

Helping Idaho students continually progress in their mastery of the English language is an integral part of the education process. All students, including limited-English-proficient (LEP) students, represent a broad range of abilities and interests. For this reason student progress alone cannot serve as the only criterion for the placement and retention of students in special programs for LEP students; neither can it be the only criterion used to judge the success of a school program.

The schools in this district are required to make a reasonable effort to address the special language deficiencies of LEP students. The programs and practices used in this district will be reasonably calculated to effectively implement the educational theory adopted by each school. However, there is no guarantee for the success of every individual student in meeting pre-specified criteria of English language proficiency.

An LEP student is defined as a student who:

1. Has a native language other than English and comes from an environment where a language other than English is dominant; or
2. Is a Native American and comes from an environment where a language other than English has had a significant impact on the student's level of English language proficiency.

Such student must also have difficulty speaking, reading, writing, or understanding the English language, whose difficulties may deny the student the opportunity to learn successfully in classrooms where the language of instruction is English or to fully participate in our society; and who meets one or more of the following criteria:

1. Language assessment scores indicate that the student is not English language proficient based on the standardized score 3 or below as measured by language assessments such as the Language Assessment Survey (LAS) and Woodcock-Munoz Language survey; or
2. Scores below the 40th percentile on the Iowa Test of Basic Skills (ITBS); or
3. Report card grades, teacher observations, and other performance data show the student is not performing at grade level with his/her English-speaking peers.

The following procedure will be used for the identification of LEP students:

1. Within two (2) weeks following commencement of the school year, or when a student first enrolls in this district, students should be identified as potential LEP through

appropriate screening and teacher observation. Following an initial identification of a potential LEP student, the school will:

- a. Conduct a home language survey in English and Spanish, requesting that parents indicate whether a language other than English is spoken in the home;
  - b. If a language other than English is spoken in the home, or if the survey is not returned within two (2) weeks, the student will be administered a language dominance test within the following two-week period to determine proficiency.
2. The district will request from the Idaho Department of Education a list of approved or recommended language dominance tests. Where no tests are available to assess the language dominance of students, locally developed tests may be administered to determine the deficiencies.
3. The programs and practices used with LEP students will be reasonably calculated to effectively implement the educational theory adopted by this district and will:
- a. Be recognized as sound by some experts in the field; or
  - b. Be recognized as legitimate educational strategies; and
  - c. Be modified if it is determined that this district's programs prove to be unsuccessful after a legitimate trial period.
4. Students who are of limited English proficiency are entitled to instructional programs that lead to proficiency in English. Once students have been placed in an alternative language program, they will be provided with services until they are proficient enough in English to participate meaningfully in the regular educational program. Factors to take into account will include:
- a. Whether the students are able to keep up with their non-LEP peers in the regular educational program;
  - b. Whether the students are able to participate successfully in essentially all aspects of the school's curriculum without the use of simplified English materials;
  - c. Whether the students' retention-in-grade and dropout rates are similar to those of their non-LEP peers.
  - d. LEP students will not be placed in special education programs that do not address the students' inability to speak or understand English, but will be placed in programs that meet their needs.
  - e. LEP students will not be categorically excluded from gifted/talented programs or other specialized programs.

5. The criteria used for exiting students from an alternative language program:
  - a. Will be based on objective standards, such as standardized test scores;
  - b. Students will not be exited from LEP programs unless they can read, write, and comprehend English well enough to participate meaningfully in this district's education programs;
  - c. Alternative programs will not be a means to segregate national origin minority students.
6. Educational justifications for excluding a particular LEP student from a specialized program may include:
  - a. Time for the program would unduly hinder the student's participation in an alternative language program; and
  - b. The specialized program requires proficiency in English language skills for meaningful participation.
7. This district will report annually to the Idaho Department of Education on an appropriate form the following:
  - a. Total number of children participating in the LEP program;
  - b. Progress made by students enrolled in the program;
  - c. Number of students exited from the program and the criteria upon which this decision was made;
  - d. Proposed changes, if any, for the subsequent year.
8. All LEP programs will be periodically evaluated or modified as appropriate to ensure that these programs are successful. Success is measured by LEP students overcoming their language barriers sufficiently well and sufficiently promptly to participate meaningfully in this district's education programs.
9. Adequate staff and necessary resources will be provided for a successful LEP program.
10. If this district does not have LEP students enrolled, it will certify that fact to the Idaho Department of Education under the signature of the superintendent of schools or the chairman of the board of trustees.

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**LEGAL REFERENCE:**

Title VI of the Civil Rights Act of 1964

42 USC Section 2000d, et seq.

Lau v. Nichols, 414 U.S. 563, 94 S.Ct. 786 (1974)

Castaneda v. Pickard, 648 F. 2d 989 (5th Cir. 1981)

Idaho Migrant Council, Inc. v. Board of Education, Civil No. 79-1068 (1983) (Consent Decree)

Office for Civil Rights Memorandum to OCR Senior Staff from Williams, September 27, 1991

Office for Civil Rights Memorandum to OCR Senior Staff from Williams, April 6, 1990

**ADOPTED:** June 21, 2000