Ch. 1094 (H.B. 2804), Sec. 12, eff. June 19, 2015.

Acts 2017, 85th Leg., R.S., Ch. 807 (H.B. 22), Sec. 4, eff. June 15, 2017.

Acts 2021, 87th Leg., R.S., Ch. 973 (S.B. 2066), Sec. 13, eff. September 1, 2021.

**Sec. 29.063. LANGUAGE PROFICIENCY ASSESSMENT COMMITTEES.**

(a) Each school district that is required to offer bilingual education and special language programs shall establish a language proficiency assessment committee.

(b) Each committee shall include a professional bilingual educator, a professional transitional language educator, a parent of an emergent bilingual student, and a campus administrator.

(c) The language proficiency assessment committee shall:

- (1) review all pertinent information on emergent bilingual students, including



the home language survey, the language proficiency tests in English and the primary language, each student's achievement in content areas, and each student's emotional and social attainment;

(2) make recommendations concerning the most appropriate placement for the educational advancement of the emergent bilingual student after the elementary grades;

(3) review each emergent bilingual student's progress at the end of the school year in order to determine future appropriate placement;

(4) monitor the progress of students formerly classified as emergent bilingual who have transferred out of the bilingual education or special language program and, based on the information, designate the most appropriate placement for such students; and

(5) determine the appropriateness of a program that extends beyond the regular school year based on the needs of each emergent bilingual student.

(d) The agency may prescribe additional duties for language proficiency assessment committees. (e) The agency may not require members of a language proficiency assessment committee to complete training to serve on that committee.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 973 (S.B. 2066), Sec. 14, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 1045 (S.B. 1267), Sec. 13, eff. June 18, 2021.

#### **Sec. 29.064. APPEALS.**

A parent of a student enrolled in a school district offering bilingual education or special language programs may appeal to the commissioner if the district fails to comply with the requirements established by law or by the agency as authorized by this subchapter. If the parent disagrees with the placement of the student in the program, the parent may appeal that decision to the board of trustees. Appeals shall be conducted in accordance with procedures adopted by the commissioner.

*Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995.*

#### **Sec. 29.065. ASSISTANCE BY AGENCY.**

The agency shall develop tools to assist school districts and open-enrollment charter schools in implementing bilingual education and special language programs under this chapter.

Added by Acts 2019, 86th Leg., R.S., Ch. 943 (H.B. 3), Sec. 2.016, eff. June 12, 2019.

#### **Sec. 29.066. PEIMS REPORTING REQUIREMENTS.**

(a) A school district that is required to offer bilingual education or special language programs shall include the following information in the district's Public Education Information Management System (PEIMS) report: enrolled in district 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 the district;



and

(3) the number and percentage of students identified as emergent bilingual students who do not receive specialized instruction.

(b) For purposes of this section, the commissioner shall adopt rules to classify programs under this section as follows:

(1) if the program is a bilingual education program, the program must be classified under the Public Education Information Management System (PEIMS) report as:

(A) transitional bilingual/early exit: a bilingual program that serves students identified as emergent bilingual students in both English and Spanish and transfers a student to English-only instruction not earlier than two or later than five years after the student enrolls in school;

(B) transitional bilingual/late exit: a bilingual program that serves students identified as emergent bilingual students in both English and Spanish and transfers a student to English-only instruction not earlier than six or later than seven years after the student enrolls in school;

(C) dual language immersion/two-way: a biliteracy program that integrates students proficient in English and students identified as emergent bilingual students in both English and Spanish and transfers a student identified as an emergent bilingual student to English-only instruction not earlier than six or later than seven years after the student enrolls in school; or

(D) dual language immersion/one-way: a biliteracy program that serves only students identified as emergent bilingual students in both English and Spanish and transfers a student to English-only instruction not earlier than six or later than seven years after the student enrolls in school; and

(2) if the program is a special language program, the program must be classified under the Public Education Information Management System (PEIMS) report as:

(A) English as a second language/content-based: an English program that serves students identified as emergent bilingual students in English only by providing a full-time teacher certified under Section 29.061(c) to provide supplementary instruction for all content area instruction; or

(B) English as a second language/pull-out: an English program that serves students identified as emergent bilingual students in English only by providing a part-time teacher certified under Section 29.061(c) to provide English language arts instruction exclusively, while the student remains in a mainstream instructional arrangement in the remaining content areas.

(c) If the school district has received a waiver and is not required to offer a bilingual education or special language program in a student's native language or if the student's parents have refused to approve the student's entry into a program as



provided by Section 29.056, the program must be classified under the Public Education Information Management System (PEIMS) report as: no bilingual education or special language services provided.

Added by Acts 2007, 80th Leg., R.S., Ch. 1340 (S.B. 1871), Sec. 2, eff. June 15, 2007. Amended by: Acts 2021, 87th Leg., R.S., Ch. 973 (S.B. 2066), Sec. 15, eff. September 1, 2021.



## State Regulations

### Texas Administrative Code

#### Chapter 89. Adaptations for Special Populations

##### Subchapter BB. Commissioner's Rules Concerning State Plan for Educating English Language Learners §89.1201. Policy.

(a) It is the policy of the state that every student in the state who has a primary language other than English and who is identified as an Emergent Bilingual student shall be provided a full opportunity to participate in a bilingual education or English as a second language (ESL) program, as required in the Texas Education Code (TEC), Chapter 29, Subchapter B. To ensure equal educational opportunity, as required in the TEC, §1.002(a), each school district shall:

- (1) identify Emergent Bilingual students based on criteria established by the state;
- (2) provide bilingual education and ESL programs, as integral parts of the general program as described in the TEC, §4.002;
- (3) seek appropriately certified teaching personnel to ensure that Emergent Bilingual students are afforded full opportunity to master the essential knowledge and skills required by the state; and
- (4) assess achievement for essential knowledge and skills in accordance with the TEC, Chapter 29, to ensure accountability for Emergent Bilingual students and the schools that serve them.

(b) The goal of bilingual education programs shall be to enable Emergent Bilingual students to become proficient in listening, speaking, reading, and writing in the English language through the development of literacy and academic skills in the primary language and English. Such programs shall emphasize the mastery of English language skills, as well as mathematics, science, and social studies, as integral parts of the academic goals for all students to enable Emergent Bilingual students to participate equitably in school.

(c) The goal of ESL programs shall be to enable Emergent Bilingual students to become proficient in listening, speaking, reading, and writing in the English language through the integrated use of second language acquisition methods. The ESL program shall emphasize the mastery of English language skills, as well as mathematics, science, and social studies, as integral parts of the academic goals for all students to enable Emergent Bilingual students to participate equitably in school.

(d) Bilingual education and ESL programs shall be integral parts of the total school program. Such programs shall use instructional approaches designed to meet the specific language needs of Emergent Bilingual students. The basic curriculum content of the programs shall be based on the Texas Essential Knowledge and Skills and the English language proficiency standards required by the state.

*Statutory Authority: The provisions of this §89.1201 issued under the Texas Education Code, §§29.051-29.056, 29.0561, 29.057-29.064, and 29.066. Source: The provisions of this §89.1201 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective May 28, 2012, 37 TexReg 3822; amended to be effective July 15, 2018, 43 TexReg 4731; amended to be effective April 14, 2020, 45 TexReg 2415.*



### §89.1203. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Bilingual education allotment--An adjusted basic funding allotment provided for each school district based on student average daily attendance in a bilingual education or special language program in accordance with Texas Education Code (TEC), §42.153.
- (2) Certified English as a second language teacher--The term "certified English as a second language teacher" as used in this subchapter is synonymous with the term "professional transitional language educator" used in TEC, §29.063.
- (3) Dual language immersion--A state-approved bilingual program model in accordance with TEC, §29.066.
- (4) Dual-language instruction--An educational approach that focuses on the use of English and the student's primary language for instructional purposes.
- (5) English as a second language program--A special language program in accordance with TEC, Chapter 29.
- (6) English language proficiency standards (ELPS)--Standards to be published along with the Texas Essential Knowledge and Skills for each subject in the required curriculum outlined in Chapter 74 of this title (relating to Curriculum Requirements), including foundation and enrichment areas, ELPS, and college and career readiness standards.
- (7) Emergent Bilingual student--A student who is in the process of acquiring English and has another language as the primary language. The terms English language learner and Emergent Bilingual student are used interchangeably and are synonymous with limited English proficient (LEP) student, as used in TEC, Chapter 29, Subchapter B.
- (8) Exit--The point when a student is no longer classified as LEP (i.e., the student is reclassified), no longer requires bilingual or special language program services, and is classified as non-LEP in the Texas Student Data System Public Education Information Management System (TSDS PEIMS). The term "exit" as used in this subchapter is synonymous with the description in TEC, Chapter 29, of "transferring out" of bilingual or special language programming.
- (9) Reclassification--The process by which the language proficiency assessment committee determines that an Emergent Bilingual student has met the appropriate criteria to be classified as non-LEP and is coded as such in TSDS PEIMS.
- (10) School district--For the purposes of this subchapter, the definition of a school district includes an open-enrollment charter school.
- (11) Prekindergarten--For purposes of this subchapter, prekindergarten describes students enrolled in a 3- or 4-year-old prekindergarten program, as well as 3- or 4-year-old students enrolled in an early education setting.



(12) Alternative language program--A program that meets the affective, linguistic, and cognitive needs of ELs and equips the teacher under a bilingual education or ESL waiver described in §89.1207 of this title (relating to Bilingual Education Exceptions and English as a Second Language Waivers) through the comprehensive professional development plan.

(13) Parent--The term "parent" as used in this subchapter includes the parent or legal guardian of the student in accordance with TEC, §29.052.

*Statutory Authority: The provisions of this §89.1203 issued under the Texas Education Code, §§29.051-29.056, 29.0561, 29.057-29.064, and 29.066. Source: The provisions of this §89.1203 adopted to be effective May 28, 2012, 37 TexReg 3822; amended to be effective July 15, 2018, 43 TexReg 4731; amended to be effective April 14, 2020, 45 TexReg 2415.*

#### §89.1205. Required Bilingual Education and English as a Second Language Programs.

(a) Each school district that has an enrollment of 20 or more Emergent Bilingual students in any language classification in the same grade level district-wide shall offer a bilingual education program as described in subsection (b) of this section for the Emergent Bilingual students in prekindergarten through the elementary grades who speak that language. "Elementary grades" shall include at least prekindergarten through Grade 5; sixth grade shall be included when clustered with elementary grades.

(b) A school district shall provide a bilingual education program by offering dual-language instruction (English and primary language) in prekindergarten through the elementary grades, using one of the four bilingual program models described in §89.1210 of this title (relating to Program Content and Design).

(c) All Emergent Bilingual students for whom a school district is not required to offer a bilingual education program shall be provided an English as a second language (ESL) program as described in subsection

(d) of this section, regardless of the students' grade levels and primary language, and regardless of the number of such students, except in cases where a district exercises the option described in subsection (g) of this section. (d) A school district shall provide ESL instruction by offering an ESL program using one of the two models described in §89.1210 of this title.

(e) School districts may join with other school districts to provide bilingual education or ESL programs.

