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10/22/77

4 AAC 34.010  
4 AAC 34.030

REGULATIONS FOR BILINGUAL/BICULTURAL  
EDUCATION IN ALASKA

4 AAC 34.010 is amended to read as follows:

4 AAC 34.010 PURPOSE. The purpose of this chapter is to encourage and assist school districts, in cooperation with local communities, to meet the special needs of children of limited English speaking ability. The department believes that providing equal educational opportunity to these children through the establishment of bilingual/bicultural programs of education will provide more effective use of both English and the student's language, foster more successful secondary and higher education careers, facilitate the obtaining of employment, tend to bring about an end to the depreciation of local culture elements and values by the schools, stimulate better communication between the community and the schools in solving educational problems, effect a positive student self image, allow genuine options for all students in choosing a way of life, and facilitate more harmonious relationships between the student's culture and the mainstream of society. (Eff. 12/29/76, Register 60; am / / , Register )

Authority: AS 14.07.060  
AS 14.30.410

4 AAC 34.030 is amended to read:

4 AAC 34.030 GRANT APPLICATION. The commissioner may award grants to school districts upon applications submitted by their governing bodies. A district's application must contain the following:

- (1) an assessment of the bilingual/bicultural education needs of students in the district conducted in accordance with the provisions of sec. 50 of this chapter;
- (2) an education program which meets the requirements of secs. 55 through 80 of this chapter and which assures that:
  - (A) the governing body has a statement of philosophy consistent with the bilingual/bicultural education philosophy expressed in sec. 10 of this chapter;

(B) there are comprehensive program objectives in measurable terms for each component of a program;

(C) to the extent possible, all programs offered by the district and all sources of funds available for bilingual/bicultural education will be coordinated;

(D) there is a budget consistent with program specifications and requirements. (Eff. 12/29/76, Register 60; am / / , Register )

Authority: AS 14.07.060  
AS 14.30.410

4 AAC 34 is amended by adding new sections to read:

4 AAC 34.050 IDENTIFICATION AND ASSESSMENT OF LANGUAGE DOMINANCE.

(a) Before December 1, 1977, each school district shall carry out an identification and assessment of language dominance for the purpose of categorizing each student in the district in one of the following:

Category	Definition
A	students who speak a language other than English exclusively;
B	students who speak mostly a language other than English, but also speak some English;
C	students who speak a language other than English and English with equal ease;
D	students who speak mostly English but also speak a language other than English;
E	students who speak English exclusively but whose manner of speaking reflects the grammatical structure of another language;
F	students who speak English exclusively but do not fit category E.

(b) Following the initial assessment made under (a) of this section, districts shall identify and assess all students new to the district within thirty days of their enrollment in school.

(c) The identification and assessment process under (a) and (b) of this section shall consist of the following:

(1) informing parents through workshops, public meetings or public announcements of the purpose and importance of both the assessment procedure and the development of bilingual/bicultural programs and of the necessity for complete and accurate data on the parent questionnaire, and how to complete the questionnaire which they will be asked to complete.

(2) selecting, orienting and training qualified persons to administer the assessment instruments and evaluate the results;

(3) providing a parent questionnaire, reviewed and accepted by the department, to the parents or guardians of each student and assuring that the questionnaire is completed and returned. If the results of the parent questionnaire clearly indicate a category F student, and if the student's teacher or teachers agree that the child is not in categories A through E, the district may identify that student as being in category F and need not carry out the remaining steps of the assessment process as to that student;

(4) using a language observation questionnaire, reviewed and accepted by the department, and conducted by a person who is bilingual in the student's home or primary language which is other than English, for all students not initially identified as being category F. Based on the results of this instrument and the parent questionnaire, a student shall be tentatively identified as being in one of the six categories set out in (a) of this section;

(5) administering a language assessment instrument, which has been reviewed and accepted by the department, to all students tentatively identified under (4) of this subsection as being in categories A through D. Following administration of this instrument, the student shall be identified as being in that category which reflects the least degree of English facility as established by the three assessment instruments;

(6) reviewing the results of the parent questionnaire and language observation questionnaire for those students tentatively identified under (4) of this subsection as being in categories E and F and modifying those results as necessary with systematic or prior observation by the staff of the students' school and identifying those students as being in either category E or F.

(d) Each district shall submit to the department, no later than December 1, 1977 for the initial assessment required under (a) of this section and by November 1 of each subsequent year, a compilation and analysis of its assessment data.

