

# 2011–2012 TAKS Decision-Making Guide for LPACs

## Overview

This Texas Education Agency (TEA) publication is designed to guide language proficiency assessment committees (LPACs) in making assessment and accommodation decisions for English language learners (ELLs) participating in the Texas Assessment of Academic Knowledge and Skills (TAKS) program.

Because of the transition to the new State of Texas Assessments of Academic Readiness (STAAR) assessment program, the TAKS program for this school year includes only—

- grade 10 and exit level TAKS and TAKS (Accommodated)
- grades 10 and 11 TAKS–Modified
- grade 10 linguistically accommodated testing (LAT) versions of TAKS

The procedures in this guide implement the ELL assessment requirements of Chapter 39 of the Texas Education Code (TEC) and Chapter 101, Subchapter AA, Division 2, of the Texas Administrative Code (TAC). The TEC and TAC are accessible from the A–Z index of the TEA website at <http://www.tea.state.tx.us/>. **The regulations require LPACs to make assessment decisions in accordance with administrative procedures established by TEA. In fulfilling their responsibilities, LPACs must**

- adhere to the administrative procedures in this and other TEA-provided resources,
- make assessment decisions on an individual student basis,
- determine and monitor appropriate instructional interventions,
- work as a committee to make decisions, and
- maintain required documentation.

The role LPACs have in making assessment decisions for ELLs supports appropriate implementation of both the content area Texas Essential Knowledge and Skills (TEKS) and the Texas English Language Proficiency Standards (ELPS). In Section 74.4 of the TAC, the ELPS require all teachers of ELLs to incorporate the teaching of English in daily content area instruction and to linguistically accommodate (communicate, sequence, and scaffold) the instruction according to the English language proficiency levels of their ELLs. These requirements help ELLs learn English and engage more meaningfully in the learning of subject matter.

The ELPS go a step further for ELLs who are at the **beginning or intermediate level** of English language proficiency because students who do not proceed quickly through these levels are at particular risk of falling behind academically and having difficulty catching up once they reach higher proficiency levels. The ELPS require districts to provide intensive, focused, and systematic second language acquisition instruction designed specifically to build the foundation of English vocabulary, grammar, and syntax that these students vitally need to get beyond the intermediate level.

This guide's procedures, in that they help campuses regularly monitor the progress of ELLs and the linguistic supports they are receiving, assist districts in ensuring effective implementation of the state curriculum.

Education service centers are required to provide school districts with annual training on the procedures in this guide.

## Grade 10 LEP Exemptions

Certain ELLs in grade 10 are eligible for a limited English proficiency (LEP) exemption for up to three school years. The LEP exemption rules for these students are found in 19 TAC, Subchapter AA, §101.1025.

To be eligible for a LEP exemption from TAKS, a grade 10 ELL must meet a set of general exemption criteria as well as specific exemption criteria.

**A student who does not meet all general and specific exemption criteria is not eligible for a LEP exemption.**

<b>GENERAL EXEMPTION CRITERIA</b>	
<b>LEP STATUS</b>	The student is identified as LEP, as defined by Texas state law in Section 29.052 of the Texas Education Code.
<b>PROGRAM PARTICIPATION</b>	The student is in a state-approved bilingual or English as a second language (ESL) program. <i>An ELL who does not participate in a bilingual or ESL program, such as a student whose parent declines bilingual or ESL services, is not eligible for a LEP exemption.</i>
<b>YEARS IN U.S. SCHOOLS</b>	The student is in his or her first three school years of enrollment in U.S. schools. <i>See the “LEP Exemption Documentation Requirements” section for instructions on counting school years of enrollment.</i>
<b>GRADES 2–12 TELPAS READING RATING</b>	The student in his or her <u>second school year of enrollment</u> in U.S. schools has not yet received a rating of advanced high. The student in his or her <u>third school year of enrollment</u> in U.S. schools has not yet received a rating of advanced or advanced high. <i>TELPAS reading ratings are not used in exemption decisions of first-year students. RPTe ratings (from 2007 and earlier) do not apply.</i>

If the ELL meets all general exemption criteria, the LPAC considers the following specific exemption criteria in accordance with the student’s year of enrollment in a U.S. school.