(f) In addition to the required bilingual and/or ESL programs, school districts are authorized to establish a bilingual education program even if they have an enrollment of fewer than 20 Emergent Bilingual students in any language classification in the same grade level district-wide and are not required to do so under subsection (a) of this section. Under this authorization, school districts shall adhere to all program requirements as described in §§89.1210 of this title, 89.1227 of this title (relating to Minimum Requirements for Dual Language Immersion Program Model), 89.1228 of this title (relating to Two-Way Dual Language Immersion Program Model Implementation), and 89.1229 of this title (relating to General Standards for Recognition of Dual Language Immersion Program Models).

(g) In addition to the required bilingual and/or ESL programs, school districts are



authorized to establish a bilingual education program at grade levels in which the bilingual education program is not required under subsection (a) of this section. Under this authorization, school districts shall adhere to all program requirements as described in §89.1210, 89.1227, 89.1228, and 89.1229 of this title.

*Statutory Authority: The provisions of this §89.1205 issued under the Texas Education Code, §§29.051-29.056, 29.0561, 29.057-29.064, and 29.066. Source: The provisions of this §89.1205 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective March 5, 1999, 24 TexReg 1383; amended to be effective April 18, 2002, 27 TexReg 3107; amended to be effective September 17, 2007, 32 TexReg 6311; amended to be effective May 28, 2012, 37 TexReg 3822; amended to be effective July 15, 2018, 43 TexReg 4731; amended to be effective April 14, 2020, 45 TexReg 2415.*

### §89.1207. Bilingual Education Exceptions and English as a Second Language Waivers.

#### (a) Bilingual education program.

(1) Exceptions. A school district that is unable to provide a bilingual education program as required by §89.1205(a) of this title (relating to Required Bilingual Education and English as a Second Language Programs) because of an insufficient number of appropriately certified teachers shall request from the commissioner of education an exception to the bilingual education program and the approval of an alternative program. The approval of an exception to the bilingual education program shall be valid only during the school year for which it was granted. A request for a bilingual education program exception must be submitted by November 1 and shall include:

- (A) a statement of the reasons the school district is unable to provide a sufficient number of appropriately certified teachers to offer the bilingual education program with supporting documentation;
- (B) a description of the alternative instructional program and methods to meet the affective, linguistic, and cognitive needs of the Emergent Bilingual students, including the manner through which the students will be given opportunity to master the essential knowledge and skills required by Chapter 74 of this title (relating to Curriculum Requirements) to include foundation and enrichment areas, English language proficiency standards (ELPS), and college and career readiness standards (CCRS);
- (C) an assurance that appropriately certified teachers available in the school district will be assigned to grade levels beginning at prekindergarten followed successively by subsequent grade levels to ensure that the linguistic and academic needs of the Emergent Bilingual students with beginning levels of English proficiency are served on a priority basis;
- (D) an assurance that the school district will implement a comprehensive professional development plan that:
  - (i) is ongoing and targets the development of the knowledge, skills, and competencies needed to serve the needs of Emergent Bilingual students;



- (ii) includes the teachers who are not certified or not appropriately certified who are assigned to implement the proposed alternative program; and
  - (iii) may include additional teachers who work with Emergent Bilingual students;
  - (E) an assurance that at least 10% of the bilingual education allotment shall be used to fund the comprehensive professional development plan required under subparagraph (D) of this paragraph;
  - (F) an assurance that the school district will take actions to ensure that the program required under §89.1205(a) of this title will be provided the subsequent year, including its plans for recruiting an adequate number of appropriately certified teachers to eliminate the need for subsequent exceptions and measurable targets for the subsequent year; and
  - (G) an assurance that the school district shall satisfy the additional reporting requirements described in §89.1265(c) of this title (relating to Evaluation).
- (2) Documentation. A school district submitting a bilingual education exception shall maintain written records of all documents supporting the submission and assurances listed in paragraph (1) of this subsection, including:
- (A) a description of the proposed alternative instructional program designed to meet the affective, linguistic, and cognitive needs of the Emergent Bilingual students;
  - (B) the number of teachers for whom a bilingual education exception is needed by grade level and per campus;
  - (C) a copy of the school district's comprehensive professional development plan; and
  - (D) a copy of the bilingual allotment budget documenting that a minimum of 10% of the funds were used to fund the comprehensive professional development plan.
- (3) Approval of exceptions. Bilingual education program exceptions will be granted by the commissioner if the requesting school district:
- (A) meets or exceeds the state average for Emergent Bilingual student performance on the required state assessments;
  - (B) meets the requirements and measurable targets of the action plan described in paragraph (1)(F) of this subsection submitted the previous year and approved by the Texas Education Agency (TEA); or
  - (C) reduces by 25% the number of teachers under exception for bilingual programs when compared to the number of exceptions granted the previous year.



(4) Denial of exceptions. A school district denied a bilingual education program exception must submit to the commissioner a detailed action plan for complying with required regulations for the following school year.

(5) Appeals. A school district denied a bilingual education program exception may appeal to the commissioner or the commissioner's designee. The decision of the commissioner or commissioner's designee is final and may not be appealed further.

(6) Special accreditation investigation. The commissioner may authorize a special accreditation investigation under the Texas Education Code (TEC), §39.057, if a school district is denied a bilingual education program exception for more than three consecutive years.

(7) Sanctions. Based on the results of a special accreditation investigation, the commissioner may take appropriate action under the TEC, §39.102.

(b) English as a second language program.

(1) Waivers. A school district that is unable to provide an ESL program as required by §89.1205(c) of this title because of an insufficient number of appropriately certified teachers shall request from the commissioner a waiver of the certification requirements for each teacher who will provide instruction in ESL for Emergent Bilingual students. The approval of a waiver of certification requirements shall be valid only during the school year for which it was granted. A request for an ESL program waiver must be submitted by November 1 and shall include:

(A) a statement of the reasons the school district is unable to provide a sufficient number of appropriately certified teachers to offer the ESL program;

(B) a description of the alternative instructional program, including the manner in which the teachers in the ESL program will meet the affective, linguistic, and cognitive needs of the Emergent Bilingual students, including the manner through which the students will be given opportunity to master the essential knowledge and skills required by Chapter 74 of this title to include foundation and enrichment areas, ELPS, and CCRS;

(C) an assurance that appropriately certified teachers available in the school district will be assigned to grade levels beginning at prekindergarten followed successively by subsequent grade levels in the elementary school campus and, if needed, secondary campuses, to ensure that the linguistic and academic needs of the Emergent Bilingual students with the lower levels of English proficiency are served on a priority basis;

(D) an assurance that the school district shall implement a comprehensive professional development plan that:



- (i) is ongoing and targets the development of the knowledge, skills, and competencies needed to serve the needs of Emergent Bilingual students;
  - (ii) includes the teachers who are not certified or not appropriately certified who are assigned to implement the proposed alternative program; and
  - (iii) may include additional teachers who work with Emergent Bilingual students;
- (E) an assurance that at least 10% of the bilingual education allotment shall be used to fund the comprehensive professional development plan required under subparagraph (D) of this paragraph;
- (F) an assurance that the school district will take actions to ensure that the program required under §89.1205(c) of this title will be provided the subsequent year, including its plans for recruiting an adequate number of appropriately certified teachers to eliminate the need for subsequent waivers; and
- (G) an assurance that the school district shall satisfy the additional reporting requirements described in §89.1265(c) of this title.
- (2) Documentation. A school district submitting an ESL waiver shall maintain written records of all documents supporting the submission and assurances listed in paragraph (1) of this subsection, including:
- (A) a description of the proposed alternative instructional program designed to meet the affective, linguistic, and cognitive needs of the Emergent Bilingual students;
  - (B) the name and teaching assignment, per campus, of each teacher who is assigned to implement the ESL program and is under a waiver and the estimated date for the completion of the ESL supplemental certification, which must be completed by the end of the school year for which the waiver was requested;
  - (C) a copy of the school district's comprehensive professional development plan;
  - (D) a copy of the bilingual allotment budget documenting that a minimum of 10% of the funds were used to fund the comprehensive professional development plan; and
  - (E) a description of the actions taken to recruit an adequate number of appropriately certified teachers.
- (3) Approval of waivers. ESL waivers will be granted by the commissioner if the requesting school district:
- (A) meets or exceeds the state average for Emergent Bilingual student performance on the required state assessments; or



(B) meets the requirements and measurable targets of the action plan described in paragraph (1)(G) of this subsection submitted the previous year and approved by the TEA.

(4) Denial of waivers. A school district denied an ESL program waiver must submit to the commissioner a detailed action plan for complying with required regulations for the following school year.

(5) Appeals. A school district denied an ESL waiver may appeal to the commissioner or the commissioner's designee. The decision of the commissioner or commissioner's designee is final and may not be appealed further.

(6) Special accreditation investigation. The commissioner may authorize a special accreditation investigation under the TEC, §39.057, if a school district is denied an ESL waiver for more than three consecutive years.

(7) Sanctions. Based on the results of a special accreditation investigation, the commissioner may take appropriate action under the TEC, §39.102.

Statutory Authority: The provisions of this §89.1207 issued under the Texas Education Code, §§29.051- 29.056, 29.0561, 29.057-29.064, and 29.066. Source: The provisions of this §89.1207 adopted to be effective September 17, 2007, 32 TexReg 6311; amended to be effective May 28, 2012, 37 TexReg 3822; amended to be effective July 15, 2018, 43 TexReg 4731; amended to be effective April 14, 2020, 45 TexReg 2415.

#### §89.1210. Program Content and Design

(a) Each school district required to offer a bilingual education or English as a second language (ESL) program shall provide each Emergent Bilingual student the opportunity to be enrolled in the required program at his or her grade level. Each student's level of proficiency shall be designated by the language proficiency assessment committee in accordance with §89.1220(g) of this title (relating to Language Proficiency Assessment Committee). The school district shall accommodate the instruction, pacing, and materials to ensure that Emergent Bilingual students have a full opportunity to master the essential knowledge and skills of the required curriculum, which includes the Texas Essential Knowledge and Skills and English language proficiency standards (ELPS). Students participating in the bilingual education program may demonstrate their mastery of the essential knowledge and skills in either their primary language or in English for each content area.

(1) A bilingual education program of instruction established by a school district shall be a full-time program of dual-language instruction (English and primary language) 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 under Texas Education Code (TEC), §29.055(a).

(2) An ESL program of instruction established by a school district shall be a program of intensive instruction in English in which ESL teachers recognize and address language differences in accordance with TEC, §29.055(a).



(b) The bilingual education program and ESL program shall be integral parts of the general educational program required under Chapter 74 of this title (relating to Curriculum Requirements) to include foundation and enrichment areas, ELPS, and college and career readiness standards. In bilingual education programs, school districts shall purchase instructional materials in both program languages with the district's instructional materials allotment or otherwise acquire instructional materials for use in bilingual education classes in accordance with TEC, §31.029(a). Instructional materials for bilingual education programs on the list adopted by the commissioner of education, as provided by TEC, §31.0231, may be used as curriculum tools to enhance the learning process. The school district shall provide for ongoing coordination between the bilingual/ESL program and the general educational program. The bilingual education and ESL programs shall address the affective, linguistic, and cognitive needs of Emergent Bilingual students as follows.

(1) Affective.

