

Limited English Proficient Students

The Superintendent/designee shall develop and maintain services for students having limited English language proficiency that will:

- Appropriately identify students with limited English proficiency;
- Comply with any applicable federal law and/or any requirements for the receipt of federal grant money for limited English proficient students;
- Determine the appropriate instructional environment for limited English proficient students;
- Annually assess the English proficiency of limited English proficient students and monitor their progress in order to determine their readiness for a mainstream classroom environment; and
- Notify parents/guardians of, and provide information about the instructional services, their child's level of English proficiency, the method of instruction to be used, how the services will meet their child's needs, specific exit requirements of the services, how the services will meet their child's IEP, if applicable, and information on parent/guardian rights. Parental involvement will be encouraged and parents/guardians will be regularly apprised of their child's progress.

Legal References:

42 U.S.C. § 2000d
20 U.S.C. § 1703 (f)
20 U.S.C. § 7401 et seq

Title IV, Civil Rights Act of 1964
Equal Education Opportunities Act
Bilingual Education Act

Policy History:

Adopted on:

Revised on: 11 July 2016

**Poplar School District
Administrative Regulation**

INSTRUCTION

AR 2500

Limited English Proficient Students

Students who have been identified as limited English proficient (LEP) are entitled to:

- Be placed in a classroom appropriate to their age and grade level;
- Receive English language instruction regardless of the number of LEP students in the school and for as long as it is needed;
- Be given tests, free of cultural bias, and to be tested in their primary language, if possible, for assessment purposes or special education evaluation;
- Be placed in special education classrooms only if there is a disability and not because of limited English proficiency;
- Attend regular classes in art, music, and physical education as well as extracurricular activities vocational training and gifted and talented programs; and
- Full participation in mainstream classrooms when the student is proficient in English.

The District is required to do the following regarding students who are limited English proficient:

- Identify students who need assistance;
- Develop a program which, in the view of experts in the field, has a reasonable chance for success;
- Ensure that necessary staff, curricular materials, and facilities are in place and used properly; and
- Develop appropriate evaluation standards, including program exit criteria, for measuring the progress of students • assess the success of the program and modify it where needed.

The District must identify students who may be LEP as soon as possible but no later than 30 days after the start of the year (or if the student enrolls after the start, no later than 30 days after enrollment). LEP students who transfer from another district and have been identified as LEP by their former district retain that status; no new identification is required for such students.

The District must provide notices to parents of students identified as LEP within 30 days of the beginning of the school year (or enrollment if later than the start of the school year). To the extent practicable, this notice must be translated into a language the parent can understand. If written translation is not practicable, the parent is entitled to oral translation of the written notice.

The initial identification of students who need to be further assessed to determine whether they are LEP should be done through a Home Language Survey. The Home Language Survey assists in identifying students whose primary or home language is something other than English. Students identified for this process should be referred for additional assessment to determine if the student is LEP. The District must use valid assessments to identify students as LEP and must

assess the proficiency of students in the four domains of English: speaking, listening, reading, and writing. The Office of Public Instruction (OPI) provides guidance on assessing students who may be LEP. http://opi.mt.gov/pdf/Bilingual/13_MT_ELL_Guidance.pdf.

The District must develop language acquisition programs that are based on sound educational theory, adequately supported through staff and resources so that the program has a realistic change of success, and is periodically evaluated and revised if necessary. Federal law does not require any specific program; however, the programs must be designed and reasonably calculated to enable LEP students to attain English proficiency and parity of participation in the standard instructional program within a reasonable length of time.

The District must provide LEP students with alternative services until they are proficient enough in English to be able to meaningfully participate in the regular education program. The District must provide instruction in the core curriculum (i.e., reading/language arts, math, science, and social students). In addition, the District must provide LEP students equal opportunities to meaningfully participate in all programs and activities of the District – whether curricular, co-curricular, or extracurricular – and equal access to school facilities (i.e., such as labs or other instructional settings). LEP students may be provided separate instruction for a limited period of time; however, services must be provided in the least segregative manner consistent with achieving the program's stated educational goals. Separate services may be appropriate where entry and exist into the segregated program is voluntary, whether the program is designed to provide LEP students with comparable access to the standard curriculum within a reasonable length of time, whether LEP students have the same range and level of extracurricular activities and additional services as other students, and results of the annual evaluations. The District may not categorically exclude LEP students from gifted and talented programs or other specialized programs such as Advanced Placement, honors, or International Baccalaureate courses if the LEP students otherwise meet the criteria for participation.

At a minimum, the District must annually measure LEP students' performance in academic content areas. The District must use valid, appropriate, and reliable evaluation and testing methods to measure LEP student's English language proficiency and knowledge of the core curriculum.

During the evaluation process of a student known or suspected to have a disability and may qualify for disability-related services under the Individuals with Disabilities Education Act (IDEA) or Section 504 and who is also LEP, the student's English language proficiency must be considered in determining the assessments and other evaluation materials to be used. A student may not be determined as a student with a disability under either IDEA or Section because of his or her limited English proficiency. A LEP student with a disability eligible for services under either the IDEA or Section is entitled to language assistance services, along with the educational and other services, in the same manner as other LEP students. The District must inform a parent of an LEP student with an Individualized Education Program (IEP) how the language instruction program meets the student's IEP goals. The District must include professionals with training in second language acquisition and differentiation between LEP status and the student's disability on an LEP student's IEP team.

Parents have the right to opt a student identified as LEP out of the District's language acquisition program. The District must provide parents, in a language they can understand, guidance to ensure that they understand their child's rights, range of services their child could receive, and benefits of such services before the parent can voluntarily waive their child's right to such services. If a parent voluntarily opts his or her child out of the District's language acquisition program, the District must ensure that the LEP student has an equal opportunity to have his or her English language and academic needs met. There are no specific requirements for this, but the District can meet its obligations in different ways such through training classroom teachers on language acquisition and monitoring the educational progress of the student. The District must annually, at a minimum, measure the progress of any LEP student who has opted out of the District's language acquisition program. If an LEP student is not demonstrating appropriate growth in English proficiency or is struggling in core subjects due to the language barrier, the District must inform the student's parents about the lack of progress and provide another opportunity for participation the District's language acquisition program.

An LEP student may be exited from the District's language acquisition program after he or she has demonstrated English proficiency in the four domains - speaking, listening, reading, and writing - through a valid and reliable assessment. Proficiency may be demonstrated through separate scores of proficiency in each domain or a composite score of proficient derived from the scores of the four domains. Before exiting a student, the District must also consider the student's ability to keep up with other students in the regular education program and the student's ability to participate successfully without the use of adapted or simplified English materials. After a student has been exited from the District's language acquisition program, the District must monitor the academic progress of the student for at least two years to ensure the student has not been prematurely exited, any academic deficits incurred as a result of participation in the language acquisition program have been remedied, and the student is meaningfully participating in the standard instructional program comparable to other students.

The District must ensure meaningful communication with LEP parents in a language they can understand and must adequately notify LEP parents of programs, services or activities in the same manner as all other parents. This includes, but is not limited to information regarding: language acquisition programs, special education and related services, IEP meetings, grievance procedures, notices of nondiscrimination, student discipline policies and procedures, registration and enrollment, report cards, requests for parent permission for student participation in district or school activities, parent-teacher conferences, handbooks, gifted and talented programs, and any other school and program choice options.