<b>SPECIFIC EXEMPTION CRITERIA—FIRST SCHOOL YEAR OF ENROLLMENT</b>	
<b>SCHOOLING OUTSIDE U.S.</b>	The student’s schooling outside the U.S. did not provide the foundation of learning that Texas requires and measures on TAKS, whether the foundation is in knowledge of the English language or specific academic skills and concepts assessed.
<b>EFFECT OF CURRENT YEAR’S PROGRESS</b>	The student’s progress by the spring of the school year has not been sufficient to make up for the differences in his or her schooling outside the U.S.

<b>SPECIFIC EXEMPTION CRITERIA—SECOND/THIRD SCHOOL YEAR OF ENROLLMENT</b>	
<b>ACADEMIC LANGUAGE PROFICIENCY</b>	By the spring of the second or third school year in the U.S., the student continues to lack the academic language proficiency in English necessary for the state assessment in English to provide a valid and reliable measure of the student’s academic progress.

## LPAC Decision-Making Steps

The specific exemption criteria require the LPAC to review factors associated with the student's schooling outside the U.S. and progress in U.S. schools.

### Step 1: Review Schooling Outside U.S.

When the LPAC evaluates the adequacy of a student's schooling outside the U.S., documentation is needed concerning the student's level of English language proficiency (oral and reading). This information is gathered through the administration of English language proficiency tests on the TEA list of state-approved tests when the student initially enrolls and is identified as LEP. Upon initial enrollment, the LPAC should also (1) see that the student's academic preparedness is evaluated and (2) determine whether there were any extensive absences of schooling outside the U.S. When a student has little or no knowledge of the English language, it may not be possible to use standardized tests to evaluate academic preparedness *in English*. If native language assessments are not available, documentation of academic preparedness may come from student records and classroom observations and interactions.

### Step 2: Determine and Monitor Instructional Interventions

Students who enter U.S. schools with an insufficient foundation of learning need carefully targeted linguistic accommodations and frequently other instructional interventions as well. LPACs should coordinate with other appropriate school professionals to determine each student's strengths and weaknesses and provide interventions that address the student's needs. ***LPACs are required to review and document instructional interventions made on behalf of ELLs for whom an exemption is necessary.*** Linguistically accommodated instruction, special interventions to accelerate the English acquisition of beginning and intermediate ELLs, and other carefully targeted instructional interventions should be provided, monitored, and adjusted as needed during the school year.

### Step 3: Examine Current Year's Progress

In the spring of the year (prior to the state assessments), the LPAC is required to evaluate and document the student's progress. In the student's first school year in the U.S., ***both*** academic language proficiency in English ***and*** progress in the academic skills required by the TEKS are considered in the exemption decision. In the second or third school year, the exemption decision is based on whether the student has the academic language proficiency in English necessary to demonstrate his or her academic skills in a valid and reliable manner. A student with academic language proficiency in English has minimal or no difficulty with the grade-appropriate English used in class, textbooks, and tests.

**The student's progress must be reviewed in the spring of the year; a student may not be exempted solely on the basis of the previous year's TELPAS reading rating.**

### Step 4: Make and Document Assessment Decision

If the student meets all the exemption criteria, the LPAC is to determine whether it is as yet unreasonable, given the student's school experiences outside the U.S., to expect the student to meet the assessment requirements by the time of the test administration.

- **First school year in the U.S.** — The LPAC may grant an exemption if the student is not progressing satisfactorily in the TEKS required at his or her grade level of enrollment, either in terms of academic language proficiency in English or academic concepts and skills measured on the state assessment.
- **Second or third school year in the U.S.** — The LPAC may grant an exemption if the student continues to lack the academic language proficiency in English necessary for the state assessment to provide a valid and reliable measure of the student's academic progress.

If an exemption is granted, the reason must be recorded in the student's permanent record file.

## LEP Exemption Documentation Requirements

The LPAC must document that the student meets all the exemption criteria for the school year in question.