(A) Emergent Bilingual students in a bilingual program shall be provided instruction using second language acquisition methods in their primary language to introduce basic concepts of the school environment, and content instruction both in their primary language and in English, which instills confidence, self-assurance, and a positive identity with their cultural heritages. The program shall be designed to consider the students' learning experiences and shall incorporate the cultural aspects of the students' backgrounds in accordance with TEC, §29.055(b).

(B) Emergent Bilingual students in an ESL program shall be provided instruction using second language acquisition methods in English to introduce basic concepts of the school environment, which instills confidence, self-assurance, and a positive identity with their cultural heritages. The program shall be designed to incorporate the students' primary languages and learning experiences and shall incorporate the cultural aspects of the students' backgrounds in accordance with TEC, §29.055(b).

(2) Linguistic.

(A) Emergent Bilingual students in a bilingual program shall be provided intensive instruction in the skills of listening, speaking, reading, and writing both in their primary language and in English, provided through the ELPS. The instruction in both languages shall be structured to ensure that the students master the required essential knowledge and skills and higher-order thinking skills in all subjects.

(B) Emergent Bilingual students in an ESL program shall be provided intensive instruction to develop proficiency in listening, speaking, reading, and writing in the English language, provided through the ELPS. The instruction in academic content areas shall be structured to ensure that



the students master the required essential knowledge and skills and higher-order thinking skills in all subjects.

(3) Cognitive.

(A) Emergent Bilingual students in a bilingual program shall be provided instruction in language arts, mathematics, science, and social studies both in their primary language and in English, using second language acquisition methods in either their primary language, in English, or in both, depending on the specific program model(s) implemented by the district. The content area instruction in both languages shall be structured to ensure that the students master the required essential knowledge and skills and higher-order thinking skills in all subjects.

(B) Emergent Bilingual students in an ESL program shall be provided instruction in English in language arts, mathematics, science, and social studies using second language acquisition methods. The instruction in academic content areas shall be structured to ensure that the students master the required essential knowledge and skills and higher-order thinking skills.

(c) The bilingual education program shall be implemented through at least one of the following program models.

(1) Transitional bilingual/early exit is a bilingual program model in which students identified as Emergent Bilingual students are served in both English and another language and are prepared to meet reclassification criteria to be successful in English-only instruction not earlier than two or later than five years after the student enrolls in school. Instruction in this program is delivered by a teacher appropriately certified in bilingual education under TEC, §29.061(b)(1), for the assigned grade level and content area. The goal of early-exit transitional bilingual education is for program participants to use their primary language as a resource while acquiring full proficiency in English. This model provides instruction in literacy and academic content through the medium of the students' primary language along with instruction in English that targets second language development through academic content.

(2) Transitional bilingual/late exit is a bilingual program model in which students identified as Emergent Bilingual students are served in both English and another language and are prepared to meet reclassification criteria to be successful in English-only instruction not earlier than six or later than seven years after the student enrolls in school. Instruction in this program is delivered by a teacher appropriately certified in bilingual education under TEC, §29.061(b)(2), for the assigned grade level and content area. The goal of late-exit transitional bilingual education is for program participants to use their primary language as a resource while acquiring full proficiency in English. This model provides instruction in literacy and academic content through the medium of the students'



primary language along with instruction in English that targets second language development through academic content.

(3) Dual language immersion/one-way is a bilingual/biliteracy program model in which students identified as Emergent Bilingual students are served in both English and another language and are prepared to meet reclassification criteria in order to be successful in English-only instruction not earlier than six or later than seven years after the student enrolls in school. Instruction provided in a language other than English in this program model is delivered by a teacher appropriately certified in bilingual education under TEC, §29.061. Instruction provided in English in this program model may be delivered either by a teacher appropriately certified in bilingual education or by a different teacher certified in ESL in accordance with TEC, §29.061. The goal of one-way dual language immersion is for program participants to attain full proficiency in another language as well as English. This model provides ongoing instruction in literacy and academic content in the students' primary language as well as English, with at least half of the instruction delivered in the students' primary language for the duration of the program.

(4) Dual language immersion/two-way is a bilingual/biliteracy program model in which students identified as Emergent Bilingual students are integrated with students proficient in English and are served in both English and another language and are prepared to meet reclassification criteria in order to be successful in English-only instruction not earlier than six or later than seven years after the student enrolls in school. Instruction provided in a language other than English in this program model is delivered by a teacher appropriately certified in bilingual education under TEC, §29.061, for the assigned grade level and content area. Instruction provided in English in this program model may be delivered either by a teacher appropriately certified in bilingual education or by a different teacher certified in ESL in accordance with TEC, §29.061, for the assigned grade level and content area. The goal of two-way dual language immersion is for program participants to attain full proficiency in another language as well as English. This model provides ongoing instruction in literacy and academic content in English and another language with at least half of the instruction delivered in the non-English program language for the duration of the program.

(d) The ESL program shall be implemented through one of the following program models.

(1) An ESL/content-based program model is an English acquisition program that serves students identified as Emergent Bilingual students through English instruction by a teacher appropriately certified in ESL under TEC, §29.061(c), through English language arts and reading, mathematics, science, and social studies. The goal of content-based ESL is for Emergent Bilingual students to attain full proficiency in English in order to participate equitably in school. This model targets English language development through academic content



instruction that is linguistically and culturally responsive in English language arts and reading, mathematics, science, and social studies.

(2) An ESL/pull-out program model is an English acquisition program that serves students identified as Emergent Bilingual students through English instruction provided by an appropriately certified ESL teacher under the TEC, §29.061(c), through English language arts and reading. The goal of ESL pull-out is for Emergent Bilingual students to attain full proficiency in English in order to participate equitably in school. This model targets English language development through academic content instruction that is linguistically and culturally responsive in English language arts and reading. Instruction shall be provided by the ESL teacher in a pull-out or inclusionary delivery model.

(e) Except in the courses specified in subsection (f) of this section, second language acquisition methods, which may involve the use of the students' primary language, may be provided in any of the courses or electives required for promotion or graduation to assist the Emergent Bilingual students to master the essential knowledge and skills for the required subject(s). The use of second language acquisition methods shall not impede the awarding of credit toward meeting promotion or graduation requirements.

(f) In subjects such as art, music, and physical education, Emergent Bilingual students shall participate with their English-speaking peers in general education classes provided in the subjects. As noted in TEC, §29.055(d), elective courses included in the curriculum may be taught in a language other than English. The school district shall ensure that students enrolled in bilingual education and ESL programs have a meaningful opportunity to participate with other students in all extracurricular activities.

(g) The required bilingual education or ESL program shall be provided to every Emergent Bilingual student with parental approval until such time that the student meets exit criteria as described in §89.1225(i) of this title (relating to Testing and Classification of Students) or §89.1226(i) of this title (relating to Testing and Classification of Students, Beginning with School Year 2020-2020) or graduates from high school.

Statutory Authority: The provisions of this §89.1210 issued under the Texas Education Code, §§29.051- 29.056, 29.0561, 29.057-29.064, and 29.066. Source: The provisions of this §89.1210 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective March 5, 1999, 24 TexReg 1383; amended to be effective April 18, 2002, 27 TexReg 3107; amended to be effective May 28, 2012, 37 TexReg 3822; amended to be effective July 15, 2018, 43 TexReg 4731; amended to be effective April 14, 2020, 45 TexReg 2415.

#### §89.1215. Home Language Survey.

(a) School districts shall administer only one home language survey to each new student enrolling for the first time in a Texas public school in any grade from prekindergarten through Grade 12. School districts shall require that the survey be signed by the student's parent for each student in prekindergarten through Grade 8 or by the student in Grades 9-12 as permitted under the Texas Education Code, §29.056(a)(1). It is the school district's responsibility to ensure that the student's parent understands the



language used in the survey and its implications. The original copy of the survey shall be kept in the student's permanent record.

(b) The home language survey shall be provided 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 elicit one language answer to each of the following questions.

(1) "What language is used in the child's home most of the time?"

(2) "What language does the child use most of the time?"

(c) 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 §89.1226 of this title (relating to Testing and Classification of Students).

(d) For students previously enrolled in a Texas public school, the receiving district shall secure the student records, including the home language survey and language proficiency assessment committee documentation as described in §89.1220(l) of this title (relating to Language Proficiency Assessment Committee), as applicable. All attempts to contact the sending district to request records shall be documented. Multiple attempts to obtain the student's home language survey shall be made.

Statutory Authority: The provisions of this §89.1215 issued under the Texas Education Code, §§29.051- 29.056, 29.0561, 29.057-29.064, and 29.066. Source: The provisions of this §89.1215 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective May 28, 2012, 37 TexReg 3822; amended to be effective July 15, 2018, 43 TexReg 4731; amended to be effective April 14, 2020, 45 TexReg 2415.

#### §89.1220. Language Proficiency Assessment Committee.

(a) School districts shall by local board policy establish and operate a language proficiency assessment committee. The school district shall have on file policy and procedures for the selection, appointment, and training of members of the language proficiency assessment committee(s).

(b) The language proficiency assessment committee shall include an appropriately certified bilingual educator (for students served through a bilingual education program), an appropriately certified English as a second language (ESL) educator (for students served through an ESL program), a parent of an Emergent Bilingual student participating in a bilingual or ESL program, and a campus administrator in accordance with Texas Education Code (TEC), §29.063.

(c) In addition to the three required members of the language proficiency assessment committee, the school district may add other trained members to the committee.

(d) No parent serving on the language proficiency assessment committee shall be an employee of the school district.

(e) A school district shall establish and operate a sufficient number of language proficiency assessment committees to enable them to discharge their duties within four weeks of the enrollment of Emergent Bilingual students.



(d) No parent serving on the language proficiency assessment committee shall be an employee of the school district.

(e) A school district shall establish and operate a sufficient number of language proficiency assessment committees to enable them to discharge their duties within four weeks of the enrollment of Emergent Bilingual students.

(f) All members of the language proficiency assessment committee, including parents, shall be acting for the school district and shall observe all laws and rules governing confidentiality of information concerning individual students. The school district shall be responsible for the orientation and training of all members, including the parents, of the language proficiency assessment committee.

(g) Upon their initial enrollment and at the end of each school year, the language proficiency assessment committee shall review all pertinent information on all Emergent Bilingual students identified in accordance with §89.1226 of this title (relating to Testing and Classification of Students) and shall:

(1) designate the language proficiency level of each Emergent Bilingual student in accordance with the guidelines issued pursuant to §89.1226(b)-(f) of this title;

(2) designate the level of academic achievement of each Emergent Bilingual student;

(3) designate, subject to parental approval, the initial instructional placement of each Emergent Bilingual student in the required program;

(4) facilitate the participation of Emergent Bilingual students in other special programs for which they are eligible while ensuring full access to the language program services required under the TEC, §29.053; and

(5) reclassify students, at the end of the school year

(h) The language proficiency assessment committee shall give written notice to the student's parent, advising that the student has been classified as an Emergent Bilingual student and requesting approval to place the student in the required bilingual education or ESL program not later than the 10th calendar day after the date of the student's classification in accordance with TEC, §29.056. The notice shall include information about the benefits of the bilingual education or ESL program for which the student has been recommended and that it is an integral part of the school program.

(i) Before the administration of the state criterion-referenced test each year, the language proficiency assessment committee shall determine the appropriate assessment option for each Emergent Bilingual student as outlined in Chapter 101, Subchapter AA, of this title (relating to Commissioner's Rules Concerning the Participation of English Language Learners in State Assessments).

