

## LIMITED ENGLISH PROFICIENCY INSTRUCTION

### I. T.B.E. and E.S.L. Entitlements

The Sharon Springs Central School District Board of Education establishes that students who attend the Sharon Springs Central School who by reason of foreign birth or ancestry have limited English language proficiency shall be provided with a transitional bilingual education or free-standing English as a Second Language (ESL) program. The purpose of the services offered shall be to ensure that every student attending the Sharon Springs Central School who has limited English proficiency receives appropriate schooling in the English language and in all curriculum areas, and also that every such student is able to participate fully in extracurricular activities and programs offered by the Board to all other students.

### II. "Limited English Proficiency" (LEP) Defined

For purposes of this policy, the "limited English proficiency" (LEP) classification shall apply solely to any student who, by reason of foreign birth or ancestry, speaks a language other than English and who also scores below the fortieth percentile on an English language test instrument approved by the Commissioner of Education.

### III. Administrative Regulations

The Superintendent of Schools shall develop regulations that ensure attainment by the District of the educational objectives stated in Paragraph 1, above, and compliance with all statutory and regulatory requirements.

### IV. Parental Notification

#### A. INITIAL NOTIFICATION TO PARENTS

The parent or guardian of any student designated as LEP shall be informed by appropriate District personnel of the student's placement in a bilingual education or ESL program. Such notification shall be in English or in a language that the parent or guardian understands. The student's parent or guardian shall also be informed of alternative program options, including that of not having the student placed in a bilingual program, and of the conditions under which these may be chosen for the student.

## B. TWICE YEARLY MEETINGS WITH PARENTS

Appropriate District personnel shall make an effort to meet at least two times during the school year with the parent or guardian of each LEP student. The purpose of such meeting shall be to discuss the students' needs and progress. (There is no legal mandate to meet twice a year. Annual reviews are appropriate). In the past only yearly meetings have been conducted.

## V. Authorization To Seek Variance

Upon providing prior notice to the Board of her/his intention to act under this section, and after the occurrence of one regularly scheduled Board meeting subsequent to the provision of such notice, unless authorization shall have been withheld by a vote of the Board, the Superintendent shall be deemed authorized to seek a variance from the Commissioner of Education of any program requirement set forth in the Commissioner's Regulations concerning services for pupils with limited English proficiency whenever it is her/his judgment that such a variance is warranted for the District. In making such a request the Superintendent shall demonstrate that the Commissioner's granting of a variance would be consistent with Education Law Sec. 3204, and also that the granting of a variance will enable the school or the District to implement a program designed to provide excellence in education that is substantially equivalent to a program that meets all requirements of the provision or provisions for which a variance is being sought.

## References

Education Law Sec. 3204

8 NYCRR 80.9, 80.10, 117, 154 et seq.

20 USC 880(b) et seq. (Bilingual Educ. Act of 1974)

20 USC 1701 et seq. (Equal Educ'l Opportunities Act of 1974)

Lau v. Nichols, 414 US 563 (1974)

Rios v. Read, 480 F.Supp. 14 (1978)

Cintron v. Brentwood Union Free School Dist.,

455 F.Supp. 57 (1978)

Aspira of New York v. Bd. of Educ. of the City of New York, 394 F.Supp. 1161 (1974)