### General Exemption Criteria

- LEP status
- Program participation
- Years in U.S. schools
- Grades 2–12 TELPAS reading rating

### Specific Exemption Criteria

- **First School Year in U.S.**
  - Evidence of insufficient schooling outside U.S.
  - Description of instructional interventions provided
  - Evidence of insufficient progress by spring of year
  - Reason for exemption
- **Second and Third School Year in U.S.**
  - Evidence of continued effects of insufficient schooling outside U.S.
  - Description of instructional interventions provided
  - Evidence of insufficient progress in academic language proficiency by spring of year
  - Reason for exemption

## Sample Forms for Documenting Exemptions

Required documentation must be kept in the student's permanent record file. TEA provides the **sample forms** below (Microsoft Word format), which may be accessed from the TEA LPAC Assessment Resources webpage at <http://www.tea.state.tx.us/student.assessment/ell/lpac/>. LPACs may modify or reformat the forms as long as all components of required state documentation are included. School districts may require additional supporting documentation and evidence.

- ***TAKS Evidence of Inadequate Foundation of Learning Upon Initial Enrollment in U.S. Schools***
- ***TAKS Instructional Interventions for Students Who Entered U.S. Schools with an Inadequate Foundation of Learning***
- ***Insufficient Progress by Spring of Year and Reason for TAKS Exemption*** (forms for 1<sup>st</sup> and 2<sup>nd</sup>/3<sup>rd</sup> year)
- ***Student History Worksheet*** (contains completed sample)

## LEP Status, Program Participation, and TELPAS Reading (Grades 2–12) Rating

When a student is granted a LEP exemption, the student's permanent record file must contain documentation indicating that the student is identified as limited English proficient, participates in a bilingual or ESL program, and has not yet received a TELPAS reading rating that would prevent an exemption.

## U.S. School Years of Enrollment

LPACs are required to determine and document the number of school years in which an ELL has been enrolled in a U.S. school. This information, which is reported to TEA in conjunction with TELPAS, is used in TELPAS reporting, STAAR and TAKS assessment decisions, and accountability and performance-based monitoring measures. It is important that LPACs follow state-defined policies and procedures to determine and annually document this important data element. For instructions, see the TELPAS section of the LPAC Assessment Resources webpage.

## Evidence of Insufficient Schooling Outside U.S.

This documentation must show that the student entered U.S. schools without the foundation of learning required by the TEKS at the student's grade level of enrollment, either in knowledge of the English language or specific academic skills and concepts in the subjects assessed. Documentation must come from

- assessments on the state-approved list of tests for students in bilingual and ESL programs, released TAKS tests, released TELPAS reading tests, as appropriate; or
- other diagnostic assessment tools or informal assessments (e.g., teacher checklists, inventories, and observations) designed to identify levels of academic preparedness required by the TEKS.

The TEA-provided sample form may be used to document evidence of insufficient schooling outside the U.S.

## Instructional Interventions

LPACs are required to describe the instructional interventions that are being implemented to target the individual educational needs of immigrant students for whom an exemption is necessary. The TEA-provided sample form provides a format for documenting linguistic accommodations and other instructional interventions.

## Evidence of Insufficient Progress by Spring of Year

As previously indicated, insufficient progress by the spring of the year means the following:

**First school year in the U.S.** — The student is not progressing satisfactorily in the TEKS required at his or her enrolled grade level, either in terms of academic language proficiency in English or academic concepts and skills assessed.

**Second or third school year in the U.S.** — The student lacks the academic language proficiency in English necessary for TAKS to provide a valid, reliable measure of the student's academic progress.

Evidence of insufficient progress by the spring of the year may be drawn from these sources:

- ongoing informal assessments (for example, teacher checklists, inventories) designed to identify the level of academic skills required by the TEKS and the level of English language proficiency
- the teacher's review of the student's general classroom performance and/or grades

- Note that standardized test scores (for example, scores on released TAKS tests) are not included above because they should not be used as the sole means for determining a student's progress by spring.
- Remember that in the second or third school year, the exemption decision is not based on subject matter knowledge and skills, but on whether the student has the academic language proficiency in English necessary to demonstrate his or her subject matter knowledge and skills.