(j) Pending parental approval of an Emergent Bilingual student's entry into the bilingual education or ESL program recommended by the language proficiency assessment committee, the school district shall place the student in the recommended program. Only Emergent Bilingual students with parental approval who are receiving services will be included in the bilingual education allotment.



(k) The language proficiency assessment committee shall monitor the academic progress of each student who has met criteria for reclassification in accordance with TEC, §29.056(g), for the first two years after reclassification. If the student earns a failing grade in a subject in the foundation curriculum under TEC, §28.002(a)(1), during any grading period in the first two school years after the student is reclassified, the language proficiency assessment committee shall determine, based on the student's second language acquisition needs, whether the student may require intensive instruction or should be reenrolled in a bilingual education or ESL program. In accordance with TEC, §29.0561, the language proficiency assessment committee shall review the student's performance and consider:

- (1) the total amount of time the student was enrolled in a bilingual education or ESL program;
- (2) the student's grades each grading period in each subject in the foundation curriculum under TEC, §28.002(a)(1);
- (3) the student's performance on each assessment instrument administered under TEC, §39.023(a) or (c);
- (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 TEC, Chapter 37, Subchapter A (Alternative Settings for Behavior Management).

(l) The student's permanent record shall contain documentation of all actions impacting the Emergent Bilingual student.

(1) Documentation shall include:

- (A) the identification of the student as an Emergent Bilingual student;
- (B) the designation of the student's level of language proficiency;
- (C) the recommendation of program placement;
- (D) parental approval of entry or placement into the program;
- (E) the dates of entry into, and placement within, the program;
- (F) assessment information as outlined in Chapter 101, Subchapter AA, of this title;
- (G) additional instructional interventions provided to address the specific language needs of the student;
- (H) the date of reclassification and the date of exit from the program with parental approval;
- (I) the results of monitoring for academic success, including students formerly classified as Emergent Bilingual students, as required under the TEC, §29.063(c)(4); and
- (J) the home language survey.

(2) Current documentation as described in paragraph (1) of this subsection shall be forwarded in the same manner as other student records to another school district in which the student enrolls.



(m) A school district may place or exit a student in a program without written approval of the student's parent if:

- (1) the student is 18 years of age or has had the disabilities of minority removed;
- (2) the parent provides approval through a phone conversation or e-mail that is documented in writing and retained; or
- (3) an adult who the school district recognizes as standing in parental relation to the student provides written approval. This may include a foster parent or employee of a state or local governmental agency with temporary possession or control of the student.

Statutory Authority: The provisions of this §89.1220 issued under the Texas Education Code, §§29.051- 29.056, 29.0561, 29.057-29.064, and 29.066. Source: The provisions of this §89.1220 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective March 5, 1999, 24 TexReg 1383; amended to be effective April 18, 2002, 27 TexReg 3107; amended to be effective September 17, 2007, 32 TexReg 6311; amended to be effective May 28, 2012, 37 TexReg 3822; amended to be effective July 15, 2018, 43 TexReg 4731; amended to be effective April 14, 2020, 45 TexReg 2415.

§89.1225. Testing and Classification of Students.

(a) The single state-approved English language proficiency test for identification of Emergent Bilingual students described in subsection (c) of this section shall be used as part of the standardized, statewide identification process.

(b) Within four weeks of initial enrollment in a Texas school, a student with a language other than English indicated on the home language survey shall be administered the state-approved English language proficiency test for identification as described in subsection (c) of this section and shall be identified as Emergent Bilingual students and placed into the required bilingual education or ESL program in accordance with the criteria listed in subsection (f) of this section.

(c) For identifying Emergent Bilingual students, school districts shall administer to each student who has a language other than English as identified on the home language survey:

- (1) in prekindergarten through Grade 1, the listening and speaking components of the state-approved English language proficiency test for identification; and
- (2) in Grades 2-12, the listening, speaking, reading, and writing components of the state-approved English language proficiency test for identification.

(d) School districts that provide a bilingual education program at the elementary grades shall administer a language proficiency test in the primary language of the student who is eligible to be served in the bilingual education program. If the primary language of the student is Spanish, the school district shall administer the Spanish version of the state-approved language proficiency test for identification. If a state approved language proficiency test for identification is not available in the primary language of the student, the school district shall determine the student's level of proficiency using informal oral language assessment measures.



(e) All of the language proficiency testing shall be administered by professionals or paraprofessionals who are proficient in the language of the test and trained in the language proficiency testing requirements of the test publisher.

(f) For entry into a bilingual education or ESL program, a student shall be identified as an Emergent Bilingual student using the following criteria.

(1) In prekindergarten through Grade 1, the student's score(s) from the listening and/or speaking components on the state-approved English language proficiency test for identification is/are below the level designated for indicating English proficiency.

(2) In Grades 2-12, the student's score(s) from the listening, speaking, reading, and/or writing components on the state-approved English language proficiency test for identification is/are below the level designated for indicating English proficiency.

(g) A student shall be identified as an Emergent Bilingual student if the student's ability in English is so limited that the English oral language proficiency or norm-referenced assessments described in subsection (c) of this section cannot be administered.

(g) A student shall be identified as an Emergent Bilingual student if the student's ability in English is so limited that the English language proficiency assessment described in subsection (c) of this section cannot be administered.

(h) The language proficiency assessment committee in conjunction with the admission, review, and dismissal (ARD) committee shall identify a student as an Emergent Bilingual student if the student's ability in English is so limited or the student's disabilities are so severe that the English language proficiency assessment described in subsection (c) of this section cannot be administered. The decision for entry into a bilingual education or ESL program shall be determined by the language proficiency assessment committee in conjunction with the ARD committee in accordance with §89.1220(f) of this title (relating to Language Proficiency Assessment Committee).

(i) An Emergent Bilingual student may be reclassified as English proficient only at the end of the school year in which a student would be able to participate equally in a general education, all-English instructional program. This determination shall be based upon all of the following:

(1) a proficiency rating on the state-approved English language proficiency test for reclassification that is designated for indicating English proficiency in each the four language domains (listening, speaking, reading, and writing);

(2) passing standard met on the reading assessment instrument under the Texas Education Code (TEC), §39.023(a), or, for students at grade levels not assessed by the aforementioned reading assessment instrument, a score at or above the 40th percentile on both the English reading and the English language arts sections of the state-approved norm-referenced standardized achievement instrument; and

(3) the results of a subjective teacher evaluation using the state's standardized rubric.



(j) An Emergent Bilingual student may not be reclassified as English proficient in prekindergarten or kindergarten. A school district must ensure that Emergent Bilingual students are prepared to meet academic standards required by the TEC, §28.0211.

(k) An Emergent Bilingual student may not be reclassified as English proficient if the language proficiency assessment committee has recommended designated supports or accommodations on the state reading assessment instrument based on the student's second language acquisition needs.

(l) For Emergent Bilingual students who are also eligible for special education services, the standardized process for Emergent Bilingual student reclassification is followed in accordance with applicable provisions of subsection (i) of this section. However, annual meetings to review student progress and make recommendations for reclassification must be made in all instances by the language proficiency assessment committee in conjunction with the ARD committee in accordance with §89.1230(b) of this title (relating to Eligible Students with Disabilities). Additionally, the language proficiency assessment committee in conjunction with the ARD committee shall implement assessment procedures that differentiate between language proficiency and disabling conditions in accordance with §89.1230(a) of this title.

(m) For an Emergent Bilingual student with a significant cognitive disability, the language proficiency assessment committee in conjunction with the ARD committee may determine that the state's English language proficiency assessment for reclassification is not appropriate because of the nature of the student's disabling condition. In these cases, the language proficiency assessment committee in conjunction with the ARD committee may recommend that the student take the state's alternate English language proficiency assessment, determine an appropriate performance standard requirement for reclassification by language domain under subsection (i)(1) of this section, and utilize the results of a subjective teacher evaluation using the state's standardized alternate rubric.

(n) Notwithstanding §101.101 of this title (relating to Group-Administered Tests), all tests used for the purpose of identification, reclassification, and placement of students and approved by the TEA must be re-normed at least every eight years.

Statutory Authority: The provisions of this §89.1226 issued under the Texas Education Code, §§29.051- 29.056, 29.0561, 29.057-29.064, and 29.066. Source: The provisions of this §89.1226 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective April 18, 2002, 27 TexReg 3107; amended to be effective September 17, 2007, 32 TexReg 6311; amended to be effective May 28, 2012, 37 TexReg 3822; amended to be effective July 1, 2019, 43 TexReg 4731; amended to be effective April 14, 2020, 45 TexReg 2415.

#### §89.1227. Minimum Requirements for Dual Language Immersion Program Model.

(a) A dual language immersion program model shall address all curriculum requirements specified in Chapter 74, Subchapter A, of this title (relating to Required Curriculum) to include foundation and enrichment areas, English language proficiency standards, and college and career readiness standards.



- (b) A dual language immersion program model shall be a full-time program of academic instruction in English and another language.
- (c) A dual language immersion program model shall provide equitable resources in English and the additional program language whenever possible.
- (d) A minimum of 50% of instructional time shall be provided in the language other than English for the duration of the program.
- (e) Implementation shall:
  - (1) begin at prekindergarten or kindergarten, as applicable;
  - (2) continue without interruption incrementally through the elementary grades; and
  - (3) consider expansion to middle school and high school whenever possible.
- (f) A dual language immersion program model shall be developmentally appropriate and based on current best practices identified in research.

Statutory Authority: The provisions of this §89.1227 issued under the Texas Education Code, §§29.051, 29.053, 29.054, 29.055, 29.056, 29.0561, 29.057, 29.058, 29.059, 29.060, 29.061, 29.062, 29.063, 29.064, and 29.066.  
Source: The provisions of this §89.1227 adopted to be effective May 28, 2012, 37 TexReg 3822; amended to be effective July 15, 2018, 43 TexReg 4731.

#### §89.1228. Two-Way Dual Language Immersion Program Model Implementation.

- (a) Student enrollment in a two-way dual language immersion program model is optional for Non Emergent Bilingual students in accordance with §89.1233(a) of this title (relating to Participation of Non Emergent Bilingual students).
- (b) A two-way dual language immersion program model shall fully disclose candidate selection criteria and ensure that access to the program is not based on race, creed, color, religious affiliation, age, or disability.
- (c) A school district implementing a two-way dual language immersion program model shall develop a policy on enrollment and continuation for students in this program model. The policy shall address:
  - (1) eligibility criteria;
  - (2) program purpose;
  - (3) the district's commitment to providing equitable access to services for Emergent Bilingual students;
  - (4) grade levels in which the program will be implemented;
  - (5) support of program goals as stated in §89.1210 of this title (relating to Program Content and Design); and
  - (6) expectations for students and parents.
- (d) A school district implementing a two-way dual language immersion program model shall obtain written parental approval as follows.
  - (1) For Emergent Bilingual students, written parental approval is obtained in accordance with §89.1240 of this title (relating to Parental Authority and Responsibility).



(2) For Non-Emergent Bilingual students, written parental approval is obtained through a school district developed process.

(e) A school district implementing a two-way dual language immersion program model shall determine the appropriate assessment option for program participants as follows.

