

Chapter 101. Assessment

Subchapter AA. Commissioner's Rules Concerning the Participation of English Language Learners in State Assessments

Statutory Authority: The provisions of this Subchapter AA issued under the Texas Education Code §§ 39.025 and 39.027, unless otherwise noted.

Division 1. Assessments of English Language Proficiency and Academic Content for English Language Learners

§101.1001. Scope of Rules.

- (a) Except as specified in subsection (b) of this section, the provisions of this division shall apply to all students.
- (b) The provisions of §101.1005(b)(12) of this title (relating to Assessments of Achievement in Academic Content Areas and Courses) and §101.1007 of this title (relating to Assessment Provisions for Graduation) shall apply beginning with students first enrolled in Grade 9 or below in the 2012 school year.
- (c) For purposes of this subchapter, a student who has been enrolled in a U.S. school for at least 60 consecutive calendar days during a school year is considered to have been enrolled in a U.S. school for that school year.

Source: The provisions of this §101.1001 adopted to be effective December 22, 2011, 36 TexReg 8521; amended to be effective March 5, 2014, 39 TexReg 1376; amended to be effective September 24, 2024, 49 TexReg 7635.

§101.1003. English Language Proficiency Assessments.

- (a) In Kindergarten through Grade 12, an emergent bilingual (EB) student defined by Texas Education Code (TEC), Chapter 29, Subchapter B, as a student whose primary language is other than English and whose English language skills are such that the student has difficulty performing ordinary classroom tasks shall be administered state English language proficiency assessments annually in listening, speaking, reading, and writing to fulfill state requirements under TEC, Chapter 39, Subchapter B, and federal requirements.
- (b) In rare cases, the admission, review, and dismissal (ARD) committee in conjunction with the language proficiency assessment committee (LPAC) may determine that it is not appropriate for an EB student in Grades 2 through 12 who receives special education services to participate in the general English language proficiency assessment required by subsection (a) of this section for reasons associated with the student's particular disability.
 - (1) Students with the most significant cognitive disabilities who cannot participate in the general English language proficiency assessment, even with allowable accommodations, and meet the participation requirements for the alternate English language proficiency assessment shall participate in the alternate English language proficiency assessment to meet federal requirements.
 - (2) The ARD committee shall document the decisions and justifications in the student's individualized education program, and the LPAC shall document the decisions and justifications in the student's permanent record file.
- (c) In the case of an EB student

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§101.1005. Assessments of Achievement in Academic Content Areas and Courses.

- (a) The language proficiency assessment committee (LPAC) shall select the appropriate assessment option for each emergent bilingual (EB) student.

