

LIMITED ENGLISH PROFICIENCY INSTRUCTION REGULATION

In attempting to ensure that students who are 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 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 students performance 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 on the dates prescribed by the Commissioner:
 - a. a copy of the Board of Education's policy;
 - b. a report by building 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.

[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.

A student who by reason of foreign birth or ancestry speaks a language other than English and scores at or below the fortieth percentile on an English language instrument approved by the Commissioner, is to be classified as "LEP."

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 in the format specified by the State Education Department;
5. a description of procedures for the program's management, including: staff 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

Bilingual Instruction

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 program. Such program shall be composed of:

1. English as a second language (ESL) instruction which emphasizes listening, speaking, reading, writing and communicating skills in English;
2. course content instruction in both English and the native language; and
3. native language arts instruction which emphasizes communication skills in the student's home language.

English as a Second Language Instruction

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. Such program shall be composed of:

instruction which emphasizes listening, speaking, reading, writing, and communicating skills in English; and

course content area instruction using FSL methods.

Such program need not provide a native language arts component designed to develop skills in the native language.

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 or in the appropriate native language, the parent(s) or guardians(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 Supervisor of Bilingual Education. Such meeting shall be for the purpose of informing the parent/guardian of the

nature and value of the transitional bilingual program. 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, when the number of eligible students in the student's building 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 shall 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

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 disability, 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.

Appropriate district personnel shall meet at least twice a year with all parents of LEP students to discuss the students' needs and progress.

Note: Regulation added

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