

ARTICLE 67-28

ENGLISH LANGUAGE LEARNER PROGRAMS

Chapter
67-28-01 English Language Learner Programs

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Section 67-28-01-01 Responsibilities of all school districts.

Every school district shall:

1. Provide a written assurance to the department that it has a policy for providing alternative language services in compliance with N.D.C.C. chapter 15.1-38 English Language Learners Instruction. The assurance must be made in the form and manner and at intervals prescribed by the department.
2. Designate a program representative who serves as a contact for English language learner student services and data. The school district must report the designated program representative's status on the MIS03 form.
3. Develop a plan to identify and assess the language proficiency of students who have a primary language other than English or come from an environment in which a language other than English significantly impacts the student's level of English language proficiency. The plan must incorporate participation in the North Dakota English language proficiency assessment program and the North Dakota state assessment program for academic achievement.

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

Section 67-28-01-02 Options for compliance.

A school district may choose one of the following options as a means of complying with the requirements of this chapter:

1. The school district may adopt and implement its own program;

2. The school district may participate in a program through a multi-district association;
or
3. The school district may pay tuition and other costs as agreed to by cooperating districts for its English language learners to participate in the program of another school district or multi-district association of school districts.

A school district or multi-district association of school districts may consider providing services through any delivery method not contrary to state law that is consistent with the program model adopted by the school district or multi-district association of school districts and may consider providing services by means of classroom or individual instruction and distance learning options including interactive video and computer instruction.

History: Effective July 1, 2006.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 15.1-38-01

Section 67-28-01-03 Assessment of English language learners; classification.

1. The assessment process shall follow the North Dakota English language proficiency assessment program. The English language proficiency assessment process must be supervised by a teacher of English as a second language or a bilingual education teacher. A school district may use a screening protocol prior to conducting the assessment. Criteria for the screening protocol may include observation, a checklist, writing samples, and other indicators of language proficiency.
2. The assessment process will result in classification of the student by determining whether the student has preliteracy – Level I, beginning - Level II, intermediate – Level III, basic – Level IV, or proficient –Level V English language skills.

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

Section 67-28-01-04 Eligibility for English language learner services.

To be eligible for English language learner services, a student must:

1. Be at least five years of age, but must not have reached the age of twenty-two;
2. Be enrolled in a school district in North Dakota;
3. Have a primary language other than English or come from an environment in which a language other than English significantly impacts the individual's level of English language proficiency; and
4. Have difficulty speaking, reading, writing, and understanding English as shown by assessment results.

History: Effective July 1, 2006.

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

Law Implemented: NDCC 15.1-27-12, 15.1-38-01, 15.1-38-02

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 they may be involved in their 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

Section 67-28-01-06 Requirements of English language learner program.

An English language learner program must:

1. Provide alternative language instruction that is based on research and effective practice;
2. Provide an alternative language curriculum, including materials and resources, that is based on North Dakota English language proficiency and academic content standards, is consistent with the school district's program model, and is appropriate for the identified student population;
3. Use instructional facilities that are comparable to that provided for non-English language learner students, and may not unreasonably segregate English language learners;
4. Provide alternative language instruction by or under the supervision of a licensed teacher who holds an endorsement from the North Dakota Education Standards and Practices Board in English as a second language or bilingual education or a major in teaching English as a second or other language;
5. Incorporate administrative oversight by a program director with an administrative credential. The school district must report the director's status on the MIS03 form; and
6. Incorporate a systematic evaluation and reporting plan that uses both summative and formative methods of data collection and evaluation and that is consistent with federal requirements on data collection and reporting.

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

Section 67-28-01-07 Department of public instruction responsibilities; advisory committee.

1. The department of public instruction administers English language learner programs, including distribution of state funding, monitoring of school programming, coordinating the English language learner program advisory committee, providing consultative services and technical assistance to schools, and updating and evaluating the North Dakota English language proficiency standards and assessment.
2. The superintendent shall appoint an advisory committee to be known as the English language learner program advisory committee, to advise the superintendent and program personnel on matters related to English language learner programs and the North Dakota English language proficiency assessment. The committee shall make recommendations on the development of rules and guidance documents, program standards, student instruction, and the English language proficiency assessment program. Any significant changes to the rules, standards and assessment program shall be brought before the committee for review and recommendation. The

superintendent may consider nominations for committee membership from schools, education organizations, institutions of higher education, community-based organizations, parents, and others. The superintendent may develop protocols for meetings and other aspects of committee functioning.

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

Section 67-28-01-08 Eligibility for funding; application process.

1. To be eligible for payment for an English language learner program, a school district must provide a program of instruction for English language learners that meets the requirements of this chapter. The school district must also submit an application in the form and manner prescribed by the department. Applications are due by December 1.
2. School districts applying as a multi-district association of school districts may submit one application. An application submitted by a multi-district association of school districts must include a signature from each member school district. The application must include a plan for management of funding and services. Payments will be made to individual school districts.
3. A year end report must be submitted to the department in the form and manner prescribed by the department. School districts that have applied as a multi-district association of school districts may submit one year end report on behalf of all member districts.
4. A school district may apply for funding for English language learner students that are enrolled as a member of the school district on December 1 or had been enrolled as a member of the school district but left the district before December 1. Students who have been members of more than one school district prior to December 1 shall be considered members of the most recent district for payment purposes. Student assessment information must be entered into the online reporting system on or before December 1 to be eligible for payment. Student assessment must be completed prior to submission of the application for funding and must include the results of an English language proficiency test administered within the preceding twelve months.

History: Effective July 1, 2006.

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

Law Implemented: NDCC 15.1-27-12, 15.1-38-01, 15.1-38-02