(1) For Emergent Bilingual students, the language proficiency assessment committee shall convene before the administration of the state criterion-referenced test each year to determine the appropriate assessment option for each Emergent Bilingual student in accordance with §89.1220(i) of this title (relating to Language Proficiency Assessment Committee).

(2) For Non-Emergent Bilingual students, the appropriate assessment option for the administration of the state criterion-referenced test each year is determined through a school district developed process.

Statutory Authority: The provisions of this §89.1228 issued under the Texas Education Code, §§29.051- 29.056, 29.0561, 29.057-29.064, and 29.066. Source: The provisions of this §89.1228 adopted to be effective May 28, 2012, 37 TexReg 3822; amended to be effective July 15, 2018, 43 TexReg 4731; amended to be effective April 14, 2020, 45 TexReg 2415.

§89.1229. General Standards for Recognition of Dual Language Immersion Program Models.

(a) School recognition. A school district may recognize one or more of its schools that implement an exceptional dual language immersion program model if the school meets all of the following criteria.

(1) The school must meet the minimum requirements stated in §89.1227 of this title (relating to Minimum Requirements for Dual Language Immersion Program Model).

(2) The school must receive an acceptable performance rating in the state accountability system.

(3) The school must not be identified for any stage of intervention for the district's bilingual and/or English as a second language program under the performance-based monitoring system.

(b) Student recognition. A student participating in a dual language immersion program model or any other state-approved bilingual or ESL program model may be recognized by the program and its local school district board of trustees by earning a performance acknowledgement in accordance with §74.14 of this title (relating to Performance Acknowledgments).

Statutory Authority: The provisions of this §89.1229 issued under the Texas Education Code, §§29.051, 29.053, 29.054, 29.055, 29.056, 29.0561, 29.057, 29.058, 29.059, 29.060, 29.061, 29.062, 29.063, 29.064, and 29.066. Source: The provisions of this §89.1229 adopted to be effective July 15, 2018, 43 TexReg 4731.

§89.1230. Eligible Students with Disabilities.

(a) School districts shall implement assessment procedures that differentiate between language proficiency and disabling conditions in accordance with Subchapter AA of this chapter (relating to Commissioner's Rules Concerning Special Education Services) and



shall establish placement procedures that ensure that placement in a bilingual education or English as a second language program is not refused solely because the student has a disability.

(b) Language proficiency assessment committee 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 Emergent Bilingual student who qualifies for services in the special education program.

Statutory Authority: The provisions of this §89.1230 issued under the Texas Education Code, §§29.051, 29.053, 29.054, 29.055, 29.056, 29.0561, 29.057, 29.058, 29.059, 29.060, 29.061, 29.062, 29.063, 29.064, and 29.066.

Source: The provisions of this §89.1230 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective March 5, 1999, 24 TexReg 1383; amended to be effective May 28, 2012, 37 TexReg 3822; amended to be effective July 15, 2018, 43 TexReg 4731.

#### **§89.1233. Participation of Non-Emergent Bilingual students.**

(a) School districts shall fulfill their obligation to provide required bilingual program services to Emergent Bilingual students in accordance with Texas Education Code (TEC), §29.053.

(b) School districts may enroll students who are not Emergent Bilingual students in the bilingual education program or the English as a second language program in accordance with TEC, §29.058.

(c) The number of participating students who are not Emergent Bilingual students shall not exceed 40% of the number of students enrolled in the program district-wide in accordance with TEC, §29.058.

Statutory Authority: The provisions of this §89.1233 issued under the Texas Education Code, §§29.051- 29.056, 29.0561, 29.057-29.064, and 29.066.

Source: The provisions of this §89.1233 adopted to be effective March 5, 1999, 24 TexReg 1383 amended to be effective May 28, 2012, 37 TexReg 3822; amended to be effective July 15, 2018, 43 TexReg 4731; amended to be effective April 14, 2020, 45 TexReg 2415.

#### **§89.1235. Facilities.**

Bilingual education and English as a second language (ESL) programs shall be located in the public schools of the school district with equitable access to all educational resources rather than in separate facilities. In order to provide the required bilingual education or ESL programs, school districts may concentrate the programs at a limited number of facilities within the school district. Recent immigrant Emergent Bilingual students shall not remain enrolled in newcomer centers for longer than two years.

Statutory Authority: The provisions of this §89.1235 issued under the Texas Education Code, §§29.051, 29.053, 29.054, 29.055, 29.056, 29.0561, 29.057, 29.058, 29.059, 29.060, 29.061, 29.062, 29.063, 29.064, and 29.066.

Source: The provisions of this §89.1235 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective May 28, 2012, 37 TexReg 3822; amended to be effective July 15, 2018, 43 TexReg 4731.



#### **§89.1240. Parental Authority and Responsibility.**

(a) The parent or legal guardian shall be notified in English and the parent or legal guardian's primary language that their child has been classified as an Emergent Bilingual student and recommended for placement in the required bilingual education or English as a second language (ESL) program. They shall be provided information describing the bilingual education or ESL program recommended, its benefits to the student, and its being an integral part of the school program to ensure that the parent or legal guardian understands the purposes and content of the program. The entry or placement of a student in the bilingual education or ESL program must be approved in writing by the student's parent or legal guardian in order to have the student included in the bilingual education allotment. The parent's or legal guardian's approval shall be considered valid for the student's continued participation in the required bilingual education or ESL program until the student meets the reclassification criteria described in §89.1225(i) of this title (relating to Testing and Classification of Students) or §89.1226(i) of this title (relating to Testing and Classification of Students, Beginning with School Year 2020-2020), the student graduates from high school, or a change occurs in program placement.

(b) The school district shall give written notification to the student's parent or legal guardian of the student's reclassification as English proficient and his or her exit from the bilingual education or ESL program and acquire written approval as required under the Texas Education Code, §29.056(a). Students meeting exit requirements may continue in the bilingual education or ESL program with parental approval but are not eligible for inclusion in the bilingual education allotment.

(c) The parent or legal guardian of a student enrolled in a school district that is required to offer bilingual education or ESL programs may appeal to the commissioner of education if the school district fails to comply with the law or the rules. Appeals shall be filed in accordance with Chapter 157 of this title (relating to Hearings and Appeals).

Statutory Authority: The provisions of this §89.1240 issued under the Texas Education Code, §§29.051- 29.056, 29.0561, 29.057-29.064, and 29.066. Source: The provisions of this §89.1240 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective April 18, 2002, 27 TexReg 3107; amended to be effective May 28, 2012, 37 TexReg 3822; amended to be effective July 15, 2018, 43 TexReg 4731; amended to be effective April 14, 2020, 45 TexReg 2415.

#### **§89.1245. Staffing and Staff Development**

(a) School districts shall take all reasonable affirmative steps to assign appropriately certified teachers to the required bilingual education and English as a second language (ESL) programs in accordance with the Texas Education Code (TEC), §29.061, concerning bilingual education and special language program teachers. School districts that are unable to secure a sufficient number of appropriately certified bilingual education and/or ESL teachers to provide the required programs shall request activation of the



appropriate permits in accordance with Chapter 230 of this title (relating to Professional Educator Preparation and Certification).

(b) School districts that are unable to employ a sufficient number of teachers, including part-time teachers, who meet the requirements of subsection (a) of this section for the bilingual education and ESL programs shall apply on or before November 1 for an exception to the bilingual education program as provided in §89.1207(a) of this title (relating to Bilingual Education Exceptions and English as a Second Language Waivers) or a waiver of the certification requirements in the ESL program as provided in §89.1207(b) of this title as needed.

(c) Teachers assigned to the bilingual education program and/or ESL program may receive salary supplements as authorized by the TEC, §42.153.

(d) School districts may compensate teachers and aides assigned to bilingual education and ESL programs for participation in professional development designed to increase their skills or lead to bilingual education or ESL certification.

(e) The commissioner of education shall encourage school districts to cooperate with colleges and universities to provide training for teachers assigned to the bilingual education and/or ESL programs.

(f) The Texas Education Agency shall develop, in collaboration with education service centers, resources for implementing bilingual education and ESL training programs. The materials shall provide a framework for:

- (1) developmentally appropriate bilingual education programs for early childhood through the elementary grades;
- (2) affectively, linguistically, and cognitively appropriate instruction in bilingual education and ESL programs in accordance with §89.1210(b)(1)-(3) of this title (relating to Program Content and Design); and
- (3) developmentally appropriate programs for Emergent Bilingual students identified as gifted and talented and Emergent Bilingual students with disabilities.

Statutory Authority: The provisions of this §89.1245 issued under the Texas Education Code, §§29.051- 29.056, 29.0561, 29.057-29.064, and 29.066. Source: The provisions of this §89.1245 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective March 5, 1999, 24 TexReg 1383; amended to be effective April 18, 2002, 27 TexReg 3107; amended to be effective May 28, 2012, 37 TexReg 3822; amended to be effective July 15, 2018, 43 TexReg 4731; amended to be effective April 14, 2020, 45 TexReg 2415.

#### §89.1250. Required Summer School Programs.

Summer school programs that are provided under the Texas Education Code (TEC), §29.060, for Emergent Bilingual students who will be eligible for admission to kindergarten or Grade 1 at the beginning of the next school year shall be implemented in accordance with this section.

- (1) Purpose of summer school programs.



(A) Emergent Bilingual students shall have an opportunity to receive special instruction designed to prepare them to be successful in kindergarten and Grade 1.

(B) Instruction shall focus on language development and essential knowledge and skills appropriate to the level of the student

(C) The program shall address the affective, linguistic, and cognitive needs of the Emergent Bilingual students in accordance with §89.1210(b) of this title (relating to Program Content and Design).

(2) Establishment of, and eligibility for, the program.

(A) Each school district required to offer a bilingual or English as a second language (ESL) program in accordance with the TEC, §29.053, shall offer the summer program.

(B) To be eligible for enrollment:

(i) a student must be eligible for admission to kindergarten or to Grade 1 at the beginning of the next school year and must be an Emergent Bilingual student; and

(ii) a parent must have approved placement of the Emergent Bilingual student in the required bilingual or ESL program following the procedures described in §89.1220(g) of this title (relating to Language Proficiency Assessment Committee) and §89.1226(b)-(f) of this title (relating to Testing and Classification of Students).

(3) Operation of the program.

(A) Enrollment is optional.

(B) The program shall be operated on a one-half day basis, a minimum of three hours each day, for eight weeks or the equivalent of 120 hours of instruction.

(C) The student/teacher ratio for the program district-wide shall not exceed 18 to one.

(D) A school district is not required to provide transportation for the summer program.

(E) Teachers shall possess certification as required in the TEC, §29.061, and §89.1245 of this title (relating to Staffing and Staff Development).

(F) Reporting of student progress shall be determined by the board of trustees. A summary of student progress shall be provided to parents at the conclusion of the program. This summary shall be provided to the student's teacher at the beginning of the next regular school term.

(G) A school district may join with other school districts in cooperative efforts to plan and implement programs. (H) The summer school program shall not substitute for any other program required to be provided during the regular school term, including those required in the TEC, §29.153.

(4) Funding and records for programs.



