

CHILD FIND

The School Board recognizes the responsibility of the district to identify children residing in the district who need special education and related services. As required by law, the Superintendent or designee shall establish written procedures for locating children with exceptional needs in order to provide a free appropriate public education to all eligible children. The Board encourages all members of the community to assist the district in its effort to identify the need for special education and related services within the community.

The Superintendent or designee shall establish and implement an ongoing system to identify and locate children, age 3 through 21 years of age, suspected of having a disability who reside within the district, regardless of the severity of the disability. The components and procedures of this system will be detailed in a written Child Find Plan. The Plan shall identify a Child Find Coordinator, address coordination of child find activities, provide for annual public notice, referrals, and screening.

Child Find Coordinator

The Superintendent shall appoint a Child Find Coordinator who coordinates the development, revision, implementation, and documentation of the District's child find system.

Annual Public Notice

The Superintendent or designee shall annually inform the community about the right to, and availability of, educational services for children with disabilities. This notice shall inform parents/guardians in writing of the types of qualifying disabilities, the educational needs of children with disabilities, the rights of children to a free appropriate public education, the services available to these children, confidentiality protections, and the district's procedures for initiating a referral for assessment to identify individuals who need special education services.

The notice must be calculated to reach all persons within the District, [including all persons responsible for children who are enrolled in the District's statewide correspondence program.]

Referral

The Superintendent or designee shall implement a procedure to receive referrals of children suspected to having a disability. Referrals will be acted on without undue delay.

The school district shall obtain the informed written consent of a child's parent before conducting an initial evaluation, and before placing the student in a special education program in the district. If consent is not given for an initial evaluation, and the district believes it should proceed with the assessment, it may initiate due process hearing procedures in accordance with law to determine whether the district can proceed with an evaluation.

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 6172 - Special Education)

CHILD FIND

Legal Reference:

ALASKA STATUTES

14.30.191 Educational evaluation and placement

14.30.274 Identification of exceptional children

ALASKA ADMINISTRATIVE CODE

4 AAC 52.100 Child find

4 AAC 52.120 Evaluation

4 AAC 52.125 Eligibility

4 AAC 52.130 Criteria for determination of eligibility

4 AAC 52.190 Written notice to parent

4 AAC 52.200 Parental consent

4 AAC 52.540 Parental right to independent evaluation

4 AAC 52.580 Placement of child during proceedings

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400 et seq. Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

701 et seq. Rehabilitation Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 34

99.10-99.22 Inspection, review and procedures for amending education records

300. et seq. IDEA Regulations

Revised 1/12

Reviewed 3/2020

Reviewed 12/2022

BP 6164.4 CHILD FIND

Note: AS 14.30.274 and 4 AAC 52.100 require districts to establish written procedures to ensure children with disabilities are identified for assessment purposes. The Individuals with Disabilities Education Act (IDEA), 20 USC 1412(a)(3) and 34 CFR 300.111 and 300.131, requires that this "child find" identification system include identification of students with disabilities attending private schools, including religious-school children residing within the district, and highly mobile children with disabilities, such as migrant and homeless children. In order to carry out this requirement, a practical method must be developed to determine which children with disabilities are currently receiving needed special education and related services. Services for a private school student, in accordance with an individualized education program (IEP), must be provided at no cost to the parent/guardian, unless the private school makes a free and appropriate public education available to the student and the parent/guardian chooses to enroll the student in that private school. If the public school is providing services to the student, these services may be provided on the premises of the private school, including parochial schools, to the extent consistent with other provisions of law.

The School Board recognizes the responsibility of the district to identify children residing in the district who need special education and related services. As required by law, the Superintendent or designee shall establish written procedures for locating children with exceptional needs in order to provide a free appropriate public education to all eligible children. The Board encourages all members of the community to assist the district in its effort to identify the need for special education and related services within the community.

The Superintendent or designee shall establish and implement an ongoing system to identify and locate children, age 3 through 21 years of age, suspected of having a disability who reside within the district, regardless of the severity of the disability. The components and procedures of this system will be detailed in a written Child Find Plan. The Plan shall identify a Child Find Coordinator, address coordination of child find activities, provide for annual public notice, referrals, and screening.

Child Find Coordinator

The Superintendent shall appoint a Child Find Coordinator who coordinates the development, revision, implementation, and documentation of the District's child find system.