The LPAC should obtain information concerning insufficient progress from the classroom teacher in the subject assessed and the ESL teacher if other than the classroom teacher. The TEA-provided sample forms may be used to document this information.

Insufficient progress by the spring of the year is a legitimate criterion for exemption **only** when the student meets all other exemption criteria.

## Reason for Exemption

The following reasons for exemption are based on Chapter 101 of the TAC and the associated administrative procedures. When a student receives an exemption, the LPAC must reference the appropriate reason below in the documentation. See the TEA sample form for a suggested way to document this information.

**First school year:** The student meets all general and specific exemption criteria for students in their first school year of enrollment in the U.S. Given the student’s foundation of learning upon entry to U.S. schools, it is not yet reasonable to expect the student to meet the TEKS requirements as measured on the state assessment.

**Second school year:** The student meets all general and specific exemption criteria for students in their second school year of enrollment in the U.S. Given the student’s foundation of learning upon entry to U.S. schools, it is not yet reasonable to expect the student to have acquired the academic language proficiency necessary for the state assessment in English to provide a valid and reliable measure of the student’s academic progress.

**Third school year:** The student meets all general and specific exemption criteria for students in their third school year of enrollment in the U.S. Given the student’s foundation of learning upon entry to U.S. schools, it is not yet reasonable to expect the student to have acquired the academic language proficiency necessary for the state assessment in English to provide a valid and reliable measure of the student’s academic progress.

## Grade 10 LAT

To meet federal and state regulations for designated grades and subjects, linguistically accommodated testing (LAT) procedures are used in grade 10 to assess (1) recent immigrant ELLs granted a LEP exemption from TAKS under state policy and (2) immigrant ELLs who are beyond the LEP exemption period but qualify for LAT as unschooled asylees and refugees under state policy (see pages 10–11 for asylee/refugee provisions).

Grade 10 LAT administrations are available for the following subject areas:

- mathematics
- English language arts (ELA)
- science

ELLs who qualify for a LEP exemption do not participate in grade 10 TAKS social studies assessments. For ELA, LEP-exempt tenth graders do not participate in LAT administrations if they are in their **first school year in the U.S.** They take just the TELPAS reading test to meet federal AYP test participation requirements.

ELLs receiving special education services are eligible for LAT administration of TAKS–M if they meet TAKS–M and LAT participation requirements.

The same performance standards apply to LAT administrations as to TAKS and TAKS–M administrations. Student-level LAT results of LEP-exempt students are provided to school districts, but the results are not included in district and campus summary reports. The students are designated as “LEP-exempt” in summary reports.

## LPAC Role in LAT

The ELPS require school districts to provide linguistically accommodated instruction to all ELLs in accordance with their English language proficiency levels. As indicated in the section about LEP exemptions, LPACs should coordinate with appropriate school professionals to monitor the linguistic accommodations provided to ELLs for whom a LEP exemption may be necessary. Documentation of instructional interventions, including linguistic accommodations, is required for these students.

Some linguistic accommodations used in instruction are not applicable or allowable during standardized testing. Prior to the spring state assessments, when LEP exemption decisions are made, LPACs should review the student’s linguistic accommodations and make decisions about accommodations to provide during LAT administrations. LPAC members (and ARD committee members if the ELL also receives special education services) must collaborate with the subject-area teacher of the student and the testing coordinator to

- make and document decisions concerning the linguistic accommodations to be provided;
- determine the need for individual versus small-group LAT administrations; and
- identify appropriate LAT test administrators.

## LAT Accommodations

Linguistic accommodations for LAT are categorized by whether they provide **indirect** or **direct** linguistic support. **Indirect** support accommodations do not need to be documented. They are built into the test administration procedures for all LAT students.

### LAT Indirect Support Accommodations

	TAKS Mathematics/Science	TAKS ELA
Clarification of Test Directions	✓	✓
Breaks at Request of Student	✓	✓
Testing Over Two Days		✓*

\***TAKS–M LAT:** A two-day LAT administration of a TAKS–M ELA test is optional. The LPAC and ARD committee should decide in advance whether the student should complete the test in one or two days.