4 AAC 34.055 ANNUAL PLAN OF SERVICE. (a) Each district with a school attended by eight or more category A through D students who speak the same language other than English or 8 or more category E students, and for whom an educational program is required under (e) of this section shall file with the department, by March 15 of each school year, a plan of educational service which complies with the provisions of secs. 60 through 80 of this chapter.

(b) The plan of service required under (a) of this section must contain the following:

- (1) a parent community involvement component;
- (2) a curriculum/instructional component;
- (3) a materials development component;
- (4) a staff development component;
- (5) a description of the district's process for implementing and coordinating the plan of service;
- (6) an evaluation component.

(c) A district may request variances from the bilingual/bicultural education program requirements set out in secs. 60 through 80 of this chapter. The commissioner may grant a requested variance upon a showing by the district of program feasibility and that the proposal promises to provide equal educational opportunity.

(d) Upon filing of a plan of service, the department will review it and either approve it or return it for necessary modifications within 60 days of its receipt. Upon approval by the department the district shall implement its plan.

(e) Appropriate programs must be provided to the following students:

(1) all students in categories A and B;

(2) those students in categories C, D and E whose overall achievement is at or below:

(A) minus one standard deviation on a normed test; or

(B) one year below grade level as measured by the district's ongoing student achievement testing program.

(f) A district may, at its option, provide programs to students who are not included in (e) or this section.

(g) A district may meet the educational needs of category E students described in (e) (2) of this section through non-bilingual programs of instruction which it provides generally to its underachieving students. However, the plan of service required by this section must identify and describe those programs.

(h) Districts may comply with the requirements of secs. 60 through 80 of this chapter by a phased-in process designed to accomplish full implementation of those requirements by the end of the 1978-1979 school year. The phase-in must at least meet the following time frames:

(1) initiation of appropriate community involvement activities under sec. 60 of this chapter by the end of the first semester of the 1977-1978 school year:

(2) significant progress toward establishing appropriate curricula under sec. 65 of this chapter, with particular emphasis on providing programs to students in categories A and B, identifying instructional materials necessary under sec. 70 of this chapter, and recruitment and training of instructional staff under sec. 75 of this chapter by the close of the 1977-78 school year; and

(3) submission of the district's initial plan of service under this section by March 15, 1978.

4 AAC 34.060 PARENT AND COMMUNITY INVOLVEMENT. (a) Districts shall provide for the direct involvement of the parents of bilingual/bicultural students and other members of the community in the initial development and subsequent evaluation and improvement of the program, including providing sufficient information and allowing adequate time for the parents to review and discuss all aspects of the program with responsible district personnel.

(b) Districts shall conduct an informational program for parents of students and other members of the community in each language group for which a program is or will be conducted. This program includes notices in appropriate media and languages as well as community meetings.

4 AAC 34.065 CURRICULUM/INSTRUCTIONAL PROGRAM. (a) Unless a variance has been approved by the commissioner under sec. 55(b) of this chapter, the curriculum of the district must include, for each category of student for whom a program must be provided under (e) of sec. 55 of this chapter, one or more of the following options:

(1) Category A and B students at the primary and intermediate level:

(A) a bilingual/bicultural curriculum;

(B) a transitional bilingual/bicultural curriculum;

(2) Category A and B students at the secondary level:

(A) a bilingual/bicultural curriculum;

(B) a transitional bilingual/bicultural curriculum;

(C) a high intensity language training curriculum;

(3) category C and D students at all levels:

(A) a bilingual/bicultural curriculum;

(B) an English as a second language curriculum;

(C) a supplemental English skill and concept development curriculum;

(D) a language-other-than-English as a second language curriculum;

(4) category E students at all levels:

- (A) an English as a second language curriculum;
- (B) a supplemental English skill and concept development curriculum;
- (C) a language-other-than-English as a second language curriculum.

(b) The district plan must also provide a process for re-evaluating the needs of each student in the program on an on-going basis with reassignment to another curriculum or individualizing of instruction occurring as necessary to assure appropriate educational services.

(c) At the request of a student's parent or guardian and if the requested alternative program is reasonably available, the district shall place the student in its regular program for non-bilingual students or in a level of the bilingual program with less non-English emphasis than that called for by the student's assessment category.

(d) For bilingual/bicultural students, in schools with fewer than eight students in one or more of the categories A through E, for whom a program must be provided under (e) of sec. 55 of this chapter, districts shall either provide those students with a curriculum as set out in (a) of this section or it shall individually meet the needs of each of those students by means of one-to-one tutoring and assistance.

