

## MSAD 11 LAU PLAN

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## A. INTRODUCTION

Multilingual Learners (MLs) are richly heterogeneous group of students who bring a wide variety of life situations and a wide range of educational experiences to MSAD 11. The paths they take to acquire a new language and to adjust to their new cultural environment are varied and in keeping with their unique needs and experiences. Within the safe and welcoming school environment, administrators and teachers are given rare opportunities to tap the rich resource of knowledge and perspectives that MLs bring to school, and which, in turn, enrich the learning of all students in the classroom. The role of the school and teachers is critical in supporting students' identity development as learners and in helping students shape a vision of the future in which they will take their place in a global economy, MSAD 11 is committed to providing appropriate placement, along with curricular, instructional, and other related services to ensure that MLs are able to participate effectively in the schools' educational program.

To accomplish this, the MSAD 11 Lau Plan, details the procedural requirements and services provided to MLs, including identification, assessment, placement, and exit from English for Speakers of Other Languages (ESOL) programming, and pre-referral procedures to ensure appropriate identification of MLs requiring special education and gifted and talented services.

### 1. Responsibility for Lau Plan Implementation

The Superintendent has designated the Director of Special Services as having overall responsibility for the district's compliance with federal and state laws, regarding the education of MLs by:

- Overseeing the implementation of the district's Lau Plan
- Developing appropriate programming to assist MLs in acquiring English language skills and meeting the Guiding Principles of Maine's system of Learning Results
- Overseeing initial school registration, health screening, language assessment, and placement for all students with limited English language proficiency
- Providing professional development programs focused on educating linguistically and culturally diverse students
- Coordinating the delivery of federal and state assessments to determine MLs' progress
- Monitoring program effectiveness with the Lau Advisory Committee
- Overseeing compliance with recordkeeping requirements
- Providing translation and interpretation services for school related activities

## B. IDENTIFICATION AND INITIAL PLACEMENT OF MULTILINGUAL LEARNERS (MLs)

### 1. General Procedures for Registration and Screening

A Multilingual Learner (ML) is a student whose primary or home language is other than English and who lacks the necessary academic English language skills to perform at grade level in one or more of the skill areas of listening, speaking, reading, or writing. Schools are required to identify students who have limited English proficiency and develop appropriate programming for them.

- Parents registering their children at neighborhood schools are also asked to complete a ***Language Use Survey*** (See Appendix A). This survey identifies students whose first language is not English. If the answer to any of the questions on the survey indicates a language other than English, the school contacts the ML Teacher.
- Trained personnel use multi-criteria assessments to identify a student's eligibility for English for Speakers of Other Languages (ESOL) programming. Objective, standardized measures of English proficiency and achievement testing are used as well as information from less formal assessments, as follows:
  1. WIDA Screener
  2. Language Assessment Scales (LAS)
  3. Language Use Survey
  4. Parent and/or student interviews
  5. Review of academic performance, student education record
- Following registration and assessment, parents are notified of ESOL programming eligibility within 30 days as required by the Every Student Succeeds Act using the ***ESOL Program for ML Initial Eligibility Parental Notification Form*** (See Appendix B). Decisions regarding ESOL programming implementation are made by the school.
- If at any point the parents decline program recommendations, the parent must sign a ***Decline ESOL Program Form*** (See appendix C). Notifications are translated into major languages.
- A language minority student who has not been previously identified as eligible for ESOL programming but who is experiencing difficulties in a classroom in any MSAD 11 school, may be tested at any time to determine eligibility. Requests may be made by parents or school staff using the ***Language Assessment Team (LAT) Referral Form*** (See Appendix D).

## 2. Grade Placement Guidelines

The student ages listed below guide placement of all students in MSAD 11 in conjunction with other relevant factors including English proficiency level and prior education.

Kindergarten	5 years old by October 15 of that year  (This is the minimum age requirement established by Maine law.)
Grade 1	6 or 7 years old  (Developmental readiness and prior schooling Experiences are considered in the placement decision.)
Grade 6, Middle School	11 or 12 years old
Grade 9, High School	14 or 15 years old  A student who has reached the age of 20 before July 1 may not enroll in high school in accordance with Maine law. Any request for an exception to the age limit must be made to the Superintendent on a case-by-case basis to the Commissioner of Education.

### C. DEFINING AND MEASURING ENGLISH LANGUAGE PROFICIENCY

The English language proficiency and academic achievement of MLs are monitored using multi-criteria assessments. One of these assessments is the ACCESS for ELLS®, and English language proficiency test administered annually in Maine to all MLs from kindergarten through grade 12. ACCESS for ELLS®, meets the federal requirements of assessing MLs' proficiency levels and provides reliable, valid, and useful information on the proficiency levels and progress of MLs in acquiring academic English. ACCESS for ELLS® English language proficiency standards are aligned with Maine Common Core Standards and are a requirement in Maine Comprehensive Assessment System (MeCAS).

