

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

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

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

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

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

f) *Participation of Non-English Learner Students*

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

Education Code 29.058; 19 TAC 89.1233(c).

g) *Students with Disabilities*

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

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

19 TAC 89.1230.

Sec. 6. BILINGUAL AND ESL PROGRAMS

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

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

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 TEA.

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

a) *Program Content*

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

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

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

b) *Classes and Facilities*

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

Bilingual education and special language programs shall be located in each regular ComQuest Academy Charter School campus rather than in separate facilities.

Education Code 29.057; 19 TAC 89.1235.

Sec. 7. COOPERATION AMONG DISTRICTS

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

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

Education Code 29.059; 19 TAC 89.1205(e).

Sec. 8. SUMMER PROGRAM

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

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

a) *Other Programs*

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

Education Code 29.060.

Sec. 9. PERSONNEL

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

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

Education Code 29.054; 19 TAC 89.1207.

Sec. 10. ENGLISH LEARNERS AND STATE ASSESSMENTS

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

Sec. 11. PROGRAM EXIT

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

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

Education Code 29.056(g).

a) *Notice to Parents*

ComQuest Academy Charter School shall notify the student's parent in writing of the student's reclassification as English proficient and his or her exit from the bilingual education or English as a second language program and acquire written approval as required under Education Code 29.056(a). Students meeting exit requirements may continue in the bilingual or

English as a second language program with parental approval but are not eligible for inclusion in ComQuest Academy Charter School’s bilingual education allotment.

19 TAC 89.1240(b).

b) *Evaluation of Transferred Students and Reenrollment*

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

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

1. The total amount of time the student was enrolled in bilingual education or special language programs;
2. The student’s grades each grading period in each subject in the foundation curriculum;
3. The student’s performance on state assessment instruments;
4. The number of credits the student has earned toward high school graduation, if applicable; and
5. Any disciplinary actions taken against the student under the Student Code of Conduct.

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

Education Code 29.0561.

Sec. 12. PEIMS REPORTING REQUIREMENTS

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

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

Sec. 13. PROGRAM EVALUATION

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

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

19 TAC 89.1265.