- (A) A school district shall use state and local funds for program purposes.
- (i) Available funds appropriated by the legislature for the support of summer school programs provided under the TEC, §29.060, shall be allocated to school districts in accordance with this subsection.
  - (ii) Funding for the summer school program shall be on a unit basis in such an allocation system to ensure a pupil/teacher ratio of not more than 18 to one. The numbers of students required to earn units shall be established by the commissioner. The allotment per unit shall be determined by the commissioner based on funds available.
  - (iii) Any school district required to offer the program under paragraph (2)(A) of this subsection that has fewer than 10 students district-wide desiring to participate is not required to operate the program. However, those school districts must document that they have encouraged students' participation in multiple ways.
  - (iv) Payment to school districts for summer school programs shall be based on units employed. This information must be submitted in a manner and according to a schedule established by the commissioner in order for a school district to be eligible for funding.
- (B) A school district shall maintain records of eligibility, attendance, and progress of students.

Statutory Authority: The provisions of this §89.1250 issued under the Texas Education Code, §§29.051- 29.056, 29.0561, 29.057-29.064, and 29.066. Source: The provisions of this §89.1250 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective April 18, 2002, 27 TexReg 3107; amended to be effective February 17, 2005, 30 TexReg 709; amended to be effective September 17, 2007, 32 TexReg 6311; amended to be effective May 28, 2012, 37 TexReg 3822; amended to be effective July 15, 2018, 43 TexReg 4731; amended to be effective April 14, 2020, 45 TexReg 2415.

#### §89.1265. Evaluation.

- (a) All school districts required to conduct a bilingual education or English as a second language (ESL) program shall conduct an annual evaluation in accordance with Texas Education Code (TEC), §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 of trustees before November 1 of each year and the report shall be retained at the school district level in accordance with TEC, §29.062.
- (b) Annual school district reports of educational performance shall reflect:
- (1) the academic progress in the language(s) of instruction for Emergent Bilingual students;
  - (2) the extent to which Emergent Bilingual students are becoming proficient in English;
  - (3) the number of students who have been reclassified as English proficient; and



(4) the number of teachers and aides trained and the frequency, scope, and results of the professional development in approaches and strategies that support second language acquisition.

(c) In addition, for those school districts that filed in the previous year and/or will be filing a bilingual education exception and/or ESL waiver in the current year, the annual district report of educational performance shall also reflect:

(1) the number of teachers for whom an exception or waiver was/is being filed;

(2) the number of teachers for whom an exception or waiver was filed in the previous year who successfully obtained certification; and

(3) the frequency and scope of a comprehensive professional development plan, implemented as required under §89.1207 of this title (relating to Bilingual Education Exceptions and English as a Second Language Waivers), and results of such plan if an exception and/or waiver was filed in the previous school year.

(d) School districts shall report to parents the progress of their child in acquiring English as a result of participation in the program offered to Emergent Bilingual students.

(e) Each school year, the principal of each school campus, with the assistance of the campus level committee, shall develop, review, and revise the campus improvement plan described in the TEC, §11.253, for the purpose of improving student performance for Emergent Bilingual students.

Statutory Authority: The provisions of this §89.1265 issued under the Texas Education Code, §§29.051- 29.056, 29.0561, 29.057-29.064, and 29.066. Source: The provisions of this §89.1265 adopted to be effective September 1, 1996, 21 TexReg 5700; amended to be effective April 18, 2002, 27 TexReg 3107; amended to be effective May 28, 2012, 37 TexReg 3822; amended to be effective July 15, 2018, 43 TexReg 4731; amended to be effective April 14, 2020, 45 TexReg 2415.



## Federal Regulations

### Title III, Part A

#### English Language Acquisition, Language Enhancement, and Academic Achievement

##### Intent and Purpose

Title III, Part A, provides supplemental resources to LEAs to help ensure that children who are English Learners, including immigrant children and youth, attain English proficiency at high levels in academic subjects and can meet the same challenging State academic standards that all children are expected to meet.

##### Intended Program Beneficiaries

Intended beneficiaries are English Learners, including immigrant children and youth.

##### General Program Requirements

The requirements help ensure that English Learners, including immigrant children and youth, attain English proficiency and develop high levels of academic achievement in English by doing the following:

1. Assisting all English Learners, including immigrant children and youth, to achieve at high levels in academic subjects so that all English Learners can meet the same challenging State academic standards that all children are expected to meet;
2. Assist teachers (including preschool teachers), principals and other school leaders, state educational agencies, LEAs, and schools in establishing, implementing, and sustaining effective language instruction educational programs designed to assist in teaching English Learners, including immigrant children and youth;
3. Assist teachers (including preschool teachers), principals and other school leaders, state educational agencies, and LEAs to develop and enhance their capacity to provide effective instructional programs designed to prepare English Learners, including immigrant children and youth, to enter all-English instructional settings; and
4. Promoting parental, family, and community participation in language instruction educational programs for parents, families, and communities of English Learners.

Note: Title III, Part A, ELA funds shall be used to supplement and not supplant any other federal, state, or local funds. For example, if an LEA is using their bilingual education allotment (BEA) state funds to provide a service to English Learners, and now replaces those state funds with Title III, Part A - ELA funds, then the LEA has supplanted state funds with federal funds. To avoid supplanting funds, the LEA would have to demonstrate services to Emergent Bilingual students provided with Title III, Part A - ELA funds are above and beyond any services provided with state funds.



### Allowable Activities and Use of Funds

An LEA receiving Title III, Part A, funds must use the funds to do the following:

1. Increase the English proficiency of English Learners by providing effective language instruction educational programs that meet the needs of Emergent Bilingual students and demonstrate success in increasing English proficiency and student academic achievement

2. Provide effective professional development to classroom teachers (including teachers in classroom settings that are not the settings of language-instruction educational programs), principals and other school leaders, administrators, and other school or community-based organizational personnel, that is:

- designed to improve the instruction and assessment of English Learners
- designed to enhance the ability of such teachers, principals and other school leaders to understand and implement curricula, assessment practices and measures, and instructional strategies for English Learners
- effective in increasing children’s English proficiency or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of such teachers
- of sufficient intensity and duration to have a positive and lasting impact on the teachers’ performance in the classroom

Note: The last bullet point does not include activities such as one-day or short-term workshops and conferences unless these activities are components of a long-term, comprehensive professional development plan established by a teacher and the teacher’s supervisor and are based on an assessment of the needs of the teacher, the supervisor, the students of the teacher, and any LEA employing the teacher as appropriate.

3. Provide and implement other effective activities and strategies that enhance or supplement language instruction educational programs for English Learners that meet the following:

- Shall include parent, family, and community engagement activities
- May include strategies that serve to coordinate and align related programs

Districts should be able to respond appropriately to and maintain documentation for each of the following questions to determine whether an expenditure would be allowable:

1. How is the expenditure reasonable and necessary to carry out the intent and purpose of the program?
2. What need, as identified in the comprehensive needs assessment, does the capital expenditure address? Explain how the capital expenditure addresses this need.



3. How will the expenditure be evaluated to measure a positive impact on student achievement? 4. How is the expenditure supplemental to other federal and nonfederal programs?

Districts may also use Title III, Part A, ELA funds to achieve one of the program purposes by undertaking one or more of the following activities:

- o Upgrading program objectives and effective instructional strategies
- o Improving the instructional program for English Learners by identifying, acquiring, and upgrading curricula, instructional materials, educational software, and assessment procedures
- o Providing the following:
  - Tutorials and academic or career and technical education for English Learners; and
  - Intensified instruction which may include materials in a language that the student can understand
- o Developing and implementing effective preschool, elementary school or secondary school language-instruction educational programs that are coordinated with other relevant programs and services
- o Improving the English proficiency and academic achievement of Emergent Bilingual students
- o Providing community participation programs, family literacy services, and parent and family outreach and training activities to Emergent Bilingual students and their families to do the following:
  - To improve the English language skills of English Learners; and
  - To assist parents and families in helping their children to improve their academic achievement by becoming active participants in the education of their children
- o Improving the instruction of English Learners, which may include Emergent Bilingual students with disabilities by providing for the following:
  - The acquisition or development of educational technology or instructional materials;
  - Access to and participation in electronic networks for materials, training, and communication; and
  - Incorporation of these resources into curricula and programs
- o Offer early college high school or dual or concurrent enrollment programs or courses designed to help Emergent Bilingual students achieve success in postsecondary education

Supplement, Not Supplant

Funds for this program must be used to supplement (increase the level of services) and not supplant (replace) funds from other federal and nonfederal sources. Any



program activity required by state law, SBOE rules, or local board policy may not be paid with these funds. State or local funds may not be decreased or diverted for other uses merely because of the availability of these funds. District must maintain documentation that clearly demonstrates the supplementary nature of these funds.



## Emergent Bilingual student Classification Data

The Marble Falls ISD services Emergent Bilingual students (EB) from Pre-kindergarten to 12<sup>th</sup> grade. In the 2025-2026 academic school year, 26% of the district’s population were identified as Emergent Bilingual students from PK-12 grade. At elementary level, Emergent Bilingual students were serviced in a Dual Language One-Way program and in middle school and high school they were served through a Content-Based English as a Second language (ESL) program. This section of the report presents information regarding the students currently enrolled who are receiving bilingual or ESL services at Marble Falls ISD. Table 1 2025-2026 Emergent Bilingual Students Distribution at Marble Falls ISD presents the total distribution of students by campus and program type. Table includes amount of students served under bilingual or ESL program type, including alternate language program\*.

**Table 1 2025-2026 Emergent Bilingual Students Distribution at Marble Falls ISD**

School	Number of Emergent Bilingual Students	Program Type
<b>Colt Elementary School</b>	109	Dual Language Program
	32	ESL Content-Based Program
	2	Alternate Language Program
<b>Highland Lakes Elementary School</b>	253	Dual Language Program
	16	ESL Content-Based Program
	8	Alternate Language Program
<b>Marble Falls Elementary School</b>	23	ESL Content-Based Program
	22	Alternate Language Program
<b>Spicewood Elementary School</b>	22	ESL Content-Based Program
	0	Alternate Language Program
<b>Marble Falls Middle School</b>	200	ESL Content-Based Program
	14	Alternate Language Program
<b>Marble Falls High School</b>	207	ESL Content-Based Program
	0	Alternate Language Program
<b>Falls High School</b>	4	ESL Content-Based Program
	0	Alternate Language Program



\*NOTE: Bilingual/ESL Alternate Program Type is a designation for students who are current emergent bilingual learners being served by a teacher who is not certified for the appropriate program.

Table 2 2025-2026 Emergent Bilingual Students Percentage at Marble Falls ISD by Campus below presents the % of emergent bilingual students currently served by program type at Marble Falls Independent School District.

