

### **English as a Second Language**

The District shall provide an English language program to assist English learners, including immigrant children and youth, to attain English proficiency, develop high levels of academic achievement in English, and achieve the same high standards in the same challenging state academic standards that all students in the District are expected to meet.

The Superintendent/designee, through consultation with teachers, researchers, administrators, parents and family members, community members, public or private entities, and institutions of higher learning shall direct the development of English language instruction educational program guidelines for the District:

- *Survey of Primary and Home Language* - At the time of initial enrollment, the parent/guardian of every student in the school (whether potential English learners or not) shall be asked to complete a home language survey.
- *Annual Assessment of Proficiency* – Students whose primary or home language is other than English shall be administered an initial English language proficiency assessment to determine whether they are English learners according to the federal definition in ESSA, Title III.

Students identified as English learners shall receive an annual assessment of English language proficiency in reading, writing, speaking, and listening to measure progress and modify the individual Program Services Plan. [Students whose parents/guardians refuse services shall participate in this annual assessment.](#)

- *Individual Program Services Plan* – Assessment, placement, and the design of an individual Program Services Plan for English learners shall be made in compliance with appropriate state and federal education requirements.

Instructional and related services shall be designed to meet the English language and academic needs of students while assisting them to participate in the general education curriculum and to overcome language barriers to grade promotion or high school graduation. Students identified as English learners shall be provided the opportunity to participate in the school's English language instructional program.

- *Parental Notification* – As required by law, the Principal shall send written notification to parents of English learners addressing the following:
  - (a) Student's need for placement in the program;
  - (b) Student's level of English proficiency;
  - (c) How such level was assessed;
  - (d) Methods of instruction used in the program;
  - (e) Student's lack of progress in the program;
  - (f) How the program will meet the individual learning needs of the student;
  - (g) How the program will help the student learn English;
  - (h) How the program will help the student meet achievement standards necessary for grade promotion and high school graduation;
  - (i) Specific exit requirements for students in the program;

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- *Parental Notification* (continued)
  - (j) How such program meets the objectives of the individualized education program of the child (in the case of a child with a disability); and
  - (k) Information pertaining to parental rights that;
    - 1. detail the right to have their child immediately removed from such program;
    - 2. detail the option to decline enrollment of their child in such program or to choose another program or method of instruction if available; and
    - 3. assist parents in selection among various programs and methods of instruction if more than one (1) program is offered.

This notification shall be sent as follows:

- For students already participating in, or identified for participation in, a program for English learning, parents shall be notified no later than thirty (30) calendar days after the beginning of the school year;
- For students identified after the beginning of the school year, parents shall be notified no later than fourteen (14) calendar days following the student's placement in the program.

Parents also shall be informed how they can be involved, including how to help the student attain English proficiency, achieve at high levels in academic subjects, and meet challenging State's academic achievement (content and performance) standards.

Parents shall receive annual notification of their child's progress on the state's English proficiency objectives and required state assessments.

- *Parental, Family and Community Participation* – Parents, family, and community members of English learner children shall be given the opportunity to participate in and make recommendations for the District's language instruction educational programs.
- *Provision of Services* – Once their parent/guardian has received notification, English learners shall be provided services consistent with effective language instruction educational programs and curricular for teaching English learners, guidelines set out in the *Kentucky Academic Standards*, and national, state, and local standards for English language proficiency and academic performance.

Services necessary for the student to access and be involved in the general education curriculum shall be provided by certified general education teachers and English as a Second Language staff, trained ~~bilingual~~ instructional assistants, and/or volunteers.

- *Assessments* – English learners who have not attained English language proficiency shall be assessed during state-wide testing in a valid, reliable manner and provided appropriate accommodations including, to the extent practicable, assessments in the language and form most likely to yield accurate data regarding student knowledge and ability in academic content areas.

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- *Evaluation of Progress* – English language instructional programs shall be evaluated on a regularly scheduled basis to determine whether progress is being made toward removing language barriers and to identify changes that need to be made in District program services. District staff shall monitor student access to equal educational opportunities, both instructional and extracurricular.
- *Program Exit Criteria* – The program guidelines shall include an evaluation process that includes establishment of objective exit criteria to indicate when students:
  - (a) Have developed the required proficiency in using English to speak, listen, read, and write with comprehension;
  - (b) Can enter and successfully participate in classrooms not tailored for English learners; and
  - (c) Can expect to graduate from high school.

**REFERENCES:**

P. L. 114-95 (Every Student Succeeds Act of 2015); Title III  
Title VI of the Civil Rights Act of 1964; Equal Educational Opportunities Act of 1974  
Title VII of Improving America's Schools Act of 1994  
703 KAR 5:070; 704 KAR 3:305; Kentucky Academic Standards  
*Lau v. Nichols*, 414 U.S. 563, 94 S.Ct. 786, 39 L.Ed.2d 1 (1974)  
20 U.S.C. § 6318

**RELATED POLICIES:**

02.4241; 09.13  
09.126 (re requirements/exceptions for students from military families)

**- CERTIFIED PERSONNEL -****Leaves and Absences****FMLA**

Eligible employees may apply for leave under the provisions of the Family and Medical Leave Act of 1993.

