

# Limited English Proficiency Policy



From the No Child Left Behind Act of 2001:

The term “limited English proficient,” which is defined in section 9101 of Title IX when used with respect to an individual, means an individual

- (A) who is aged 3 through 21;
- (B) who is enrolled or preparing to enroll in an elementary school or secondary school;
- (C) (i) who was not born in the United States or whose native language is a language other than English;
  - (ii) (I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and
  - (II) who comes from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency; or
  - (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
- (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual
  - (i) the ability to meet the State’s proficient level of achievement on State assessments described in section 1111(b)(3);
  - (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or
  - (iii) the opportunity to participate fully in society.

The school will include a student with limited English proficiency in the state assessment using accommodations consistent with Article 67-28 of North Dakota Administrative Rules, which became effective July 1, 2006.

Section 67-28-01-05 Individualized language plan; parent communication.

1. The school shall convene a team of persons to review the language and educational needs of each student whose assessment results show the student is eligible for English language learner services. The team may be known as the “language support team.” The team shall include a teacher of English as a second language or a bilingual teacher, and a person with the authority to commit resources necessary to deliver the plan. The team may include other individuals involved with the student’s instruction, such as a classroom teacher or paraprofessional. The school shall invite the student’s parent or guardian to be a team member. The team shall develop an individualized language plan for the student based on the student’s language proficiency and academic achievement and on alternative language services being provided.
2. The individualized language plan must be written and implemented. In developing the written individualized language plan, the language support team shall consider:

- a. The background of the student and a description of the student's needs;
  - b. Goals and objectives for improving English language proficiency and its relationship to academic achievement;
  - c. Specialized language instruction to be provided to the student, including type of service and amount of service time;
  - d. Related services to be provided to the student, if any;
  - e. Appropriate instructional strategies to be used in the general education classroom; and
  - f. Accommodations, if any, for instruction and assessment.
3. While the student is enrolled in the school district, the student's individualized language plan and classification must be reviewed annually until the student has been reclassified as proficient by the language support team.
  4. The school district shall inform the student's parent or guardian how he or she may be involved in the child's program of English language acquisition, including periodic progress reporting. The school district shall provide information at least annually to the student's parent or guardian on the progress of the student's language proficiency and academic achievement and on alternative language services being provided. The information must be provided, to the extent practicable, in a language the parent or guardian can understand.

History: Effective July 1, 2006.

General Authority: NDCC 15.1-38-02, 28-32-02

Law Implemented: NDCC 15.1-38-01, 15.1-38-02, 15.1-38-03