**Table 2 2025-2026 Emergent Bilingual Students Percentage at Marble Falls ISD by Campus**

School	Number of Emergent Bilingual Students	Program Type
<b>Colt Elementary School</b>	585	Total students enrolled
	143	Emergent bilingual students
	24%	% of Emergent bilingual students served at this campus
<b>Highland Lakes Elementary School</b>	471	Total students enrolled
	277	Emergent bilingual students
	59 %	% of Emergent bilingual students served at this campus
<b>Marble Falls Elementary School</b>	605	Total students enrolled
	45	Emergent bilingual students
	7%	% of Emergent bilingual students served at this campus
<b>Spicewood Elementary School</b>	329	Total students enrolled
	22	Emergent bilingual students
	7%	% of Emergent bilingual students served at this campus
<b>Marble Falls Middle School</b>	903	Total students enrolled
	214	Emergent bilingual students
	24%	% of Emergent bilingual students served at this campus



<b>Marble Falls High School</b>	1136	Total students enrolled
	207	Emergent bilingual students
	18%	% of Emergent bilingual students served at this campus
<b>Falls High School</b>	37	Total students enrolled
	4	Emergent bilingual students
	11%	% of Emergent bilingual students served at this campus



## Texas English Language Proficiency Assessment System (TELPAS) Data

The Texas English Proficiency Assessment System (TELPAS) is a yearly state assessment that is administered to all identified Emergent Bilingual students (EB) in kindergarten through 12th grade to measure their academic English language proficiency in listening, speaking, reading, and writing. An overall composite score indicates the level of proficiency at the beginning, intermediate, advanced, and advanced high levels. This section of the report presents data regarding the emergent bilingual students' performance on the TELPAS state assessment.

During the 2025–2026 school year, Dr. Pedro Garcia continued leading the implementation of Language Development Camps across the district. These camps were conducted at five of the district's seven campuses: Spicewood Elementary, Colt Elementary, Highland Lakes Elementary, Marble Falls Middle School, and Marble Falls High School. The camps were organized into thematic units and structured around small group station rotations. Students participated in 15- to 20-minute sessions at each station, with activities designed to support practice in the four language domains assessed by the Texas English Language Proficiency Assessment System (TELPAS): listening, speaking, reading, and writing. Materials and props used in the camps were funded through two small grants awarded to Dr. Garcia by the Marble Falls Education Foundation.

Table 3 TELPAS Language Camps 2025-2026 at Marble Falls ISD presents the thematic camps that emergent bilingual students participated in during this school year. These language camps were conducted by Dr. Garcia and two emergent bilingual teachers as well as with teachers and paraprofessionals at each campus.

**Table 3 TELPAS Language Camps 2025-2026 at Marble Falls ISD**

---

**TELPAS Camps**  
**Small group instruction – Specific language development activities –**

---

Camp Day 1

Station 1	Station 2	Station 3	Station 4
Teacher 1	Teacher 2	Teacher 3	Teacher 4
Orientation	Goal setting	Short constructed response Writing	Speaking
<ul style="list-style-type: none"> <li>• PowerPoint</li> </ul>	<ul style="list-style-type: none"> <li>• TELPAS individual Score</li> <li>• TELPAS Goal-setting sheet</li> </ul>	<ul style="list-style-type: none"> <li>• Laminated writing prompt</li> <li>• Writing template</li> </ul>	<ul style="list-style-type: none"> <li>• Recorded sample</li> <li>• Computers/Padlet</li> </ul>



Day 2

Station 1	Station 2	Station 3	Station 4
J Ramos	E Rios	Dr. Garcia	Homeroom teacher
DOL (find the incorrect word)	Writing a whole sentence	Short constructed response Writing	Speaking
<ul style="list-style-type: none"> <li>• TELPAS-formatted activity</li> </ul>	<ul style="list-style-type: none"> <li>• TELPAS-formatted activity</li> </ul>	<ul style="list-style-type: none"> <li>• Laminated writing prompt</li> <li>• Writing template</li> </ul>	<ul style="list-style-type: none"> <li>• Recorded sample</li> <li>• Computers/Padlet</li> </ul>
		<ul style="list-style-type: none"> <li>• Students write responses/individually or with a partner</li> </ul>	<ul style="list-style-type: none"> <li>• Students record their responses</li> </ul>

Day 3

Station 1	Station 2	Station 3	Station 4
J Ramos	E Rios	Dr. Garcia	Homeroom teacher
DOL (find the incorrect word)	Writing a whole sentence	Short constructed response Writing	Speaking
<ul style="list-style-type: none"> <li>• TELPAS-formatted activity</li> </ul>	<ul style="list-style-type: none"> <li>• TELPAS-formatted activity</li> </ul>	<ul style="list-style-type: none"> <li>• Laminated writing prompt</li> <li>• Writing template</li> </ul>	<ul style="list-style-type: none"> <li>• Recorded sample</li> <li>• Computers/Padlet</li> </ul>
		<ul style="list-style-type: none"> <li>• Students write their own responses</li> </ul>	<ul style="list-style-type: none"> <li>• Students record their responses</li> </ul>

\*Students received small party favors sponsored by MFEF

\*Camps were advertised a week in advance to create excitement with students and generate curiosity about the TELPAS exam.

Table 4 TELPAS Camps Dates 2025-2026 Dates for Marble Falls Independent School district presents the dates for each campus on which TELPAS Language Development Camps were conducted. The table includes the scheduled dates for each participating campus. Due to a higher number of Emergent Bilingual students, camps at Marble Falls Middle School and Highland Lakes Elementary School were held over two consecutive days each time to accommodate all participating students.



**Table 4 TELPAS Camps Dates 2025-2026 Dates for Marble Falls Independent School District**

Session	Date
Elementary: Colt Elementary School Marble Falls Elementary Spicewood Elementary School Highland Lakes Elementary School  Secondary: Marble Falls Middle School  Marble Falls High School	Elementary: October 20th, Nov 20th, Jan 22nd Oct 24th; Nov 21st; Jan 23rd Oct 24th; Nov 21st; Jan 23rd October 2nd & 3rd; Nov 6th & 7th; Jan 8th & 9th  Secondary: Oct 9-10, Nov 10 & 12, Jan 15-16  February 5th & 6th

**TELPAS Student Performance for the 2025-2026 School Year**

The following tables present student performance data for elementary campuses within Marble Falls Independent School District during the 2025–2026 school year. Performance is disaggregated by campus and grade level, and includes information such as the number of Emergent Bilingual students assessed and their performance in each of the four TELPAS language domains: listening, speaking, reading, and writing.



Table 5 Colt Elementary School TELPAS Student Performance 2025-2026 presents the student performance for this school year.

**Table 5** TELPAS Composite Growth for Years 24-25 and 25-26 - Colt EL and All Grades

		2025-2026				
Composite Score		1	2	3	4	Totals
2024-2025	1	17	13	0	0	30
	2	4	34	12	4	54
	3	0	5	13	4	22
	4	0	1	0	1	2
	Totals	21	53	25	9	108

	#	%
Progressed 1 Level	29	26.85
Progressed 2 or More Levels	4	3.7
Advanced High	10	9.26
Totals	33	30.56



Table 6 Highland Lakes Elementary School TELPAS Student Performance 2025-2026 presents the student performance for this school year.

**Table 6 TELPAS Composite Growth for Years 24-25 and 25-26 - Highland Lakes EL and All Grades**

	2025-2026					
	Composite Score	1	2	3	4	Totals
2024-2025	1	31	41	0	0	72
	2	11	45	22	5	83
	3	3	11	12	15	41
	4	0	1	1	1	3
	Totals	45	98	35	21	199

	#	%
Progressed 1 Level	78	39.2
Progressed 2 or More Levels	5	2.51
Advanced High	21	10.55
Totals	83	41.71



Table 7 Marble Falls Elementary School TELPAS Student Performance 2025-2026 presents the student performance for this school year.

**Table 7 TELPAS Composite Growth for Years 24-25 and 25-26 - Marble Falls EL and All Grades**

		2025-2026				
Composite Score		1	2	3	4	Totals
2024-2025	1	2	4	2	0	8
	2	1	6	2	0	9
	3	0	3	5	2	10
	4	0	0	0	2	2
	Totals	3	13	9	4	29

	#	%
Progressed 1 Level	8	27.59
Progressed 2 or More Levels	2	6.9
Advanced High	5	17.24
Totals	10	34.48



Table 8 Spicewood Elementary School TELPAS Student Performance 2025-2026 presents the student performance for this school year.

**Table 8 TELPAS Composite Growth for Years 24-25 and 25-26 and (027904104) - Spicewood EL and All Grades**

		2025-2026				
Composite Score		1	2	3	4	Totals
2024-2025	1	1	2	0	0	3
	2	0	1	2	1	4
	3	0	1	1	2	4
	4	0	0	0	1	1
	<b>Totals</b>	1	4	3	4	12

	#	%
<b>Progressed 1 Level</b>	6	50
<b>Progressed 2 or More Levels</b>	1	8.33
<b>Advanced High</b>	4	33.33
<b>Totals</b>	7	58.33



Table 9 presents TELPAS Composite Score Growth Data for the 2024–2025 and 2025–2026 school year. The table displays student progress in language proficiency by comparing composite scores from the previous year to the current year. The data reflect growth in overall language proficiency levels among Emergent Bilingual students across the district, as measured by the TELPAS composite scores.

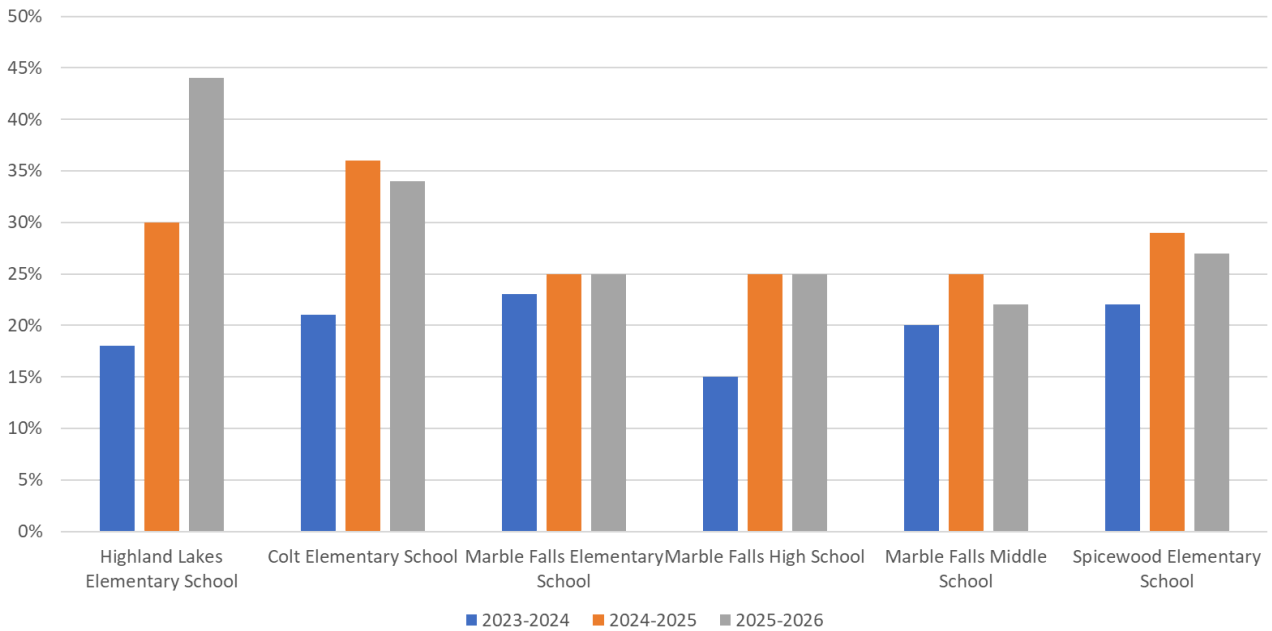
**Table 9 TELPAS Composite Score Growth Data for 2024–2025 and 2025–2026**

Campus	2023-2024	2024-2025	2025-2026
Colt Elementary School	21%	36%	34%
Highland Lakes Elementary School	18%	30%	44%
Marble Falls High School	15%	25%	25%
Marble Falls Middle School	20%	28%	19%
Spicewood Elementary School	22%	29%	27%
Marble Falls Elementary School	23%	25%	25%



Table 10, Graph for TELPAS Composite Growth Comparison 2025–2026 – Marble Falls Independent School District, presents a visual representation of student progress in English language proficiency across the district. This graph illustrates the composite scores for the 2023-2024, 2024-2025, and 2025-2026 school years. By analyzing this data, stakeholders can identify trends, assess program impact, and make informed decisions to better support English learners in reaching their academic and language development goals.

