

## LIMITED ENGLISH PROFICIENCY INSTRUCTION REGULATION

In attempting to ensure that students who are identified as limited English proficient (LEP) receive appropriate schooling in English and curriculum areas, the school district shall:

1. in accordance with Part 117 of the Commissioner's Regulations, diagnostically screen and identify every new entrant to the schools to determine whether they are possibly LEP\* in accordance with subdivision 2-a of section 3204 of the Education Law. It will also be determined through such screening whether the student is of foreign birth or ancestry and comes from a home where a language other than English is spoken as determined by the results of a home language questionnaire and an informal interview in English;
2. ensure that students diagnostically determined to be LEP are annually evaluated. Such evaluation will include evaluation of each student's performance on an English Language assessment where the score is at or below the 40<sup>th</sup> percentile, or its equivalent as determined by the Commissioner, in content areas to measure the student's progress;
3. ensure that all LEP students have access to appropriate instructional and support services, including guidance programs;
4. ensure that all LEP students have equal opportunities to participate in all school programs and extracurricular activities as non-LEP students;
5. annually provide the Commissioner with the following documents, in the form and by the dates prescribed by the Commissioner:
  - a. a copy of the Board of Education's written policy;
  - b. a report by building of students initially identified and annually evaluated as being LEP in the preceding school year;
  - c. a report by building of the number of teachers and support personnel providing services to LEP students;
  - d. a description by building of the curricular and extracurricular services provided to LEP students; and
  - e. results of the annual evaluation of LEP students, including test data and any additional data required by the Commissioner.

The district will also distribute to the parents, or other persons in parental relation to LEP students, school-related information in English or when necessary, the language they understand, and refer LEP students who are suspected of having a disability to the Committee on Special Education. The District will assure that a bilingual

\*A student who by reason of foreign birth or ancestry, speaks a language other than English; and either understands and speaks little or no English, or scores at or below the fortieth percentile or its equivalent on an English language assessment instrument approved by the Commissioner, is to be classified as "LEP."

multidisciplinary assessment is conducted before the committee on special education identifies pupils with LEP as having a handicapping condition \_\_\_\_\_

[In addition to the above requirements, districts which desire to receive state aid for the operation of programs for LEP students must comply with the following additional requirements:]

In order to receive state funds for the education of LEP students, the district shall submit to the State Education Department by September 1 of each year a comprehensive plan to meet the educational needs of such students, and a report including the number of LEP pupil served

Such plan shall include:

1. the criteria used to place LEP students in appropriate transitional bilingual or free-standing ESL programs;
2. a proposed budget for the operation of the state-aided program;
3. a description of the nature and scope of the bilingual and/or ESL services currently available to LEP students;
4. an evaluation plan outlining the time schedule for data collection, approved assessment devices or techniques, and time schedule for the submission of data to the Department, in the format specified by the State Education Department;
5. a description of procedures for the program's management, including: ,staffing, site selection, parental notification, coordination of funds, training, and program planning;
6. an assurance that all regulations and laws governing programs for LEP students will be followed;
7. a description of the support services provided to LEP students;
8. a description of the transitional services provided to LEP students; and
9. a description of the in-service training plan for all school personnel.

Ensure that the provisions of Section 3204 of the Education Law with respect to the instruction of LEP pupils are adhered to.

*Bilingual Education Program*

Should twenty (20) or more LEP students with the same native language at the same grade level all attend the same school building in the district, such students shall be provided with a bilingual education program.

For grades K-6 in the 2000-01 school year and thereafter, bilingual education program shall mean a program of instruction composed of two components: a language arts instructional component, and a content area instructional component. Such instruction shall take into account the first language and culture of such pupils.

The language arts instructional component shall include English language arts instruction, native language arts instruction and ESL instruction, ESL instruction shall be designed to develop skills in understanding, speaking, reading, writing and communicating in English through the integration of academic content appropriate for the pupil's age, grade level and English language skills.

The content area instructional component shall provide grade and age level appropriate instruction in the required content area subjects in the native language and English, in a systematic and structured way, and shall be designed to develop the cognitive skills of limited English proficient pupils.

