

## **16 NCAC 06D .0106 LIMITED ENGLISH PROFICIENCY PROGRAMS**

(a) Each superintendent or his delegate shall:

- (1) identify resources available to serve limited English proficient students;
- (2) coordinate programs and services to these students and their parents in the local school administrative unit;
- (3) report to the SBE information concerning the identification, placement, and educational progress of these students; and
- (4) report funding needs for the provision of services to these students to the SBE.

(b) LEAs shall report annually to the SBE information including but not limited to the number of students whose primary home language is other than English, the number of limited English proficient students identified and receiving services, the nature of the services, the number of limited English proficient students receiving special education services and services for the academically gifted, and data required to be reported to the U.S. Department of Education.

(c) A home language survey shall be administered to every student at the time of enrollment and maintained in the student's permanent record. LEAs shall then identify and assess every limited English proficient student who needs assistance in order to have access to the unit's instructional programs. Each LEA which identifies limited English proficient students who need assistance shall adopt an effective method of determining the students' current level of English proficiency in order to determine what types of assistance are needed. The method used may be a combination of the following, unless some other method can be effectively substituted:

- (1) teacher observations;
- (2) teacher interview;
- (3) achievement tests;
- (4) review of student records;
- (5) parent information;
- (6) proficiency tests;
- (7) English as a second language teacher referral;
- (8) student course grades;
- (9) teacher referral or recommendation;
- (10) criterion-referenced tests;
- (11) grade retention or deficiency report;
- (12) informal assessment or screening;
- (13) portfolio-based assessment; and
- (14) alternative assessments such as cloze and dictation.

(d) LEAs shall adopt a program or programs for limited English proficient students who need assistance which have a reasonable chance of allowing students to progress in school. The program may be one of the following unless some other method or process can be effectively substituted:

- (1) English as a second language (ESL);
- (2) bilingual education;
- (3) programs which provide neither instruction in the native language nor direct instruction in ESL but which adapt instruction to meet the needs of these students.

Program entry criteria shall be developed which take into account the student's educational background, English language proficiency, native language proficiency, and content area knowledge. LEAs shall conduct a program evaluation annually.

(e) LEAs shall adopt appropriate evaluative standards for measuring the progress of limited English proficient students in school. In order to determine when students no longer need assistance, the LEA shall determine the content knowledge and language skills necessary for successful functioning in the regular classroom. Then, multiple instruments as well as teacher judgment may be used to evaluate English listening and speaking skills, English literacy skills, and content area knowledge. The students shall not be maintained in alternative language programs longer than necessary based on program exit criteria but shall be monitored after exiting such programs for a minimum of six months and additional academic and English language support shall be provided if the students begin to have difficulty.

(f) LEAs shall monitor the progress of limited English proficient students in English proficiency and in the BEP. When a limited English proficient student is not making progress in school, the LEA shall conduct an evaluation of the student's program and make modification as needed.

(g) Limited English proficient students shall participate in the statewide testing programs in accordance with 16 NCAC 6D .0301.

(h) LEAs shall promote the involvement of parents of students of limited English proficiency in the educational program of their children. LEAs shall notify national origin minority group parents of school activities which are called to the attention of other parents and these notices shall be provided in the home language if feasible.

- (i) LEAs shall ensure that limited English proficient students are not assigned to or excluded from special education programs because of their limited English language proficiency. Evaluation, placement, and notification to parents of students with special needs shall be conducted in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. ' 1401 et seq. and its implementing regulations at 34 C.F.R. Part 300.
- (j) LEAs shall ensure that limited English proficient students are not categorically excluded from programs for the academically gifted and other specialized programs or support services such as guidance and counseling due to limited English proficiency.
- (k) LEAs shall ensure that limited English proficient students are educated in the least segregative manner based on the educational needs of the student and these students shall be included in all aspects of the regular school program in which they can perform satisfactorily.
- (l) The Department shall monitor the progress of LEAs in providing programs to all limited English proficient students using the same procedures and standards as provided in Title I - Helping Disadvantaged Children Meet High Standards, 20 U.S.C. ' 6301 et seq.
- (m) The Department shall make available a list to all LEAs of teachers licensed in English as a Second Language (ESL). ESL training and add-on ESL licensure for teachers currently licensed in areas other than ESL is an appropriate strategy to obtain qualified staff.
- (n) Each LEA may consider joint agreements with other LEAs to provide programs to limited English proficient students.
- (o) Each LEA may coordinate services with those available at local community colleges in order to maximize efficient delivery of services to limited English proficient students and their parents.
- (p) The Department shall administer the Teacher Education Program Approval process so as to ensure that all participants have an opportunity to gain an understanding of and develop strategies for addressing the educational needs of limited English proficient students. The Department shall work with IHEs to expand English as a Second Language teacher training programs.

*History Note:* Authority G.S. 115C-12(9)c.; N.C. Constitution, Article IX, Sec. 5; 20 U.S.C. 1703; Eff. June 1, 1996.