Table 10 Graph for TELPAS Composite Growth Comparison 2025-2026





The following are the TELPAS results for Marble Falls Middle School for 2025-2026:  
 TELPAS Composite Growth for Years 24-25 and 25-26 - Marble Falls Middle and All  
 Grades

		2025-2026				
	Composite Score	1	2	3	4	Totals
2024-2025	1	13	9	2	0	24
	2	8	47	15	1	71
	3	0	23	48	19	90
	4	0	1	3	0	4
	Totals	21	80	68	20	189

	#	%
Progressed 1 Level	43	22.75
Progressed 2 or More Levels	3	1.59
Advanced High	20	10.58
Totals	46	24.34



The following are the TELPAS results for Marble Falls High School for 2025-2026:  
 TELPAS Composite Growth for Years 24-25 and 25-26 - Marble Falls H S and All Grades

	2025-2026					
	Composite Score	1	2	3	4	Totals
2024-2025	1	8	8	1	0	17
	2	1	47	16	5	69
	3	1	17	64	22	104
	4	0	0	0	1	1
	<b>Totals</b>	10	72	81	28	191

	#	%
<b>Progressed 1 Level</b>	46	24.08
<b>Progressed 2 or More Levels</b>	6	3.14
<b>Advanced High</b>	28	14.66
<b>Totals</b>	52	27.23



## Results Driven Accountability (RDA) Data

Results Driven Accountability (RDA) is a yearly district-data driven monitoring system used to gauge the performance of the district in all program indicators. Data on Emergent Bilingual performance on STAAR, TELPAS, drop-out and graduation rates are measured to display how the implementation of programs are impacting Emergent Bilingual performance. This school year, Marble Falls Independent School District received a level III Determination. This determination from the Texas Education Agency was in result to emergent bilingual students not performing satisfactorily in the following areas: Mathematics, Science, and Language Arts. Figure 1 presents the determination levels for the 2025 RDA accountability report:

**Figure 1: RDA Accountability for Emergent Bilingual Students at Marble Falls ISD**

**2025 Results Driven Accountability**  
BE/ESL/EB Domain I

County-District Number: 027904 Region: 13  
District Name: MARBLE FALLS ISD

1. BE STAAR 3-8 Passing Rate						
		PL 0 Cut Points	Rate	Passed	Tested	Performance Level
(i) Mathematics	2025	70.0 - 100	38.9	28	72	3
	2024			49	102	
(ii) Reading Lang. Arts	2025	70.0 - 100	48.6	35	72	3
	2024			58	102	
(iii) Science	2025	65.0 - 100	10.2	*	*	3
	2024			*	*	
(iv) Social Studies	2025	65.0 - 100	*	*	*	No Data
	2024			*	*	

2. ESL STAAR 3-8 Passing Rate						
		PL 0 Cut Points	Rate	Passed	Tested	Performance Level
(i) Mathematics	2025	70.0 - 100	49.4	89	180	3
	2024			118	245	
(ii) Reading Lang. Arts	2025	70.0 - 100	54.1	98	181	2
	2024			138	250	
(iii) Science	2025	65.0 - 100	40.0	16	40	3
	2024			31	81	
(iv) Social Studies	2025	65.0 - 100	32.3	5	23	3
	2024			25	70	

3. ALP STAAR 3-8 Passing Rate						
		PL 0 Cut Points	Rate	Passed	Tested	Performance Level
(i) Mathematics	2025	70.0 - 100	44.6	83	186	3
	2024			33	72	
(ii) Reading Lang. Arts	2025	70.0 - 100	52.7	98	186	2
	2024			38	72	
(iii) Science	2025	65.0 - 100	44.9	35	78	3
	2024			*	*	
(iv) Social Studies	2025	65.0 - 100	26.9	7	26	NA
	2024			*	*	



In response to the TEA Strategic Support Plan (SSP) for RDA Domain I Academic Achievement, Marble Falls ISD's Bilingual/ESL Department implemented a comprehensive plan focused on increasing student achievement in Mathematics, Science, and Social Studies through improved instructional practices for English learners. The district identified a common root cause across content areas: teachers had not received consistent training in sheltered instruction and differentiation strategies designed to support bilingual students' language development while learning academic content. To address this need, the department provided targeted professional development for bilingual and content-area teachers, emphasizing research-based sheltered instruction practices, integration of language and content objectives, and strategies aligned to students' English language proficiency levels. The goal was to strengthen teachers' capacity to deliver instruction that simultaneously develops academic language and content knowledge.

Additionally, the department implemented ongoing support and accountability measures to ensure effective classroom implementation. Campus and district leaders conducted classroom walkthroughs to monitor the use of sheltered instruction strategies, provided individualized feedback to teachers, and modeled effective practices when needed. Structured academic language development supports were incorporated into classrooms serving bilingual and ESL students, particularly in Mathematics, Science, and Social Studies. These efforts were designed to improve student access to grade-level content, increase academic language proficiency, and ultimately raise STAAR passing rates for bilingual and ESL students. The 2025 RDA results indicate that these focused interventions contributed to strong performance levels across several assessed areas, including Level 3 performance ratings in Mathematics and Science for BE, ESL, and ALP student groups.

Figure 2 illustrates Marble Falls Independent School District's successful completion of all state requirements related to its Level III Determination in the area of Emergent Bilingual students. All required areas were met in accordance with state expectations.



**Figure 2 Successful Completion of Level III Determination & Compliance**

2025 to 2026 ▼ Pedro.Garcia2 (leaddataentry)

Ascend Dashboard Good Afternoon, Pedro Garcia

Training & Documentation ▼ Resources ▼ Contacts ▼ ▼

### ☆ DETERMINATION LEVEL SCORES

MARBLE FALLS ISD [RDA Report](#)

	2025-26	2024-25	2023-24
SPED	NA	DL2	DL
OSP	NA	DL2	DL
BE/ESL/EB	NA	DL3	DL

### STATE PERFORMANCE PLAN COMPLIANCE

100%	100%	100%	100%
SPP 11A COMP	SPP 11B COMP	SPP 12 COMP	SPP 13 COMP

COMP = Compliant | NC = Noncompliance | CNC = Cont. Noncompliance

### MESSAGES

[Manage Subscriptions](#)

- 01/06/2025  
[MARBLE FALLS ISD has submitted their Strategic Support Plan.](#)  
Ascend LEA Submission
- 12/11/2024  
[A new Implementation Activity has been created for MARBLE FALLS ISD.](#)  
Ascend Alert Submission
- 12/11/2024  
[A new Implementation Activity has been created for MARBLE FALLS ISD.](#)



## Staff Development

Marble Falls Independent School District offered the following professional learning opportunities during the 2025-2026 school year for all teachers. Table 11 presents the trainings conducted by Dr. Pedro Garcia during this school year.

**Table 11 Trainings Offered by Bilingual Department 2025-2026 at Marble Falls**

Meeting Date	Meeting Title	Audience
08-01-25	LPAC Training MFMS	LPAC Administrator
08-06-25	AI to Enhance Instruction	All teachers
08-08-25	LPAC Training HLES	LPAC Administrator, LPAC members, LPAC parent representatives
08-08-25	LPAC Systems and flow MFMS	Recalibration of LPAC members
08-11-25	BOY LPAC Procedures	All LPAC administrators
09-08-25 to 09-09-25	Gomez and Gomez Make-up session	New teachers to district
09-11-25	Listening & Speaking (set-up session and training)	MFMS New Comers teachers
09-17-25	Zero Year Teacher	New teachers to MFISD
09-19-25 and 09-20-25	Facilitate Science Planning	HLES 5th grade teachers
09-25-25	DLI Fiesta	All dual-language teachers
09-30-25	Model language arts lesson at Colt Elementary	Mr. Cardenas
10-04-25	Make-up session for Dual language teachers	Dual language teachers / new hires
10-09-25	Thinking Maps	SWE Teachers
10-17-25 and 10-18-25	Facilitate Science Planning	HLES 5th grade teachers
10-22-25	Zero Year Teacher	New teachers to MFISD
11-01-25	Make-up day 2 for Dual language teachers	Dual language teachers / new hires



11-06-25	Thinking Maps	SWE Teachers
11-08-25	Teacher certification session	Teachers seeking ESL certification
12-06-25	Teacher certification session	Teachers seeking ESL certification
12-11-25	Thinking Maps	SWE Teachers
12-13-25	ELPS & TELPAS	All bilingual & ESL teachers
01-05-26	MOY LPAC Training	All LPAC administrators/members
01-08-25	Thinking Maps	SWE Teachers
01-31-26	Facilitate Science Planning	HLES 5th grade teachers
02-07-26	Best Practices	All teachers
02-21-26	Best Practices	All teachers
03-07-26	Facilitate Science Planning	HLES 5th grade teachers
04-07-26	Spark Science	HLES & Colt 5th grade students
04-15-26	DL 2 Way Town Hall	Community
04-17-26	Spark Science	HLES 5th grade students
04-22-26	DL 2 Way Town Hall	Community
05-06-26	Zero Year Teacher	New teachers to MFISD / new hires
05-08-26	New ELPS Rollout	Campus Admin/ELPS rollout designee
06-29-26	New ELPS Academy	All teachers
06-30-26	DLI Language Bridging	Dual language teachers
07-01-26	7 Steps & Fundamental 5	All teachers



07-06-26	Best practices for DLI	Dual language teachers
07-07-26	New ELPS Academy	All teachers
07-08-26	DLI Language Bridging	Dual language teachers
07-09-26	7 Steps & Fundamental 5	All teachers
07-15-26	Thinking Maps	All teachers
07-16-26	Make & Take Science	3rd through 5th grade teachers



Exceptions and Waivers Report  
Marble Falls Independent School District for 2025-2026

A total of 17 teachers were placed in a Bilingual Exception/Waiver in 2025-2026. One teacher obtained their Bilingual Certification and another one obtained their English as a second language endorsement this school year. Table

On Table 12 Exceptions and Waivers 2025-2026 at Marble Falls ISD, the data presents the list of campuses and the amount of teachers that required a bilingual exception or ESL waiver for this school year.

**Table 12 Exceptions and Waivers 2025-2026 at Marble Falls ISD**

Campus	Amount of teachers	Application type
Colt Elementary School	0	Bilingual Exception
Highland Lakes Elementary School	2	Bilingual Exception
Marble Falls Elementary School	7	ESL Waiver
Spicewood Elementary School	3	ESL Waiver
Marble Falls Middle School	3	ESL Waiver