- State law requires that ACCESS for ELLS® only be administered by an individual trained in administration.
- This test was developed based on the English Language Proficiency Standards as developed by WIDA (World-Class Instructional Design and Assessment) within five grade clusters. They are:

Kindergarten	
Grades	1
Grades	2-3
Grades	4-5
Grades	6-8
Grades	9-12

- ACCESS for ELLS assesses the domains of Speaking, Listening, Reading, Writing, and Comprehension skills of English language learners in Math, Language Arts, Social Studies, Science, and Social and Instructional language. It identifies five levels of English language proficiency (See Appendix G):

Level 1	Entering
Level 2	Beginning
Level 3	Developing
Level 4	Expanding
Level 5	Bridging
Level 6	Reaching

- In the State of Maine, a student whose composite score (35% reading, 35% writing, 15% speaking, 15% listening) is below Level 4.5 is classified as a Multilingual Learner (LEP is the federal term) and is eligible for ESOL programming.
- A student receiving a composite Level of 4.5 will be exited from ESOL Programming, be classified as FLEP (Former Limited English Proficient), and will no longer take ACCESS *for ELLS*®. The Language Assessment Team will monitor a student's academic progress for two years to ensure that they are continuing to be successful with ELD Programming.
- Under Title III the district is responsible for meeting three **Annual Measurable Achievement Objectives** (AMAOs) based on a student's composite score (35% reading, 35% writing, 15% speaking, and 15% listening). (See Appendix H)
  - AMAO I: Making progress in proficiency
  - AMAO II: Attaining proficiency
  - AMAO III: Adequate Yearly Progress (AYP) for MLs

## D. ENGLISH FOR SPEAKERS OF OTHER LANGUAGES (ESOL) PROGRAMMING K-12

### 1. Monitoring student progress and responding to student needs

Learning a new language for school (academic language proficiency) involves taking many steps along the language acquisition continuum. The length of time to develop the level of proficiency in English that supports academic success will vary from student to student. Because the district is held accountable for how long a student requires ESOL programming, all teachers share the responsibility for supporting the English language proficiency of MLs and for communicating with parents about academic achievement. The overall focus of ESOL programming is for MLs to reach equivalency with native English-speaking peers. Because students spend a portion or all of their day in general education classrooms, ML teachers work together with general education teachers to develop and implement Structured English Immersion (SEI) instructional strategies that facilitate the development of English language proficiency.

- Each school has a LAT process. Membership on the team is fluid and its composition depends on the activities that must be accomplished by the team. The LAT will include an ML endorsed teacher and may include a representation of the following: classroom/content-area teacher, literacy specialist, parent, school counselor, and administrator or designee. As school-based Multi-Tiered System of Supports (MTSS) Team may share some of the responsibility of the LAT as long as a **certified teacher/administrator/specialist with ML endorsement** is a member of that team. A designated person should have the overall responsibility for the LAT. The LAT responsibilities include:
  1. Making ESOL programming decisions for newly registered ML students
  2. Monitoring individual student academic language acquisition and academic achievement, and recommending interventions and ESOL programming
  3. Discussing student achievement patterns and the overall effectiveness of ESOL programming
  4. Tracking progress of students whose parents have declined ESOL programming
  5. Discussing transition of students from grade 5 to 6 and grade 8 to 9
- Once a student is identified as eligible for ESOL programming the LAT makes ESOL programming recommendations within 30 days in compliance with parent notification and involvement requirements using the *English for Speakers of Other Languages (ESOL) Program for Multilingual Learners (ML) Initial Eligibility Parental Notification Form* (See Appendix B).

- For students currently enrolled in school, parents shall be notified of their child’s ESOL programming annually using the *Continued ESOL Program Eligibility Form* (See Appendix E) as required by the Every Student Succeeds Act. School LAT teams are responsible for notifying parents of continued ESOL program eligibility.
- Parents shall be invited to attend and participate in all LAT meetings pertaining to their child. Parents have the right to decline any program changes. If a parent declines ESOL programming, the school still must provide meaningful education (See appendices I & J: *Administrative Letters 27 & 11*). Parent notices and information will be provided in the major languages. In addition, an interpreter will be provided to assist parents in communicating with school staff and at LAT meetings to discuss the student's programming and progress in attaining English proficiency. Any staff member who works with a ML, a parent, or the student may request a LAT meeting **at any time** to assess student progress by completing a *LAT Referral Form* (See Appendix D).
- Individual student instruction is modified or accommodated as necessary, and the supports to be provided change as language proficiency increases. The kinds of support required for one subject may be different from the kinds of support required for other subjects. Additionally, students may not require support in all subject areas at any given time. When making program decisions the LAT uses current and historical qualitative data including:
  1. ACCESS for ELLS®
  2. District-approved curriculum-based measurements
  3. Assessments of general and emotional readiness, as measured by daily classroom performance, attendance, behavior, and mastery of basic learning strategies
  4. Standardized district writing prompts
  5. Common Performance Indicators (WIDA English Language Proficiency Standards)
  6. Educational background
  7. Classroom grades and academic performance
  8. Assessments in Maine’s Comprehensive Assessment System (MeCAS)
- All LAT meetings about individual student programming **must** be documented using appropriate forms and documentation placed in the student’s cumulative file.
- A language minority student who is experiencing classroom difficulties may be tested for English language proficiency at any time during the



school year. Test results will be reviewed by the LAT and recommendations will be made.

## **E. ENGLISH FOR SPEAKERS OF OTHER LANGUAGES (ESOL) PROGRAM**

ESOL programming provides MLs with access to the general education curriculum through a continuum of instructional options. Information gathered from parents, academic records, and assessments informs programming placement in age-appropriate classrooms and determines the amount and type of language instruction and/or programming. Program oversight is provided by a certified teacher with ML endorsement as required by state and federal laws. A specialist or an administrator with teacher certification and ML endorsement can provide program oversight. Program delivery is provided by a team of educators which include an ML teacher, a general education teacher, a native language facilitator, and educational technician, or a volunteer, depending on individual student needs as determined by a Language Assessment Team (See Appendix H: *WIDA Performance Definitions* and Appendix G: *Annual Measurable Achievement Objectives (AMAOs) Summary*).