Annual Public Notice

The Superintendent or designee shall annually inform the community about the right to, and availability of, educational services for children with disabilities. This notice shall inform parents/guardians in writing of the types of qualifying disabilities, the educational needs of children with disabilities, the rights of children to a free appropriate public education, the services available to these children, confidentiality protections, and the district's procedures for initiating a referral for assessment to identify individuals who need special education services.

Note: The following contains optional language for those districts with a statewide correspondence program.

The notice must be calculated to reach all persons within the District, [including all persons responsible for children who are enrolled in the District's statewide correspondence program.]

Referral

Note: Pursuant to 34 C.F.R. § 300.300, amended effective 2009, a school district may, but is not required to, pursue a due process hearing when a parent or guardian refuses to consent to an initial evaluation or re-evaluation. However, a school district may not pursue a due process hearing if a parent refuses consent to special education services.

The Superintendent or designee shall implement a procedure to receive referrals of children suspected of having a disability for which special education and related services are needed. . There shall be no discrimination on the basis of race, color, national origin or gender in referring students for evaluation. Referrals will be acted on without undue delay.

The school district shall obtain the informed written consent of a child's parent before conducting an initial evaluation, and before placing the student in a special education program in the district. If consent is not given for an initial evaluation, and the district believes it should proceed with the assessment, it may initiate due process hearing procedures in accordance with law to determine whether the district can proceed with an evaluation.

(cf. 1400 - *Relations Between Other Governmental Agencies and the Schools*)

(cf. 6172 - *Special Education*)

Legal Reference:

ALASKA STATUTES

14.30.191 *Educational evaluation and placement*

14.30.274 *Identification of exceptional children*

ALASKA ADMINISTRATIVE CODE

4 AAC 52.100 *Child find*

4 AAC 52.120 *Evaluation*

4 AAC 52.125 *Eligibility*

4 AAC 52.130 *Criteria for determination of eligibility*

4 AAC 52.190 *Written notice to parent*

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4 AAC 52.540 *Parental right to independent evaluation*

4 AAC 52.580 *Placement of child during proceedings*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act of 1974*

1400 *et seq. Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

701 *et seq. Rehabilitation Act of 1973*

CODE OF FEDERAL REGULATIONS, TITLE 34,

99.10-99.22 *Inspection, review and procedures for amending education records*

300. *et seq. IDEA Regulations*

Revised 3/2017

9/92

AASB Policy Reference Manual

TITLE I PROGRAMS

Title I programs shall provide identified students with supplementary services designed to instruct them in the district's core curriculum and improve their achievement in basic and advanced skills. The district shall provide these services, including remediation in reading, language and/or mathematics, on the basis of individual student needs identified annually and assessed with objective educational criteria.

When evaluating the effectiveness of Title I programs, staff shall assess individual student achievements and determine whether these students' improved performance has continued over a period of more than 12 months. Services shall be modified for students who do not make substantial progress.

(cf. 6190 - Evaluation of the Instructional Program)

The parents/guardians of children enrolled in Title I programs shall have regular opportunities to make recommendations on the educational needs of their children and on ways in which they can help their children benefit from the programs. All such recommendations shall receive timely responses.

Through consultation with parents/guardians, the district shall annually assess the effectiveness of parental involvement programs and determine what action needs to be taken, if any, to increase parental participation.

The [Superintendent/Chief School Administrator] shall develop procedures according to Title I requirements. These procedures shall contain: (1) the district's expectations for parental involvement, (2) specific strategies for effective parent involvement activities to improve student academic achievement and school performance, (3) methods to be used by building administrators with Title I programs to ensure parental involvement at that school, and (4) other provisions as required by federal law. The Superintendent or designee shall ensure that the procedures are distributed to parents/guardians of students receiving services, or enrolled in programs, under Title I.

The Superintendent or designee shall establish procedures which ensure that the district provides all district schools, regardless of whether they receive Title I funds, with services that, taken as a whole, are substantially comparable. This includes the same level of base funding, per student, for staff services, curriculum materials and instructional supplies. At the beginning of each school year, the ratio of students to teachers and auxiliary staff shall vary as little as possible from school to school. The Superintendent or designee shall maintain annual records to document this ratio and to indicate the quantity and quality of books and equipment at each school.