(e) As used in this section:

(1) A "bilingual/bicultural curriculum" means a program of instruction which makes use of a student's language other than English and cultural factors and maintains and develops the student's skills in that language and culture. Additionally, it introduces, develops and maintains all the necessary English skills for the student to function successfully in English. The language other than English instruction may vary from being in the language arts of the language other than English to being in all discipline areas, with the appropriate combination of language other than English and English instruction determined by the district in conjunction with the parents of its bilingual students.

(2) A "transitional bilingual/bicultural curriculum" means a program of instruction which makes use of a student's language other than English and cultural factors in instruction

only until the student is ready to participate effectively in the English language curriculum of the regular school program. Once this occurs, further instruction in the language other than English is discontinued. Until the student is ready to participate effectively in the English language curriculum of the regular school program, instruction in the language arts of the language other than English is provided, and English is taught as a second language.

(3) An "English as a second language curriculum" means a program of instruction which teaches English as a second language, has culturally relevant material in its curriculum, and provides instruction in other subject matter in English.

(4) A "high intensity language training curriculum" means a program of instruction which gives a student intensive instruction in English until that student is ready to participate effectively in the English language curriculum of the regular school program, with the student working exclusively on acquisition of English language skills. Following acquisition of those skills, the student is phased into the same curriculum as that provided to the district's non-bilingual students.

(5) A "supplemental English skill and concept development curriculum" means a program of instruction in which the instructional content and methods address the language interference needs of students by appropriately supplementing the curriculum provided to the district's non-bilingual students.

(6) A language-other-than-English as a second language curriculum means a program of instruction which teaches the student's language other than English as a second language. At the primary level emphasis is on oral language skill development. At the intermediate and secondary levels, language literacy instruction would begin after oral skills are learned. Instruction in other subject matter is conducted in English. At all levels, a special effort is made to maximally incorporate the student's non-English culture into the curriculum. (Eff.

/ / , Register )

4 AAC 34.070 MATERIALS. (a) A district shall provide adequate instructional materials to support and achieve the goals of the instructional programs selected under sec. 65 of this chapter.

(b) If adequate materials are not available, the district shall establish an action plan for developing or otherwise securing needed materials. The district plan should involve classroom teachers, individuals who are native to the language other than English and culture for which the materials are to be developed and linguists in the development and review of materials so as to assure that the materials are educationally and linguistically sound and that they are an accurate reflection of the appropriate language and culture.

4 AAC 34.075 INSTRUCTIONAL STAFF. (a) Districts shall insure that the skills of their instructional staff are commensurate with the type of programs selected.

(b) If regularly certificated (Type A) teachers who are appropriately bilingual cannot be obtained, bilingual instructors may be used to implement the program. However, if bilingual instructors are used:

(1) the district shall implement an action plan to train or otherwise secure certificated (Type A) teachers who are bilingual in the other-than-English languages for which the district offers its program; and

(2) the district shall assure that the salaries of its bilingual instructors are commensurate with the level of responsibilities and duties performed by them, and with their training and experience.

(c) Nothing in (b) of this section limits a district's authority to require, as a condition of continued employment, that a bilingual instructor enter into a formal program of training which leads to a Type A certificate.

(d) Each district shall develop a staff training plan for all bilingual program instructional personnel, both permanent and temporary, which includes, but is not necessarily limited to, the following:

- (1) objectives which are directly related to the needs of the students;
- (2) methods by which those objectives can be reached;

- (3) methods for selecting teachers, paraprofessionals, and potential teachers for training;
- (4) the names of individuals who will conduct training;
- (5) the location of the training;
- (6) content of the training, including as one element linguistic/cultural familiarity with the students background;
- (7) a design for evaluating the training; and
- (8) a proposed time frame for carrying out the training plan.

(e) As part of the plan of service required under sec. 55 of this chapter, each district shall set out specific recruitment and selection processes for its bilingual program staff and shall establish, through cooperative agreements with institutions of higher education, and make available a career ladder for its bilingual paraprofessionals which lead to regular (Type A) certification.

(f) The student to staff ratio for the district's bilingual program may not be higher than the overall student to staff ratio for the district. (Eff. / / , Register )

Authority: AS 14.07.060  
AS 14.30.410

4 AAC 34.080 EVALUATION. Each district shall establish a procedure for evaluating annually the components of its program as set out in its annual plan of service. This procedure shall include, but not necessarily be limited to, collecting information concerning the progress of students enrolled in the program. (Eff. / / , Register )

Authority: AS 14.07.060  
AS 14.30.410