### Level 1 – Entering

Recommended ESOL Placement K-12

- 2 periods per day
- Language programming may include:
  - Intensive English for Speakers of Other Languages
  - In class academic language support

### Level 2 – Emerging

Recommended ESOL Placement K-12

- 2 periods per day
- Language programming may include:
  - Intensive English Language Development
  - In class academic language support

### Level 3 – Developing

Recommended ESOL Placement K-12

- 1 period per day
- Language programming may be a combination of Level 2 - 4 services based on student need

### Level 4 – Expanding

Recommended ESOL Placement K-12

- 1 period per week
- Language programming may include:

- Specialized Cognitive Academic Language Support for areas of need (reading, writing, vocabulary development, etc.)
- In class academic language support
- Academic tutoring as needed

## F. ACCOMODATIONS FOR ASSESSMENT IN MeCAS

The district adheres to the ESSA requirement that all student with limited English language proficiency participate in Maine Comprehensive Assessment System (MeCAS); however, test scores of MLs who have lived in the United States for less than one year prior to taking these assessments are not counted for performance on Annual Yearly Progress (AYP). The district also observes the use of Maine Department of Education – approved accommodations for MLs taking these statewide mandated assessments and national assessments.

## G. RECORD-KEEPING AND PARENT NOTIFICATION

- The following documents will be placed in a student’s cumulative file:
  - *Home Language Survey* (See Appendix A)
  - Parental notification of *English for Speakers of Other Languages (ESOL) Program for Multilingual Learners (ML) Initial Eligibility Parental Notification Form* (See Appendix B) completed and sent to parents by the school
  - Annual ACCESS testing results
  - Annual letter of *Continued ESOL Program Eligibility* (See Appendix E)
  - *Decline ESOL Program Form* (See Appendix C)
  - *LAT Referral Form* (See Appendix D)
  - *LAT Minutes Form* (See Appendix F)
- In accordance with federal guidelines, parents are notified of ACCESS test results and eligibility for ML programming on an annual basis. Notifications are translated into major languages and sent to parents. Parents also receive translated notification in major languages of educational programs and activities provided to other parents. The district, in agreement with the Office of Civil Rights, translates important documents such as report cards and student handbooks, in a language other than English spoken by at least 50 students.

## H. PERIODIC PROGRAM EVALUATION

Using the Multilingual Learners (ML) *District Self-Study Guide* (See Appendix K), a review of district ML programming and services is completed every three years in context of current law (See Appendix L). Results are used to improve programming so that the needs of MLs are met. The Director of Special Services will oversee the district’s ML Program Evaluation with input and guidance from the district’s Lau Advisory Committee. The Lau Advisory Committee includes a representative from each school

with ML programs. Membership on the committee will represent school staff in various roles such as ML teachers, content-area teachers, general education teachers, special education teachers, and administrators.

## **I. SPECIAL NEEDS PLACEMENT**

MLs may be intellectually gifted, have a learning disability or a behavioral disorder, or multiple exceptionalities like any other student. Determining special needs programming is a complex process. The screening and diagnosing of at-risk ML students is part of the MSAD 11 MTSS Process. The ML Program includes a number of pre-referral steps to determine whether there exist temporary learning and behavior characteristics shared by students with disabilities and ML students, or whether referral to special education is warranted.

Limited English proficiency is not a disability and is not covered by IDEA or Maine special education regulations. MLs should not be placed in any special education program unless exceptionality is well documents (including assessment of a student's native language skills). To assist in determining the appropriateness of a referral to special education or gifted and talented programs, the district's established pre-referral process and interventions will be followed, independent of the ML identification. The Process documents approaches utilized to provide positive supports for a student's learning.

## APPENDIX A

<https://www.maine.gov/doe/learning/multilinguallerner/policy/survey>

*Dear Parent/Guardian:*

*Maine welcomes families of all cultural and linguistic backgrounds. Speaking more than one language is a valuable asset, and we encourage families to maintain their languages while learning English. Students who speak or understand another language may be entitled to support to improve their English in order to meet Maine's challenging academic standards. The following questions, required for all students from pre-kindergarten through grade 12, will help your school determine whether your child may benefit from English language support services.*

- If a language other than English is indicated, your child will be administered an English language screener.*
- Depending on your child's score, your child may be classified as an English Learner and eligible for English language support.*
- If you would like this letter and the survey below to be provided in another language, or if you would like an interpreter, your school will fulfill those requests.*
- If you have questions about this survey, please contact your school principal. Be assured that your answers will be used only for educational purposes. The completed survey will be kept in your child's permanent file, and only school staff will have access to it. No school employee may inquire about the immigration status of any member of your family.*

*Thank you for providing this information, and I wish your student great academic success.*

*Sincerely,*

*April Perkins*

*Director of ESOL and Bilingual Programs, Maine Department of Education*

**LANGUAGE USE SURVEY**

Student's Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

School: \_\_\_\_\_ Anticipated Grade: \_\_\_\_\_

Please do not leave any question unanswered.

- 1. What language(s) did your child **first** speak or understand?
- 2. What language(s) does your child **most easily** speak or understand?
- 3. What language(s) do people use with your child daily?

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

School Use Only

Post-enrollment Identification: If no language other than English is indicated by a parent/guardian on this survey, an English language screener may be administered only if this section is completed by a teacher.