Decisions about LAT accommodations that provide **direct** linguistic support must be made by the LPAC (and ARD committee, if applicable). The decisions must be documented in the student’s permanent record file and, in the case of an ELL receiving special education services, in the student’s individualized education program (IEP). The decisions must be based on the individual needs of the student and whether the accommodation is used routinely in instruction and testing. Testing personnel indicate the student’s LAT participation and LAT accommodations on the test answer document.

### LAT Direct Support Accommodations – Mathematics and Science

	TAKS, Including TAKS (Accommodated)	TAKS–M
Linguistic Simplification*	✓	✓
Oral Translation	✓	✓
Reading Assistance	✓	✓
Bilingual Dictionary	✓	✓
Bilingual Glossary	✓	✓

\*For TAKS, including TAKS (Accommodated), secure linguistic simplification guides are provided to test administrators for use with this accommodation. Linguistic simplification is an allowable accommodation for LAT administrations of TAKS–M, but linguistic simplification guides are not provided.

### LAT Direct Support Accommodations – ELA

TAKS, including TAKS (Accommodated) and TAKS–M	ELA Reading	ELA Revising and Editing	ELA Written Composition
Bilingual Dictionary	✓		✓
English Dictionary	✓*		✓*
Reading Aloud–Word or Phrase	✓	✓	†
Reading Aloud–Entire Test Item	✓	✓	
Oral Translation–Word or Phrase	✓	✓	†
Clarification–Word or Phrase	✓	✓	†

\*All grade 10 students who take TAKS, regardless of whether they take LAT tests, are to have access to English dictionaries and thesauruses for these sections of the test. It is not necessary to predetermine and document the need for these as an accommodation.

†All grade 10 LAT students (regardless of approved linguistic accommodations) may receive assistance to understand the **written composition prompt and the rest of the instructions on the test page containing the prompt**. The language may be clarified, translated, or read aloud at the student’s request. It is not necessary to predetermine and document the need for this as an accommodation. These three types of assistance are not allowed on the written composition itself.

**For more information about LAT accommodations, see the LAT section of the 2010–2011 Accommodations Manual, the 2011–2012 TAKS manual, and the LAT training slides available from TEA’s ELL Assessments webpage.**

## Exit Level LEP Postponement

Exit level LEP postponement procedures are based on the TAC, Subchapter AA, Division 2, Section 101.1023. ELLs are not eligible for a LEP **exemption** from exit level TAKS. Like other Texas public school students, they are required to perform satisfactorily on the exit level tests to fulfill their graduation requirements.

Although exemptions are not permitted, the LPAC may grant a postponement of the administration of the exit level assessment during a student’s first 12 months of enrollment in U.S. schools. This deferral is called an **exit level LEP postponement**. The decision to grant a postponement must allow the student at least one opportunity to take the exit level assessment before the student’s scheduled graduation date. LEP postponements are not subject-specific.

## Monitoring Student Needs

LPACs should promptly identify any newly arrived immigrant students who may qualify for an exit level LEP postponement. It is important for school professionals to be aware of the unique educational needs of such students and for the students to be aware of their course and testing requirements for graduation. Linguistically accommodated instruction, special interventions to accelerate the English acquisition of beginning and intermediate ELLs, and other carefully targeted instructional interventions should be provided, monitored, and adjusted as needed during the school year.

**It is vital for teachers to be appropriately trained in methods that accelerate the English acquisition and academic achievement of ELLs who enter the U.S. in high school. Information about this type of professional development is available from education service centers and TEA.**

## LEP Postponement Documentation Requirements

When a student is granted a LEP postponement, the student's permanent record file must contain documentation of the following:

- the student's LEP status, program participation, and date(s) of enrollment in U.S. schools;
- evidence of the student's inadequate foundation in knowledge of the English language, as determined by scores on required assessments for identification and placement administered when the student initially enrolled and was classified as LEP;
- instructional interventions that are being implemented to accelerate the student's learning; and
- evidence that the student lacks the progress by the time of the test administration for the test to provide a meaningful measure of the student's knowledge and skills, as determined by informal assessments or the subject-area teachers' review of the student's performance in class.

