

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. In addition, for those students whose registration forms indicate the prominent use of another language in their lives, the district shall conduct a Home Language Survey on forms developed by the department of education to determine the first language acquired by the student, 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 English or literacy skills to complete a survey written 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. All teachers licensed after October 1, 1988, shall have endorsement 104(K-12 ESL) if they are teaching ESL.

All teachers licensed before October 1, 1988, have the authority to teach ESL at the level of their teaching endorsements.

Teachers in a transitional bilingual program shall possess a valid Iowa teaching license with endorsements for the area and level of their teaching assignments.

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.