Describe evidence that the student's English language development has been affected by a primary or home language other than English:

Teacher Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*PLACE THE ORIGINAL OF THIS COMPLETED DOCUMENT IN THE STUDENT'S PERMANENT RECORD FOLDER*

**APPENDIX B**

**English for Speakers of Other Languages (ESOL) Program for Multilingual Learners  
(ML) Initial Eligibility Parental Notification**

To the parents of \_\_\_\_\_ Date: \_\_\_\_\_

School \_\_\_\_\_ Grade \_\_\_\_\_ Date of Birth \_\_\_\_\_

MSAD 11 provides English for Speakers of Other Languages (ESOL) programming for Multilingual Learners to support their access to the general education curriculum. The curriculum is designed to meet age-appropriate state and local academic standards for grade promotion and graduation.

Based on English language fluency test scores and a review of school records, we have determined your child’s eligibility.

\_\_\_\_\_ Your child is eligible for participation in ESOL programming.

\_\_\_\_\_ ESOL programming is not recommended for your child at this time.

This recommendation is based on the following criteria, as marked below:

- 1. \_\_\_\_\_ WIDA Screener            Score \_\_\_\_\_
- 2. \_\_\_\_\_ Prior education and social experience
- 3. \_\_\_\_\_ Other tests
  - a. Test: \_\_\_\_\_ Score: \_\_\_\_\_

**Overall English Proficiency Level**

Low Beginner (Entering) 1

High Beginner (Emerging) 2

Low Intermediate (Developing) 3

High Intermediate (Expanding) 4

Date and time of meeting: \_\_\_\_\_ Location: \_\_\_\_\_

The method of instruction used in your child’s ML program will be as indicated below:

\_\_\_\_\_ Pullout program: Student will receive specialized English instruction several times a week.

\_\_\_\_\_ In-class support: Student will receive specialized English language support within the grade- level classroom.

\_\_\_\_\_ Sheltered English: Student will receive content-based English language instruction in the following checked areas:    Social Studies \_\_\_\_\_ English \_\_\_\_\_ Mathematics \_\_\_\_\_

Science \_\_\_\_\_ Other (Specify): \_\_\_\_\_

You have the right to request that your child be placed in a different method of instruction if available.

cc: Parent, Student Cumulative File

If you have any questions please contact:

Elisha Morris, ESOL Coordinator for Multilingual Learners, MSAD 11 at 582-7366 or **[emorris@msad11.org](mailto:emorris@msad11.org)**

Heather Gilbert, ESOL Teacher for Multilingual Learners, MSAD 11 at **[hgilbert@msad11.org](mailto:hgilbert@msad11.org)**

cc: Student Cumulative Folder

**APPENDIX C**

**DECLINE ENGLISH FOR SPEAKERS OF OTHER LANGUAGES (ESOL) PROGRAM FORM**

I, \_\_\_\_\_, decline English for Speakers of Other Languages  
(Parent/Guardian)

programming for my son/daughter \_\_\_\_\_.  
(Student)

Although I understand that his/her English language proficiency test scores indicate that he/she would benefit from this program. I understand that I can, at any time, request a review of this decision.

Parent Signature \_\_\_\_\_ Date \_\_\_\_\_

**COMMENTS:**

cc: Students Cumulative File



**APPENDIX D**

**LANGUAGE ASSESSMENT TEAM (LAT) REFERRAL FORM**

**STUDENT:** \_\_\_\_\_ **GRADE:** \_\_\_\_\_

**SCHOOL:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**Team Members Present (Names & Titles):**

_____	_____
_____	_____
_____	_____

**REASON FOR REFERRAL:**

**SUMMARY OF DISCUSSION:**

**DECISION AND FOLLOW-UP:**

**Parent participation and notification of referral:**

In Person \_\_\_\_\_ Phone Call \_\_\_\_\_ Written Summary \_\_\_\_\_

cc: Student Cumulative File

**APPENDIX E**

**ENGLISH FOR SPEAKERS OF OTHER LANGUAGES (ESOL) FOR MULTILINGUAL LEARNERS (MLS) CONTINUED ELIGIBILITY PARENTAL NOTIFICATION**

To the parents of \_\_\_\_\_

Date: \_\_\_\_\_

School: \_\_\_\_\_

Grade: \_\_\_\_\_

MSAD 11 provides English for Speakers of Other Languages (ESOL) programming for Multilingual Learners (MLs) to support their access to the general education curriculum. The curriculum is designed to meet age-appropriate state and local academic standards for grade promotion and graduation.

Your child’s English academic language proficiency is assessed annually on the ACCESS for ELLS® to determine his/her continued eligibility for the school department’s ESOL program. Parents have the right to decline ESOL programming at any time during the school year by signing a “Decline ESOL Program Form” available at the student’s school.

The following decision was made based on your child’s ACCESS for ELLS® score. Please refer to the attached parent report for test score details. (A student is exited from the program when he/she attains a composite score of 4.5).

