



STATE BOARD OF EDUCATION

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Vermont State Board of Education Manual of Rules and Practices

Series 9500 - Reporting Students for Whom English Is Not the Primary Language Under the Equal Education Opportunity Act

9501 Each school district shall report, as part of its average daily membership count, pursuant to 16 V.S.A. § 4010(e), the number of students for whom English is not the primary language. A student shall be determined to be a "student for whom English is not the primary language," for purposes of this rule if:

(a) the student

i) has a primary or home language that is not English as indicated on the State of Vermont, Primary/Home Language Survey form and,

ii) within the preceding twelve months has been assessed for and found to be limited English proficient (LEP) by a qualified professional using an appropriate English as a second language assessment including but not limited to, the IDEA proficiency test, Language Assessment Scales, or the Maculaitis Assessment; or

(b) the student after having been identified in accordance with subparagraph (a), continues to be eligible for and receive ESL services in the district. Students in this subparagraph may be counted for a period not to exceed five years from the date of the assessment described in subparagraph (a); or

(c) the student has received over five years of ESL services but remains LEP because in the opinion of a qualified professional, he or she has not demonstrated English proficiency in all basic skill areas, as measured by multiple means, and as a result, has not demonstrated acceptable performance in content subjects; or

(d) the student is, in the opinion of a qualified professional, unable to be assessed through the assessment mechanisms set forth in subdivision (1)(a) due to non-English proficiency.

9502 A student shall not be determined to be a "student for whom English is not the primary language" if:

(a) the student although otherwise qualified to receive ESL services, is not legally entitled to receive such services because the student is a foreign exchange student or for other legally cognizable reasons; or

(b) the student because of successful completion of ESL services is English proficient in all basic skill areas, as measured by multiple means, and demonstrates acceptable performance in content subjects.

9503 For purposes of this rule, until June 30, 2000, "qualified person" means a person who has an understanding of first and second language acquisition, understands the cultural issues associated with second language acquisition, and has the ability to select, administer, and interpret appropriate procedures for identification, screening, assessment and monitoring of progress of ESL students. On or after July 1, 2000, a qualified person is one who holds an English as Second Language (ESL) K-12 endorsement. Statutory Authority: 16 V.S.A. § 4010(e)

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