*English as a Second Language Program*

Should fewer than twenty (20) LEP students with the same native language at the same grade level all attend the same school building in the district, such students shall be provided with a free-standing English as a Second Language (ESL) program or a bilingual education program to such pupils for grades K-6 in the 2000-01 school year and thereafter, free-standing English as a second language program shall mean a program of instruction composed of two components: a language arts instructional component, and a content area instructional component. Such instruction shall take into account the first language and culture of such pupils.

The language arts instructional component shall include English language arts instruction and ESL instruction. ESL instruction shall be designed to develop skills in understanding, speaking, reading, writing and communicating in English through the integration of academic content appropriate for the pupil's age, grade level and English language skills.

The content area instructional component shall provide grade and age level appropriate instruction in the required content area subjects in English supported by ESL methodologies employed in a systematic and structured way, and shall be designed to develop cognitive skills of limited English proficient pupils.

*Additional Concerns*

The district reserves the right to contract with a Board of Cooperative Educational Services (BOCES) or another school district to provide bilingual and/or ESL programs.

The district shall notify, in English, and in the language they understand, the parent(s) or guardian(s) of a student designated as LEP of the student's placement in a transitional bilingual or ESL program. Such notification shall include program options, including the option of not having the student placed in a transitional bilingual program. Should a parent wish to withdraw his/her child from a transitional bilingual program, the parent/guardian shall meet with the Building Principal and ESL Coordinator. Such meeting shall be for the purpose of informing the parent/guardian of the nature, purposes and educational values of the transitional bilingual program, and the skills required of personnel. Any child that withdraws from a transitional bilingual program must participate in a free-standing ESL program.

Parents shall be informed that they have the option of transferring their child to another school within the district that offers a transitional bilingual program in the child's age and grade level when the number of eligible students in the student's attendance area does not require the offering of a transitional bilingual education program. If a parent/guardian chooses not to exercise this option, he/she shall be informed that the child will participate in a free-standing ESL program.

*Support Services*

The district shall provide appropriate support services to students who are participating in either transitional bilingual or free-standing ESL programs in order for such students to achieve and maintain a satisfactory level of academic performance. Such services may include, but need not be limited to, individual counseling, group counseling, home visits, and parental counseling. If appropriate, such services shall be provided in the first language of the students and the student's parent(s)/guardian(s).

*Transitional Services*

The district shall ensure a transition for former LEP students who are transferring from a bilingual or free-standing ESL program into an English mainstream program. Transitional services shall be provided for the first year after such students are placed in the English mainstream instructional program. Such pupils shall not be counted for purposes of LEP aid.

*In-Service Training*

The district shall provide in-service training to all personnel providing instruction or other services to LEP students in order to enhance staff appreciation for such students' native languages and cultures, and staff ability to provide appropriate instructional and support services.

*Services to LEP Students with Disabilities*

If a student's score on an English language assessment instrument approved by the Commissioner is the result of a handicapping condition, the student shall be provided special education programs and services in accordance with the individualized education program (IEP) developed for such student(s). Such student shall also be eligible for all services described above, if such services are recommended in his/her IEP. A pupil with a handicapping condition receiving such services shall be counted as a pupil served for the purposes of computing LEP aid as well as being counted for public excess cost aid for children with handicapping conditions.

Appropriate district personnel shall meet at least twice a year with parents or other persons in parental relation of LEP students to discuss the students' needs and progress, and help them understand the goals of the program and how they might help their children.

*New Entrants*

Parents or other persons in parental relation to a pupil designated as limited English proficient who is a new entrant shall be provided an orientation session on the State standards, assessments, school expectations and general program requirements for the bilingual education program and the free-standing English as a second language program. Such orientation shall take place within the first semester of their child's enrollment in the school and, when needed, shall be provided in the first language of the pupil's parents or other persons in parental relation to the pupil.

*Fiscal Report*

No later than September 1<sup>st</sup> of each year, each school district eligible for State aide for services provided to pupils with limited English proficiency in the preceding school year shall submit a fiscal report containing such information as the commissioner may prescribe, including but not limited to:

- (1) the number of pupils with limited English proficiency served;
- (2) an accounting of the expenditure of limited English proficiency aid to supplement the basic program for such pupils; and
- (3) an evaluation of the results obtained from the limited English proficiency aid provided to the district.

1<sup>st</sup> Reading March 26, 2002

2<sup>nd</sup> Reading & Adopted April 23, 2002