- \_\_\_\_\_ Continued participation in English for Speakers of other Languages (ESOL) programming
- \_\_\_\_\_ Exit from English for Speakers of other Languages (ESOL) programming
- \_\_\_\_\_ Monitoring of your child’s progress for two years after exit from the program

If you have any questions, please contact:

Elisha Morris, ESOL Coordinator for Multilingual Learners, MSAD 11, 582-7366 or [\*\*emorris@msad11.org\*\*](mailto:emorris@msad11.org)

Heather Gilbert, ESOL Teacher for Multilingual Learners, MSAD 11, [\*\*hgilbert@msad11.org\*\*](mailto:hgilbert@msad11.org)

cc: Student Cumulative File

**APPENDIX F**

**LANGUAGE ASSESSMENT TEAM (LAT) MINUTES FORM**

**Student:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**School:** \_\_\_\_\_

**Grade:** \_\_\_\_\_

**Team Members Present (Name & Title):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Reason for Meeting:**

**Summary of Discussion:**

**Recommendations/Accommodations:**

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Parental participation and notification of meeting:

In Person\_\_\_\_ Phone Call\_\_\_\_ Written Summary\_\_\_\_

cc: Student Cumulative File

## APPENDIX G

## WIDA Performance Definitions

At the given level of English language proficiency, English language learners will process, understand, produce, or use:

<b>6-Reaching</b>	<ul style="list-style-type: none"> <li>• specialized or technical language reflective of the content areas at grade level</li> <li>• a variety of sentence lengths of varying linguistic complexity in extended oral or written discourse as required by the specific grade level</li> <li>• oral or written communication in English comparable to English-proficient peers</li> </ul>
<b>5-Bridging</b>	<ul style="list-style-type: none"> <li>• specialized or technical language of the content areas</li> <li>• a variety of sentence lengths of varying linguistic complexity in extended oral or written discourse, including stories, essays or reports</li> <li>• oral or written language approaching comparability to that of English-proficient peers when presented with grade level material</li> </ul>
<b>4-Expanding</b>	<ul style="list-style-type: none"> <li>• specific and some technical language of the content areas</li> <li>• a variety of sentence lengths of varying linguistic complexity in oral discourse or multiple, related sentences or paragraphs</li> <li>• oral or written language with minimal phonological, syntactic or semantic errors that do not impede the overall meaning of the communication when presented with oral or written connected discourse with sensory, graphic or interactive support</li> </ul>
<b>3-Developing</b>	<ul style="list-style-type: none"> <li>• general and some specific language of the content areas</li> <li>• expanded sentences in oral interaction or written paragraphs</li> <li>• oral or written language with phonological, syntactic or semantic errors that may impede the communication, but retain much of its meaning when presented with oral or written, narrative or expository descriptions with sensory graphic or interactive support</li> </ul>
<b>2-Beginning</b>	<ul style="list-style-type: none"> <li>• general language related to the content areas</li> <li>• phrases or short sentences</li> <li>• oral or written language with phonological, syntactic, or semantic errors that often impede the meaning of the communication when presented with one-to-multiple-step commands, directions, questions, or a series of statements with sensory, graphic or interactive support</li> </ul>
<b>1-Entering</b>	<ul style="list-style-type: none"> <li>• pictorial or graphic representation of the language of the content areas</li> <li>• words, phrases, or chunks of language when presented with one-step commands directions, WH-, choice or yes/no questions, or statements with sensory, graphic or interactive support</li> <li>• oral language with phonological, syntactic, or semantic errors that often impede meaning when presented with basic oral commands, direct questions, or simple statements with sensory, graphic or interactive support</li> </ul>

**APPENDIX H****Annual Measurable Achievement Objectives (AMAO's) Summary**

**AMAO I: Making progress in proficiency** – AMAO that evaluates annual increase in the number of percentage of children making progress learning English (P.L. 107-110, Title III, Part A, Subpart 2)

- Are MLs progressing toward proficiency?
- Targets set by the state to determine whether students make adequate progress
- Weighted system that accounts for progress an ML makes over time
- Missing or invalid data has negative impact

<b>Code Used for AMAO I Calculation</b>	<b>Length of Time as ML (years administered ACCESS)</b>	<b>Category</b>
0	0-2 years	Short-term
1	3-4 years	Typical
2	5 or more years	Long-term
3	Data missing or invalid	Unknown

**AMAO II: Attaining proficiency** – AMAO that evaluates annual increase in the number or percentage of children attaining English proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency consistent with Section 1111(b)(7) of NCLB (P.L. 107-110, Title III, Part A, Subpart 2)

- Are MLs attaining proficiency?
- Number of MLs with composite score level (5-6)
- Threshold targets established for baseline year, which is the percentage of students attaining a composite score of 4.5, and each subsequent year.

**AMAO III: Adequate Yearly Progress (AYP) for MLs** – AMAO that measures adequate yearly progress for limited English proficient children (LEP/ML) as described in the Section 1111 (b)(2)(B) of NCLB (P.L. 107-110, Title III, Part A, subpart 2)

- Are MLs making AYP?
- AYP data for reading and mathematics used to determine if district made AYP in ML subgroup (participation and proficiency)
- AMAO III is not met if the ML subgroup does not make AYP

## **APPENDIX I**

### **Legal Requirements to Provide English Language Acquisition Services to Students Who are English Learners**

Posted on August 22, 2019 by Maine Department of Education

**ADMINISTRATIVE LETTER: 27**

**POLICY CODE: IHBEA**

**TO: Public School Administrators**

**FROM: Pender Makin, Commissioner**

The purpose of this letter is to clarify the legal requirements for providing English for Speakers of Other Languages (ESOL) services to students who are English learners.

#### Identification of Students who are English Learners (EL)

It is a federal requirement that all students who are English learners be identified within 30 days of enrollment from the beginning of the school year, or within two weeks of enrollment during the school year.