INSTRUCTION

(cf. 6000 - Concepts and Roles)

Legal Reference:

*Title I of the Elementary and Secondary Education Act, 20 U.S.C. §§ 6301–6514,
as amended by the No Child Left Behind Act of 2001 (P.L. 107-110)*

Revised 1/03

Reviewed 11/11

Revised 3/2020

Reviewed 12/2022

BP 6171 TITLE I PROGRAMS

Note: This policy is mandatory for any district that receives or desires to receive Title I funds. Title I is part of the Elementary and Secondary Education Act (20 U.S.C. § 6301 et seq.), as amended by the Every Student Succeeds Act of 2015 (P.L. 114-95-). Title I recipients must have a policy of parent and family engagement and a policy ensuring equal provision of staff and materials among schools.

The Board recognizes the importance of a program of instruction that is well-rounded to meet the academic needs of all students. Instructional and other strategies intended to strengthen academic programs and improve conditions for learning will be identified and implemented.

Federal program funds shall be used to ensure that all students receive a high-quality education and to close the achievement gap between those students who meet, and those who do not meet, challenging academic standards. Students who may be at risk for academic failure will be identified. Title I programs shall provide additional educational assistance to individual students that need help in meeting academic standards. The district shall provide these services, including remediation in reading, language and/or mathematics, on the basis of individual student needs identified annually and assessed with objective educational criteria.

When evaluating the effectiveness of Title I programs, staff shall assess individual student achievements and monitor changes in student performance.

(cf. 6190 - Evaluation of the Instructional Program)

Note: Every Student Succeeds Act requires each district receiving Title I funds to "develop jointly with, agree on with, and distribute to, parents and family members of participating children a written parent and family engagement policy." 20 U.S.C. § 6318(a)(2). Additionally, each school served under Title I must work with parents to develop a written parent and family engagement policy for that school.

The parents/guardians of children enrolled in Title I programs shall be involved in planning, designing and implementing these programs in a systematic, ongoing, informed and timely fashion. They shall have regular opportunities to make recommendations on the educational needs of their children and on ways in which they can help their children benefit from the programs. All such recommendations shall receive timely responses. The Superintendent or designee shall develop procedures according to Title I requirements. These procedures shall contain: (1) the district's expectations for parent and family engagement, (2) specific strategies for effective parent involvement activities to improve student academic achievement and school performance, (3) methods to be used by building administrators with Title I programs to ensure parental involvement at that school, and (4) other provisions as required by federal law. The Superintendent or designee shall ensure that the procedures are distributed to parents/guardians of students receiving services, or enrolled in programs, under Title I.

Through consultation with parents/guardians, the district shall annually assess the effectiveness of parental involvement programs and determine what action needs to be taken, if any, to increase parental participation.

Note: The following paragraph is mandatory for each district receiving Title I funds.

The Superintendent or designee shall establish procedures which ensure that the district provides all district schools, regardless of whether they receive Title I funds, with services that, taken as a whole, are substantially comparable. This includes the same level of base funding, per student, for staff services, curriculum materials and instructional supplies. At the beginning of each school year, the ratio of students to teachers and auxiliary staff shall vary as little as possible from school to school. The Superintendent or designee shall maintain annual records to document this ratio and to indicate the quantity and quality of books and equipment at each school.

(cf. 6000 - Concepts and Roles)

Legal Reference:

UNITED STATES CODE

Title I of the Elementary and Secondary Education Act, 20 U.S.C. §§ 6301-6514, as amended by the Every Student Succeeds Act (P.L. 114-95 (December 10, 2015))

Revised 3/2016

9/92

AASB Policy Reference Manual

SPECIAL EDUCATION

The School Board desires children with and without disabilities to share an interactive educational environment which nurtures understanding, cooperation and mutual respect. A student's IEP team shall determine the content of the student's individualized educational program (IEP) and make placement decisions for the least restrictive environment that is educationally appropriate.

The Superintendent or designee shall establish written procedures required by law and shall ensure district compliance with procedural safeguards, including appropriate notices to parents/guardians established by state and federal laws and regulations.

Services will be provided in accordance with a student's IEP once parental consent or administrative or judicial proceedings authorize the provision of special education and related services.