**APPROVAL**

All leaves and absences (except for illness and emergency) must be approved in advance by the employee's immediate supervisor. Absence from work that is not based on appropriate leave for which the employee is qualified may lead to disciplinary consequences, up to and including termination of employment.

**VERIFICATION**

Certified personnel shall forward verification cards to the Central Office Finance Office within five (5) days of return from an absence. Failure to do so will result in applicable salary deductions.

**UNPAID LEAVE**

Upon receipt of written request from an employee and the written recommendation from the employee's immediate Supervisor or Principal, the Superintendent may grant leave without pay for a period not to exceed five (5) days, provided the leave is for educational or professional purposes, or for illness, maternity, adoption of a child or children, or other disability. In addition, at the discretion of the Superintendent, leave may be granted for other reasons as deemed appropriate. Unpaid leave can affect retirement service credit and annual salary increases.

**NOTIFICATION OF RETURN**

Employees on leave covered by the related policies listed below shall notify the Superintendent in writing by April 1 of the year the leave terminates of the date of their intent to return to the school system. Employees who fail to notify the Superintendent of their return by April 1 cannot be guaranteed employment for the following school year. If an employee on leave has not contacted the Superintendent by April 1, the Superintendent is authorized to fill the position for the following school year. Where an employee in the final year of leave fails to contact the Superintendent by April 1, to either request an extension of leave or to provide a date of return, the Superintendent may determine whether personnel action is required.

**LEAVE FOLLOWING ASSAULT**

The District shall provide leave with pay for employees assaulted while performing their assigned duties when the assault results in injuries that qualify the employee for workers' compensation benefits. The period of leave shall not exceed one (1) calendar year following the assault. During that period, the employee shall not experience loss of income or benefits, including sick leave, under terms and conditions set forth in KRS 161.155.

**Leaves and Absences****PLACEMENT UPON RETURN**

Employees taking any long term leave will be entitled on return to a comparable position for which they are qualified. Placement in the same position or the same school cannot be guaranteed.

**REQUEST FOR MEDICAL INFORMATION**

Per KRS 161.770, the Board may only request medical information necessary to decide whether to grant a leave of absence; shall not request or retain unnecessary medical information; and shall not disclose any medical information received, except as permitted by state and federal law.

**REFERENCES:**

KRS 161.155; KRS 161.770  
OAG 01-9; Family and Medical Leave Act of 1993

**RELATED POLICIES:**

03.1232, 03.12322, 03.1233, 03.1235, 03.124

**- CLASSIFIED PERSONNEL -****Leaves and Absences****APPROVAL**

Authorization of leave and time taken off from one's job shall be in accordance with specific leave policy. Absence from work that is not based on appropriate leave for which the employee is qualified may lead to disciplinary consequences, up to and including termination of employment.

**UNPAID LEAVE**

Upon receipt of written request from an employee and the written recommendation from the employee's immediate supervisor or Principal, the Superintendent may grant leave without pay for a period not to exceed five (5) days, provided the leave is for educational or professional purposes, or for illness, maternity, adoption of a child or children, or other disability. In addition, at the discretion of the Superintendent, leave may be granted for other reasons as deemed appropriate. [Unpaid leave can affect retirement service credit and annual salary increases.](#)

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**FMLA**

Eligible employees may apply for leave under the provisions of the Family and Medical Leave Act of 1993.

**REFERENCES:**

KRS 161.155; KRS 161.770  
Family and Medical Leave Act of 1993

**RELATED POLICIES:**

03.2232, 03.22322, 03.2233, 03.224

- CLASSIFIED PERSONNEL -

**Holidays and Vacations**

**HOLIDAYS**

All full-time classified personnel shall be eligible for the four (4) paid holidays designated in the official school calendar.

Twelve (12)-month employees may observe Memorial Day and Independence Day as holidays. Ten and one quarter (10 ¼)-month employees may observe Memorial Day as a holiday. (Any part-time transportation or food service employee who was employed prior to February 13, 1992 will continue to be eligible for the four (4) paid holidays designated in the official school calendar until employment ceases.)

**EXCEPTION**

The Superintendent may require, for security or other reasons, certain classified personnel to work on holidays. In this case, the employee shall be granted the holiday on another day.

**VACATIONS**

Full-time [twelve-month](#) employees must complete one (1) year of employment before being eligible for vacation. A maximum of ten (10) vacation days may be accumulated and carried over to the next year. All accumulated vacation days must be utilized prior to retirement or termination unless approved by Superintendent/designee.

Classified administrators accrue vacation from July 1 through June 30. Vacation allotment for the year is credited to your account on January 1 of each year.

Based on length of service to the District, full-time twelve-month classified employees shall be entitled to annual vacation days as scheduled with the approval of the Superintendent.

	<u>Length of District Service</u>	<u>Number of Days Annually</u>
Administrative/Supervisory and Professional classified staff:	1-14 years	15 days
	15 or more years	20 days
Other classified personnel:	1-7 years	10 days
	8-14 years	15 days
	15 or more years	20 days

**REFERENCES:**

- KRS 158.070
- KRS 160.291
- KRS 161.154
- KRS 2.110; KRS 2.190