Each School Administrative Unit (SAU) must administer the Maine Department of Education's Language Use Survey to the parent/guardian of every student, pre-kindergarten through 12th grade, enrolling in the SAU for the first time. The Language Use Survey must be included in the SAU's enrollment packet or online enrollment system. If a student changes schools within a SAU, a new Language Use Survey is not required.

The Language Use Survey is available for download on the Maine Department of Education website in English and 25 of Maine's most commonly spoken languages. Parents/guardians are entitled to complete the Language Use Survey in their preferred language. SAUs must provide translation/interpretation services upon request.

The purpose of the Language Use Survey is to identify potential students who are English learners. The Language Use Survey decision tree provides guidance on its use. If any question is answered with a language other than English, the student should be administered an English language proficiency screener. (Note that Sign Language is not a qualifying language for English learner status. However, if a student uses Sign Language and an additional language other than English, the student may be eligible for English learner status.) See the resource and policy guide, *Serving Maine's Students who are English Learners*, for information about the required screeners and identification thresholds, by grade level.

Students who were screened for EL status but did not initially qualify may be rescreened at any time if a potential need for ESOL support becomes apparent.

**<https://www.maine.gov/doe/learning/multilinguallerner/policy/survey>**

### Exit Criteria from ESOL Services

In order to exit from ESOL services, a student must demonstrate English language proficiency. The Maine Department of Education defines English language proficiency as an overall composite proficiency level of 4.5 on ACCESS for ELLs®. No other measure qualifies a student who is an English learner for exit. While a district may choose to continue to provide language support services to students who have demonstrated English language proficiency, such students are no longer classified as English learners and are no longer administered ACCESS for ELLs® (or Alternate ACCESS, if applicable).

Students who are English learners with an IEP exemption from a domain or domains on ACCESS for ELLs/Alternate ACCESS are eligible to exit based on their performance on the non-exempt domains. The Maine Department of Education calculates an overall composite proficiency level for such students, utilizing a score of 4.5 on the exempt domain(s) and weighting domains according to WIDA's overall composite score weighted formula.

### Monitoring and Reentry into EL Status

Per federal guidance, SAUs are to monitor the performance of former students who are English learners for at least two years after exiting. If, during the two years of monitoring, or at any time thereafter, a former student who is an English learner shows a potential need for continued ESOL support, the student must be rescreened with the WIDA Screener Online to determine English learner status. If a student scores below the state-defined identification threshold, he/she must be reentered into English learner status, must receive ESOL services, and must take ACCESS for ELLs (or Alternate ACCESS, if applicable) until exiting.

### Delivery of ESOL Services

An SAU is required to determine the components of an effective English language acquisition program tailored to the needs of each student, which may include, but is not limited to, tutoring, additional classroom support, materials, sheltered instruction, professional development for content area teachers, or other strategies (Office for Civil Rights December 1985 Title VI policy memorandum, Title VI Language Minority Compliance Procedures).

The Maine Department of Education requires the English language support program for a student who is an English learner to be provided or overseen by a 660 ESOL-endorsed teacher. (See 34 Code of Federal Regulations C.F.R. Section 100.3 (b)(ii)). All students who are English learners must be provided with English language support services that enable them to meaningfully access the curriculum in order to meet grade-level standards. English language development and content area knowledge are to be acquired simultaneously, rather than consecutively. In other words, English language proficiency is not a prerequisite to participate in mainstream classes. If students who are English learners receive services that remove them from content area classes

(such as a newcomer program or pull-out services), any academic deficits that result must be remedied so the student remains on track with his/her non-EL peers academically.

English language support services are to be provided in a way that minimizes the isolation of students who are English learners from the general student population and encourages students who are English learners to participate in all aspects of the school program, including advanced coursework, career and technical education, gifted and talented programs, and extracurricular activities. Students who are English learners are entitled to ESOL services until exiting by demonstrating English language proficiency on ACCESS for ELLs® (or Alternate ACCESS, if applicable).

### Administration of ACCESS for ELLs® or Alternate ACCESS

Federal and State laws require that the English language proficiency of all students who are English learners be measured annually as a component of accountability under the Elementary and Secondary Education Act (ESEA). If a student is identified as an English learner, that student must be administered ACCESS for ELLs (or Alternate ACCESS, if applicable) annually until the student demonstrates English language proficiency. The Maine Department of Education defines English language proficiency as a composite proficiency level of 4.5 on ACCESS for ELLs or level P2 on Alternate ACCESS. Failure of all students who are English learners to participate in the annual administration of ACCESS for ELLs/Alternate ACCESS may affect ESEA Title IA funding.

State law requires that ACCESS for ELLs/Alternate ACCESS be administered only by an individual trained in its administration. It is not required that this individual be an ESOL-endorsed teacher. However, only an ESOL-endorsed teacher is qualified to design, oversee, and implement an English language support program, which includes the interpretation of ACCESS for ELLs/Alternate ACCESS results.

If parents/guardians have questions about the purpose of ACCESS for ELLs/Alternate ACCESS, direct them to ACCESS for ELLs: FAQs for Parents/Guardians.