If a student is granted a postponement from more than one test administration during the 12-month period, documentation of the student's instructional interventions and progress by the time of the test administration must be updated. LEP postponement decisions must be made and documented on an administration-by-administration basis. To meet the documentation requirements, LPACs may use the following TEA-provided sample form available on the TEA LPAC Assessment Resources webpage.

- ***Decision to Grant a TAKS Exit Level LEP Postponement***

Locally developed forms may be used if all components of required state documentation are included.

## TAKS Provisions for ELLs Receiving Special Education Services

When an ELL receives special education services, the student's ARD committee is required to work in conjunction with the student's LPAC to ensure that issues related to both the student's particular disability and English language proficiency level are carefully considered when assessment decisions are made. If the student is not eligible for a LEP exemption or exit level LEP postponement, the TAKS requirements for the student are the same as for other students receiving special education services. LPACs must maintain documentation of all assessment and accommodation decisions in the student's permanent record file, and the ARD committee must document the information in the student's IEP.

Note that factors related to how much English the student knows (language proficiency in English) must not be used in determining the appropriateness of an assessment. The selection of the appropriate type of assessment is related to the student's disabling condition, not acquisition of English as a second language. The assessment participation criteria for students receiving special education services are outlined in the ARD Committee Training for the Texas Assessment Program PowerPoint presentation at <http://www.tea.state.tx.us/student.assessment/ard/>.

## LEP Exemptions and Exit Level LEP Postponements

Grade 10 ELLs receiving special education services may qualify for a LEP exemption from TAKS, TAKS (Accommodated), or TAKS–M in accordance with the state-defined criteria in the "Grade 10 LEP Exemptions" section of this guide. Exit level ELLs receiving special education services who take TAKS, including TAKS (Accommodated), may qualify for a LEP postponement in accordance with the state-defined criteria in the "Exit Level LEP Postponement" section.

**Grade 11 TAKS–M ELLs:** Note that grade 11 recent immigrant ELLs receiving special education services for whom TAKS–M is appropriate may be eligible for a LEP exemption even though they are beyond grade 10 if they meet the exemption criteria. LEP exemptions are not permitted for TAKS and TAKS (Accommodated) students beyond grade 10 because the students are subject to exit level testing requirements; however, grade 11 students taking TAKS–M are not subject to the same exit level requirements as students who take TAKS.

This guide’s references to TEKS requirements should be interpreted in accordance with the student’s IEP, and general references to TAKS should be understood to mean the appropriate TAKS assessment for students receiving special education services, whether TAKS, TAKS (Accommodated), or TAKS–M.

## Grade 10 Linguistic Accommodations and LAT

When taking a LAT administration, grade 10 LEP-exempt immigrants receiving special education services are able to receive accommodations that address both their special education needs and needs as recent immigrant ELLs.

Linguistic accommodations provided must be allowable, consistent with the linguistic accommodations used with the student in routine mathematics, ELA, and science instruction and testing, and documented appropriately. For more information, see the section of this guide titled “Grade 10 LAT” and the LAT section of the *2010–2011 Accommodations Manual*.

Test booklets used for LAT administrations are available in large print. For information regarding braille versions of LAT, call the TEA Student Assessment Division at 512-463-9536.

## TAKS Provisions for Qualifying ELL Unschooled Asylees and Refugees

Special linguistic accommodation provisions are permitted for eligible asylees and refugees who are beyond the Grade 10 LEP exemption and exit level LEP postponement periods but are not yet in their sixth school year of enrollment in U.S. schools. The provisions are as follows:

- **Grade 10 mathematics, science, and ELA:** The eligible students qualify to participate in LAT administrations. Districts should follow the same LAT planning, administration, and documentation procedures as they do for other LAT students.
- **Exit level tests and grade 10 social studies:** A LAT process is not available. An Accommodation Request Form should be used to submit linguistic accommodation requests to TEA on an individual student basis. The request should specify that the student qualifies for special linguistic accommodation provisions as an ELL unschooled asylee/refugee and must include information explaining why the particular linguistic accommodations are appropriate. Districts should follow the Accommodation Request Form process outlined in the *2010–2011 Accommodations Manual*.

