CHAPTER 60
PROGRAMS FOR STUDENTS OF LIMITED ENGLISH PROFICIENCY
[Prior to 9/7/88, see Public Instruction Department[670] Ch 57]

281—60.1(280) Scope. These rules apply to the identification of students and provision of programs for limited English proficient students and to the application procedures for securing fiscal support.

281—60.2(280) Definitions. As used in these rules, the following definitions apply:

“English as a second language” refers to a structured language acquisition program designed to teach English to students whose native language is other than English, until the student demonstrates a functional ability to speak, read, write, and listen to English language at the age- and grade-appropriate level.

“Fully English proficient” refers to a student who is able to read, understand, write, and speak the English language and to use English to ask questions, to understand teachers and reading materials, to test ideas, and to challenge what is being asked in the classroom.

“Limited English proficient” refers to a student who has a language background other than English, and the proficiency in English is such that the probability of the student’s academic success in an English-only classroom is below that of an academically successful peer with an English language background.

“Transitional bilingual instruction” refers to a program of instruction in English and the native language of the student until the student demonstrates a functional ability to speak, read, write, and listen to the English language at the age- and grade-appropriate level.

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281—60.3(280) School district responsibilities.

60.3(1) Student identification and assessment. A school district shall use the following criteria in determining a student’s eligibility:

a. In order to determine the necessity of conducting an English language assessment of any student, the district shall, at the time of registration, ascertain the place of birth of each student and whether there is a prominent use of any language(s) other than English in the home. If the student’s registration form indicates the prominent use of another language in the student’s home, the district shall determine the first language acquired by the student and the languages spoken by the student and by others in the student’s home. School district personnel shall be prepared to conduct oral or native language interviews with those adults in the student’s home who may not have sufficient skills in English.

b. Students identified as prominently using a language other than English in the home shall be assessed by the district. The assessment shall include (1) an assessment of the student’s English proficiency in the areas of speaking, listening, reading, and writing; and (2) an assessment of the student’s academic skills in relation to their grade or age level. A consistent plan of evaluation which includes ongoing evaluation of student progress shall be developed and implemented by the district for the above areas for each student so identified.

60.3(2) Staffing. Teachers in an English as a second language (ESL) program must possess a valid Iowa teaching license. Individuals who were licensed in Iowa prior to October 1, 1988, and were allowed to teach English as a second language without completing the endorsement requirements must complete the endorsement requirements by July 1, 2012, in order to teach or continue to teach English as a second language. A waiver provision is available through the board of educational examiners for individuals who have been successfully teaching English as a second language.

60.3(3) Limited English proficient student placement. Placement of students identified as limited English proficient shall be in accordance with the following:

a. Mainstream classes. Students will be placed in classes with chronological peers or, when absolutely necessary, within two years of the student’s age.

b. Limited English proficient program placement.
1 Students enrolled in a program for limited English proficient students shall receive language instruction with other limited English proficient students with similar language needs.
2 When students of different age groups or educational levels are combined in the same class, the school shall ensure that the instruction given is appropriate to each student’s level of educational attainment.
3 A program of transitional bilingual instruction may include the participation of students whose native language is English.
4 Exit from program. An individual student may exit from an ESL or Transitional Bilingual Education (TBE) program after an assessment has shown both that the student can function in English (in speaking, listening, reading, and writing) at a level commensurate with the student’s grade or age peers and that the student can function academically at the same level as the English speaking grade level peers. These assessments shall be conducted by utilizing state, local, or nationally recognized tests as well as teacher observations and recommendations.
5 Staff in-service. The district shall develop a program of in-service activities for all staff involved in the educational process of the limited English proficient student.

60.3(4) Medium of instruction. Instruction in all secural subjects taught in both public and nonpublic schools shall be in the English language, except when the use of a foreign language is deemed appropriate because the student is limited English proficient. When the student is limited English proficient, both public and nonpublic schools shall provide special instruction, which shall include but need not be limited to either instruction in English as a second language or transitional bilingual instruction until the student is fully English proficient or demonstrates a functional ability to speak, read, write, and understand the English language.

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60.6(2) Modified allowable growth. In addition to weighting, the school budget review committee (SBRC) may grant modified allowable growth for an unusual need to continue funding beyond the four years of weighting or for costs in excess of the weighting to provide instruction to limited English proficient students above the costs of regular instruction.

a. A school district of residence may apply for modified allowable growth to the SBRC. The modified allowable growth will be calculated as the total actual budgeted expenditures for the current year, reduced by the limited English proficient funding generated in the current budget year based on the limited English proficient count on the certified enrollment in the previous year, and reduced by any other grants, carryover, or other resources provided to the district for this program.

b. In order to apply for modified allowable growth under this subrule, the district must complete and submit the application form no later than January 15 following the date specified in Iowa Code section 257.6, subsection 1, for the certified enrollment. The SBRC will act on these requests during its March regular meeting. If the SBRC grants the district’s request for modified allowable growth, the department of management will increase the district’s budget authority by that amount.

c. The SBRC may require the district to appear at a hearing to discuss its request for modified allowable growth.

60.6(3) Appropriate expenditures. Appropriate expenditures for the limited English proficiency program are those that are direct costs of providing instruction which supplement, but do not supplant, the costs of the regular curriculum. These expenditures are delineated in 281—Chapter 98.

60.6(4) Inappropriate expenditures. Inappropriate expenditures are delineated in 281—Chapter 98.

60.6(5) Financial management. Limited English proficient funding is categorical funding and follows the general provisions in 281—Chapter 98.

60.6(6) Annual reporting. Districts shall include and identify the detail of financial transactions related to limited English proficient resources, expenditures, and carryforward balances on their certified annual report. School districts shall use the account coding appropriate to the limited English proficient program as defined by Uniform Financing Accounting for Iowa School Districts and AEAs. Each district shall submit its certified annual report following the close of the fiscal year but no later than September 15.

These rules are intended to implement Iowa Code sections 257.31(5) “j” and 280.4.

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