(cf. 3541.2 - Transportation for Special Education Students)
(cf. 5144.2 - Suspension and Expulsion (Individuals with Exceptional Needs))
(cf. 6146.4 - Differential Graduation and Competency Standards for Individuals with Exceptional Needs)
(cf. 6164.4 - Child Find)

*Legal Reference:*ALASKA STATUTES

14.30.180-14.30.350 *Education for children with disabilities*

ALASKA ADMINISTRATIVE CODE

4 AAC 52.010-4 AAC 52.990 *Education for children with disabilities*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act of 1974*

1400 *et seq. Individuals with Disabilities Education Act*

CODE OF FEDERAL REGULATIONS, TITLE 34

99.10-99.22 *Inspection, review and procedures for amending education records*

300.340-349 *Individualized education programs*

300.500-300.514 *Due process procedures for parents and children*

300.550-300.553 *Least restrictive environment; alternative placements; placement; nonacademic settings*

Revised 2/2016

Reviewed 3/2020

Reviewed 12/2022

BP 6172 SPECIAL EDUCATION

Note: The following sample policy addresses education provided under the Individuals with Disabilities Education Act.

The School Board desires children with and without disabilities to share an interactive educational environment which nurtures understanding, cooperation and mutual respect.

A student's IEP team shall determine the content of the student's individualized educational program (IEP) and make placement decisions for the least restrictive environment that is educationally appropriate.

All students, without regard to race, ethnicity, national origin or gender, shall have equitable access to general education interventions, to timely referral for an evaluation for disability, and to equitable treatment in the evaluation process, in the quality of special education and related services provided, and in the degree of restrictiveness of their educational environment.

Note: 4 AAC 52.590 requires districts to establish written procedures for the identification of children in need of a surrogate parent and for the appointment and removal of surrogate parents. AS 14.30.272 requires the district to inform parents/guardians of children with disabilities of the procedural safeguards provided by law. 4 AAC 52.190 requires written notice before initiating or changing a child's identification, evaluation or placement and when refusing a parent's request to initiate or change a child's identification, evaluation or placement.

The Superintendent or designee shall establish written procedures required by law and shall ensure district compliance with procedural safeguards, including appropriate notices to parents/guardians established by state and federal laws and regulations.

Note: 4 AAC 52.115 requires evaluation and placement within 90 calendar days of obtaining parental consent for evaluation. However, completion of an individualized education plan must occur within 30 days after determining a child's eligibility.

Services will be provided in accordance with a student's IEP once parental consent or administrative or judicial proceedings authorize the provision of special education and related services.

(cf. 3541.2 - *Transportation for Special Education Students*)

(cf. 5144.2 - *Suspension and Expulsion (Individuals with Exceptional Needs)*)

(cf. 6146.4 - *Differential Graduation and Competency Standards for Individuals with Exceptional Needs*)

(cf. 6164.4 - *Child Find*)

Legal Reference:

ALASKA STATUTES

14.30.180-14.30.350 *Education for children with disabilities*

ALASKA ADMINISTRATIVE CODE

4 AAC 52.010-4 AAC 52.990 *Education for children with disabilities*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act of 1974*

1400 et seq. Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

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9/92

AASB Policy Reference Manual

BILINGUAL-BICULTURAL EDUCATION/LIMITED ENGLISH PROFICIENCY

In accordance with the Board's philosophy to provide a quality educational program to all students, the district shall provide an appropriate planned instructional program for identified students whose dominant language is not English. The purpose of the program is to increase the English proficiency of eligible students so that they can attain the academic standards adopted by the Board and achieve academic success. Students who have limited English proficiency (LEP) will be identified, assessed and provided appropriate services, which may include bilingual/bicultural or English as a Second Language instruction.

The Superintendent or his/her designee shall implement and supervise an LEP program that ensures appropriate LEP instruction and complies with federal and state laws and regulations. Students shall have access to and be encouraged to participate in all academic and extracurricular activities of the district.

Students in limited-English proficiency programs shall receive instruction in the core curriculum through their primary language when possible and appropriate in order to sustain academic progress. Academic instruction provided in English shall, whenever necessary, be specially designed and presented so as to facilitate complete understanding of the total academic content. Students shall also receive instruction which promotes positive self-concepts and cross-cultural understanding.

(cf. 6141.3 - Multicultural Education)

Students who are taught core academic subjects in non-English-speaking classes shall spend as much time as possible in classrooms with students who speak fluent English.

The LEP program shall be designed to provide instruction that meets each student's individual needs, based on assessment of English proficiency in listening, speaking, reading and writing. Adequate content area support shall be provided while the student is learning English, to assure achievement of academic standards. Students participating in LEP programs shall be required, with accommodations, to meet established academic standards and graduation requirements adopted by the Board.