These special linguistic accommodation provisions do not affect LEP exemption or LEP postponement decision-making for the students. During LEP exemption and LEP postponement periods, the LPAC makes assessment decisions for these students in accordance with the state policies for other immigrant ELLs.

## Eligibility and Documentation Requirements

The LPAC is responsible for reviewing the criteria below to determine whether a student qualifies for the special linguistic accommodation provisions as an unschooled asylee or refugee. All criteria must be met.

- The student must be identified as LEP as defined by state law in TEC, Section 29.052 and must participate in a state-approved bilingual or ESL program.
- The student’s permanent record file must contain appropriate documentation of asylee/refugee status. The student must
  - be an asylee as defined by 45 Code of Federal Regulations, Section 400.41 or a refugee as defined by 8 United States Code, Section 1101, and
  - have a Form I-94 Arrival/Departure record, or a successor document, issued by the United States Citizenship and Immigration Services that is stamped with “Asylee,” “Refugee,” or “Asylum.”

Note that the LPAC Assessment Resources webpage includes a TEA form that may be used in the rare

case that a campus has compelling evidence of a student's asylee or refugee status but is unable to obtain official documentation by the time of the applicable test administration.

- The student must be beyond the LEP exemption period or exit level LEP postponement period but must not yet be in the sixth school year of enrollment in U.S. schools.
- The student's permanent record file must document that
  1. the student had little or no formal schooling outside the U.S. and lacked basic primary language literacy upon enrollment in school in the U.S.;
  2. the student is being provided linguistic accommodations and other ongoing interventions by the district to meet the student's unique affective, linguistic, and cognitive needs; and
  3. as of the semester of the test administration, the student continues to lack the necessary foundation in the TEKS as a result of the student's inadequate schooling outside the U.S.

Documentation of the accommodations to be provided should be kept in the student's permanent record file.

## TAKS ELL Assessment Questions and Answers

### Exemptions and LEP Postponements

1. ***Can ELLs who move in and out of the U.S. multiple times be eligible for an exemption once they exceed their first three school years of enrollment in the U.S.?***

No, such students are eligible for exemption only during their first three school years in the U.S. (starting with first grade). When the total number of school years of enrollment in U.S. schools exceeds three, the student is no longer eligible for a LEP exemption. For example, an ELL who was first enrolled in U.S. schools in grades 3 and 4, left the U.S. for 3 years, returned in grade 7, and left the U.S. until grade 10, is not eligible for a LEP exemption because grade 10 is the student's fourth U.S. school year of enrollment.

2. ***A new immigrant student has enrolled the week before testing. Due to time constraints, the school has not been able to officially designate the student as limited English proficient or obtain all necessary information related to the student's schooling outside the U.S. How should the LPAC proceed to make an appropriate testing decision for this student?***

When a new immigrant student enrolls just before testing, the LPAC should make every effort to obtain the appropriate information. Ultimately, the LPAC will need to make an educationally sound assessment decision using all information gathered. The LPAC should maintain careful documentation both of the effort it has made to obtain complete information and the reason for the assessment decision. This information should be kept in the student's permanent record file.

### Provisions for Unschooled Asylees and Refugees

3. ***Do state regulations extend how long unschooled asylees and refugees are eligible for LEP exemptions or LEP postponements?***

No, the LEP exemption and LEP postponement periods are the same as for other ELLs.

4. ***We have an ELL asylee who was in his third school year in U.S. schools last year and reached the advanced level on the TELPAS reading test. Is he eligible for the provisions?***

The TAKS eligibility criteria do not include a specific TELPAS level. The LPAC will need to review all criteria, including the one related to whether the student lacks the necessary foundation in the TEKS as of the spring of the test administration as a result of the student's inadequate schooling outside the U.S.

Answers to questions about asylee/refugee assessment provisions not specific to TAKS may be found in the **2011–2012 STAAR Decision-Making Guide for LPACs** on the TEA LPAC Assessment Resources webpage.