### Enrollment of Immigrants and International Students

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin, among other factors, by public schools. SAUs are required under federal law to enroll children regardless of citizenship or immigration status (*Plyler vs. Doe*). This applies equally to students who are immigrants and international students attending a Maine public school as an exchange student or tuition-paying student. All students, including those who are immigrants and international students, must be screened for English learner status. Any student who is identified



as an English learner, regardless of citizenship or immigration status, is entitled to ESOL services and must be administered ACCESS for ELLs (or Alternate ACCESS, if applicable) annually. International/exchange students are not exempt from Title I required state academic assessments. In Maine, recently arrived English learners who have been enrolled in a U.S. school for less than 12 months are exempt from one administration of the state's English language arts assessment only. See the

SAUs are not permitted to discourage the enrollment of children who are undocumented immigrants by asking about their immigration status, denying enrollment to those with international birth certificates, or denying enrollment to children whose parents decline to provide their social security numbers or race and ethnicity information. Federal regulations allow schools to ask for children's social security numbers to be used as student identifiers. However, they should inform parents of the purpose and that disclosure of such numbers is voluntary. Schools may not deny enrollment if parents refuse to provide a child's social security number. SAUs may require proof that a child lives within SAU boundaries, which may include lease agreements, utility bills, or other documents. However, schools may not ask parents about a child's immigration status to establish residency. SAUs may require proof of a child's age, but they may not bar enrollment because a child has an international birth certificate or no birth certificate. See this fact sheet from the Departments of Justice and Education for more details about acceptable documentation requests.

### Rights of Students who are English Learners to Education

The Civil Rights Act of 1964 remains the foundation of the legal rights of a student who is an English learner. *Lau v. Nichols* confirms that all students who are English learners are entitled to meaningful access to the curriculum. If a parent refuses ESOL services this must be documented, but parental refusal does not release the school or SAU from its responsibility to provide meaningful education to students who are English learners. If a student who is an English learner cannot make academic progress without ESOL services, the student has a right to ESOL services, even if a parent refuses. Parental consent is not required to administer an English language proficiency screener or ACCESS for ELLs/Alternate ACCESS. Under State law SAUs are responsible for administering ACCESS for ELLs® to all students who are English learners, regardless of parental consent (20-A M.R.S. §6209(1-A)).

### Students who are English Learners and Special Education

Students may qualify for, and have legal entitlement to, both ESOL and special education services. Appropriate screening is required to determine students' eligibility for each type of service. Depending on a student's learning disability and Individual Education Plan (IEP), universal testing tools or accommodations may be needed in order to measure English language

proficiency. When evaluating a student who is an English learner for learning disabilities, screening must be linguistically and culturally appropriate. It is advisable to measure a student's skills in the student's primary language in order to clarify whether challenges are due to a learning disability or English language development.

Students who are English learners should not be placed in a special education program unless their exceptionality is well-documented, and appropriate procedures for special education services have been followed. English learner status is not a disability and is not covered by the Individuals with Disabilities Education Act (IDEA) or Maine Unified Special Education Regulations (MUSER).

For students who are English learners with IEP teams, the United States Department of Education has provided the following guidance:

“It is important that IEP Teams for ELs with disabilities include persons with expertise in second language acquisition and other professionals, such as speech-language pathologists, who understand how to differentiate between limited English proficiency and a disability. The participation of these individuals on the IEP Team is essential in order to develop appropriate academic and functional goals for the child and provide specially designed instruction and the necessary related services to meet these goals.”

Students who are English learners with learning disabilities are eligible for exit from ESOL services when they demonstrate English language proficiency by achieving an overall composite proficiency level of 4.5 on ACCESS for ELLs (or level P2 on Alternate ACCESS, if applicable).

If you have questions, or would like further information regarding serving students who are English learners, please contact April Perkins, ESOL/Bilingual Programs, at [april.perkins@maine.gov](mailto:april.perkins@maine.gov) or (207)624-6627.

## APPENDIX J

### **Clarification: When Parents Decline English as a Second Language (ESL) Services for English Learners**

Posted on September 13, 2010 by Jennifer Pooler

#### **ADMINISTRATIVE LETTER: 11**

#### **POLICY CODE: IHBE**

TO: Superintendents of Schools

FROM: Angela Faherty, Ph.D., Commissioner of Education

DATE: September 13, 2010

RE: Clarification: When Parents Decline English as a Second Language (ESL) Services for English Learners

The purpose of this letter is to clarify the requirements for serving an English Learner, even if parents decline ESL services.

#### Federal law requires that an English Learner receive ESL services.

Federal law requires that states define English language proficiency and provide ESL services to all who do not meet that definition. Maine defines English language proficiency as attaining a Level 6 Composite score on the State's English language proficiency assessment ACCESS for ELLS®. If a parent refuses ESL services, meaningful education must still be provided. When a parent refuses ESL services, the parent's refusal of ESL services must be documented, but it does not release the school or School Administrative Unit (SAU) from its responsibility for providing meaningful education to the English Learner. If parental refusal of ESL services denies an English Learner access to a meaningful education, this violates the English Learner's rights. A parent cannot refuse "education" and if an English Learner cannot access education without ESL services, then the school/SAU must support the academic learning of the English Learner. If an ESL program is necessary in order to ensure academic progress for the English Learner, then ESL services must be provided.

The Civil Rights Act of 1964 remains the foundation of the legal rights of an English Learner.

"No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." (42 U.S.C. 2000d)

#### Rights of English Learners

This has been interpreted by courts as requiring a qualified ESL teacher to be provided to English Learners to ensure that they are not excluded from participation in meaningful education.

In addition, an Office for Civil Rights Memorandum of 1991 requires a qualified ESL endorsed teacher for English Learners, in order that they are not relegated to second-class status by

allowing a teacher without formal qualifications to teach them while requiring teachers of non-English Learners to meet formal qualifications (See 34 Code of Federal Regulations C.F.R. Section 100.3 (b)(ii)).

