

**16 NCAC 06D .0507 STUDENTS WITH LIMITED ENGLISH PROFICIENCY**

Students of limited English proficiency shall meet the same standards as all students. However, in accordance with federal law, English language proficiency cannot be the factor that determines that a student has not met performance standards at each gateway. Therefore, LEAs shall use the following guidelines:

- (1) Gateways 1, 2, and 3:
  - (a) If a student scores below advanced in reading or writing on the state English language proficiency assessment, the student may be eligible for a waiver from the test standard for promotion through no more than two consecutive gateways.
  - (b) A local teacher or administrator or the student's parent or legal guardian must request the waiver. The person making the request for a waiver must submit evidence of student work to a local committee of teachers and administrators to determine if:
    - (i) the student's English language proficiency is the cause of the student's inability to perform at grade level on the required tests; and
    - (ii) documentation indicates that the student is making adequate progress in all academic areas to be promoted to the next level.
- (2) Gateway 4, High School Graduation Requirements. Limited English proficient students shall meet the same standards as all students for high school graduation.
- (3) School districts shall provide focused intervention for these students until they have met statewide promotion standards and high school graduation requirements (up to age 21). This intervention shall involve extended, supplemental instructional opportunities that include assistance in the development of English language proficiency. These students shall have personalized education plans with the following components: diagnostic evaluation, intervention strategies, and monitoring strategies.

*History Note:* Authority G.S. 115C-12(9b); 115C-81(b)(4); N.C. Constitution, Article IX, Sec. 5;  
Eff. December 1, 1999;  
Amended Eff. April 1, 2005.