Identification and Placement

The Superintendent or designee shall maintain procedures which provide for the careful identification, assessment and placement of students of limited-English proficiency in accordance with state regulations and the district's service plan. On an annual basis, the district will administer an assessment of English proficiency to students who are or may be eligible for services.

BILINGUAL-BICULTURAL EDUCATION/LIMITED ENGLISH PROFICIENCY

An individual student's participation in the bilingual/bicultural program is voluntary on the part of the parent/guardian.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Standardized Assessment

Students identified as limited English proficient shall participate, either with or without an accommodation, in statewide student assessments. The [Superintendent/Chief School Administrator] or designee shall appoint a team that includes parents and teachers to determine the necessary accommodations for students with limited English proficiency. "Accommodations" include a change in the manner in which a test included in the statewide student assessment system is given to a student, and that does not alter what is measured by the assessment. The team will document the accommodation decision.

Reassignment

Students of limited-English proficiency shall be reassigned as fluent-English proficient when they have acquired the English language skills of comprehension, speaking, reading, and writing necessary to receive instruction and achieve academic progress in English only, at a level substantially equivalent to that of students of the same age or grade whose primary language is English. A student will remain eligible for services until the student:

1. is not assessed as an LEP student for two consecutive annual assessments of English proficiency; and
2. in the statewide assessment system, obtains a proficiency level of proficient or advanced on the subtests in reading and writing, or reading and language arts.

The Superintendent or designee shall provide subsequent monitoring and support of reassigned students.

Parent/Guardian and Community Involvement

The Board recognizes the need to involve parents/guardians and community members in the development, evaluation and improvement of district programs. The Superintendent or designee shall inform and involve parents/guardians and community members as required by law.

BILINGUAL-BICULTURAL EDUCATION/LIMITED ENGLISH PROFICIENCY

The district shall notify parents of students qualifying for LEP programs regarding the instructional program and parental options, as required by law. The notice should state the reasons for identifying the student as limited English proficient, including the student's level of proficiency and how the District determined that level. The student's overall academic achievement should also be included in the notice. The notice must describe the LEP program's instructional methods and explain how the student will transition from the program. Finally, the notice shall advise parents of their right to remove the child from the program, to choose an alternative program if available, and to obtain assistance in choosing a program. Parents will be regularly apprised of their student's progress. Communications with parents shall be in the language understood by the parents, whenever possible.

(cf. 1220 - Citizens Advisory Committees)

Program Evaluation

The Superintendent or designee shall establish procedures for the annual evaluation of bilingual-bicultural education programs in conformance with state and federal regulations.

When evaluating the adequacy of bilingual-bicultural education, the Board shall consider data which indicates the effectiveness of the programs in teaching English to students and in contributing to their academic achievement.

Legal Reference:

ALASKA STATUTES

14.30.400 Bilingual-bicultural education

ALASKA ADMINISTRATIVE CODE

4 AAC 06.775 Assessment of a student with limited English proficiency

4 AAC 34.010-4 AAC 34.090 Bilingual-bicultural education

UNITED STATES CODE

20 U.S.C. §§ 1702-03

Bilingual Education Act, 20 U.S.C. §§ 7401 et seq. as amended by the English Language Acquisition, Language Enhancement, and Academic Achievement Act, Title III, §§ 3001-3304 of HRI

NO CHILD LEFT BEHIND ACT, P.L. 107-110 (2002)

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

Teresa P. et al v. Berkeley Unified School District et al, 724 F.Supp. 698 (N.D. Cal. 1989)

Added 1/12

Reviewed 10/2015

Reviewed 3-2020

Reviewed 12/2022

BP 6174 BILINGUAL-BICULTURAL EDUCATION/ENGLISH LANGUAGE LEARNERS

Note: Under the federal Every Student Succeeds Act, which amends the English Language Acquisition, Language Enhancement, and Academic Achievement Act, districts have specific obligations toward English learners, including immigrant children and youth, and their families. School districts must develop programs for English language learners (ELL) that are designed and implemented to increase English language proficiency and academic achievement in meeting challenging academic standards and providing high-quality professional development to ELL classroom teachers.

Note: AS 14.30.400 mandates districts to provide in accordance with state regulations a bilingual-bicultural education program for each school with eight or more students of limited English-speaking ability whose primary language is other than English. 4 AAC 34.055 requires each district enrolling limited-English-proficient students to take appropriate steps to develop their English skills and to provide meaningful participation in the academic program. For districts enrolling eight or more ELL students in a single school, the district must submit to the Department of Education and Early Development an annual plan of service for ELL pupils. The following sample policy may be revised to reflect district philosophy and needs. The plan should be filed by April 15 and the district should implement the plan of service the year following its submission. The district may designate the effective dates of the plan, which can encompass up to five school years. Any changes to an existing plan of service must be filed with EED before implementing the changes.

English Language Learners Program and Plan of Service

In accordance with the School Board's mission to provide a quality educational program to all students, students who are English language learners (ELL) will be identified, assessed and provided appropriate services, which may include bilingual/bicultural or English as a second language instruction. In addition, the district shall provide an appropriate planned instructional program for identified students whose dominant language is not English. The purpose of the program is to increase the English proficiency of eligible students so that they can meet the same challenging academic standards that all students are expected to meet.

The district shall submit an annual plan of service if eight or more ELL students are enrolled in a single school. The plan of service shall provide:

1. A statement of the district's educational goals and instructional methodology;
2. The district's plan of identification of all students who are or who may be ELL students, including the use of a state-approved assessment for identification of English language proficiency;
3. The district's procedure for assessing the educational progress of ELL students;
4. The district's program of services and instructional model for ELL students;
5. An identification of instructional staff and educational resources;
6. The district's process for monitoring the academic progress of former ELL students for two years after they are no longer identified as ELL students;
7. The district's program evaluation that addresses the effectiveness of the program in meeting students' English-language development needs, in achieving student academic progress goals, and reflecting any identified need for program modification; and
8. Parent and community involvement.

The Superintendent or designee shall implement and supervise an ELL program that ensures appropriate ELL instruction and complies with federal and state laws and regulations. Students shall have access to and be encouraged to participate in all academic and extracurricular activities of the district.

Students in limited-English proficiency programs shall receive instruction in the core curriculum through their primary language when possible and appropriate in order to sustain academic progress. Academic instruction provided in English shall, whenever necessary, be specially designed and presented so as to facilitate complete

understanding of the total academic content. Students shall also receive instruction which promotes positive self-concepts and cross-cultural understanding.

(cf. 6141.3 - Multicultural Education)

Students who are taught core academic subjects in non-English-speaking classes shall spend as much time as possible in classrooms with students who speak fluent English.

The ELL program shall be designed to provide instruction that meets each student's individual needs, based on assessment of English proficiency in listening, speaking, reading and writing. Adequate content area support shall be provided while the student is learning English, to assure achievement of academic standards. Students participating in ELL programs shall be required, with accommodations, to meet established academic standards and graduation requirements adopted by the School Board.

Identification and Placement

Note: 4 AAC 34.055 requires the district's plan of service to provide the district's plan for the identification of pupils who are limited English proficient.

Note: Under 4 AAC 34.090, "limited English proficient" means an individual who (a) is between 3 and 21 years old; (b) is enrolled or preparing to enroll in an elementary or secondary school; (c) falls into one or more of the following categories of individuals: (i) an individual not born in the United States or whose native language is a language other than English, or (ii) is an American Indian, Alaska Native, or a native resident of the outlying areas, who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; and (d) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual: (i) the ability to obtain achievement levels that meet standards as described in 4 AAC 06.739, on the state assessment in English language arts or in reading and language arts under 4 AAC 06.737 or 4 AAC 06.755; (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or (iii) the opportunity to participate fully in society.

The Superintendent or designee shall maintain procedures which provide for the careful identification, assessment and placement of students of limited English proficiency in accordance with state regulations and the district's service plan. On an annual basis, the district shall administer a state-approved assessment for identification of English language proficiency to all students who may have limited English proficiency, but who have not already been identified as ELL students.

An individual student's participation in the bilingual/bicultural program is voluntary on the part of the parent/guardian.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

Standardized Assessment

Note: 4 AAC 06.776 requires the participation of all ELL students in the statewide student assessment system. This includes standard norm-referenced testing, standards-based testing, and a college and career readiness assessment. Under federal law, all ELL students served by programs funded under Title III must be assessed annually.

Students identified as limited English proficient shall participate, either with or without an accommodation, in statewide student assessments. The Superintendent or designee shall appoint a team that includes, if practicable, a teacher with experience in teaching students with limited English proficiency to determine the necessary accommodations for students with limited English proficiency. "Accommodations" include a change in the