Schools/SAUs do not need parental permission to test a student.

If a parent refuses to allow a student to participate in a State assessment, refer to the superintendent's/SAU's/school's policy on procedures to follow when a parent refuses to allow a child to participate in a State assessment. The ACCESS for ELLS® is a federally and state-required annual assessment and participation is a component of No Child Left Behind (NCLB) accountability. Failure of English Learners to participate in the annual administration of the ACCESS for ELLS® may affect NCLB Title IA funding. Even if a parent has refused ML services, if that student has been identified as an English Learner, then that student must be administered the ACCESS for ELLS® annually until that student attains the State's definition of English language proficient, which is defined as a Level 6 Composite score on the ACCESS for ELLS®.

If you have any questions or would like further information, please contact April Perkins, Director of ESOL/Bilingual Programs, at 207-624-6788 or [april.perkins@maine.gov](mailto:april.perkins@maine.gov)

**APPENDIX K****MULTILINGUAL (ML) DISTRICT SELF-STUDY GUIDE**

*This Guide is designed to provide the district/building with a comprehensive overview of its practices and procedures. Please mark the answer by each statement that best describes your school district. In this district self-study guide, the term Multilingual Learners (MLs) will be used instead of Limited English Proficiency (LEP). For definitions of terms please see attachments.*

**IDENTIFICATION**

1. The district has a procedure to identify all students who have a primary or home language other than English. <b>Please attach a copy of the procedures.</b>	Yes	No
2. District staff is knowledgeable of the procedures for identifying students who have a primary language other than English.	Yes	No
3. School/district staff that works directly with parents and students in the identification of students, who have a primary of home language other than English, speak and understand the appropriate language(s).	Yes	No
4. Documentation regarding each student's primary or home language is maintained in student's file.	Yes	No

**ASSESSMENT AND EVALUATION**

5. The district assesses on a yearly basis the English language proficiency of all students identified as having a primary or home language other than English in the four language areas (oral/speaking, reading, writing, and listening).	Yes	No
6. The district conducts language proficiency assessments for students who have a primary or home language other than English, using: 6a. Formal assessments (e.g., tests). Name of test(s) used:	Yes	No
6b. Informal assessments (e.g., teacher interviews, observations)	Yes	No
7. Students who have a primary or home language other than English are assessed for language proficiency in their primary or home language.	Yes	No
8. The district has developed procedures to determine the effectiveness of its informal assessment procedures. <b>Please attach a copy of it.</b>	Yes	No

9. The district has determined the level of English-language proficiency at which students are considered English proficient. <b>Please attach a copy of description.</b>	Yes	No
10. The district assesses MLs academic skills in relation to their grade or age level. Name(s) of instrument(s) used to assess MLs academic skills.	Yes	No
11. MLs who have been in the U.S. for 2 consecutive years are tested in English in reading/language arts.	Yes	No
12. The district assesses MLs in the language and form most likely to yield accurate and reliable results. Language(s) used: _____ _____	Yes	No
13. The district uses the “Guidelines for the Inclusion of English Language learners in Your District-wide Assessment Program” or similar documents to guide decision-making.	Yes	No
13a. Total number of MLs included in your district wide assessment		
13b. Number of MLs included in the district wide assessment with <ul style="list-style-type: none"> <li>• No accommodations</li> <li>• With accommodations</li> </ul> <b>Please attach documentation of accommodations used.</b>		
13c. Number of MLs NOT included in your district-wide assessment.		
14. The district has established qualifications for individuals who administer language or academic assessments to MLs.	Yes	No

**PROGRAM (e.g., ESL, Bilingual, etc.)**

15. Programs are available for MLs at each grade level.	Yes	No
16. There are no substantial delays (e.g., more than 30 days) in placing ML into an appropriate educational program.		
17. There is coordination of curriculum between teachers for MLs and teachers in the regular program.		

18. MLs in the high school program earn credits toward graduation.					
19. Instructional materials are adequate to meet the English language and academic needs of MLs.					
20. Parents are involved in the process of placing MLs in appropriate educational program.					
21. The district has a system to evaluate the success of their ML program. <b>Please attach a copy of the description of the evaluation plan.</b>					
22. Label the program(s) at each level or attach a copy of description.					
Level	Program (see definitions)	Teachers with ML endorsement	Ed. Techs		
Elementary					
Middle					
High					

**STAFF**

23. The district has established qualifications for teachers who teach MLs.	Yes	No
24. The district has established qualifications that the teachers and Ed. Techs must meet.	Yes	No
25. The district has teachers with ESL endorsement to teach MLs.	Yes	No
25a. Number of MLs		
25b. Number of teachers with ESL endorsement		
26. The district provides high-quality professional development to classroom teachers and other district personnel.	Yes	No
26a. Number of mainstream teachers that participated		

26b. Number of ESL teachers that participated		
26c. Number of Ed. Techs that participated		
27. The district provides training for interpreters and translators.	Yes	No
28. Professional development activities are designed to improve instruction and assessment of MLs; enhance teachers' ability to understand and use curricula, assessment measures, and instructional strategies for MLs; are based on scientifically based research; and are of sufficient intensity and duration to have a lasting impact on teachers' performance.	Yes	No
29. Teachers of MLs are fluent in English and, when appropriate, in any other language(s) used for instruction, including having written and oral communication skills.	Yes	No
30. The district has provided training to staff who administer, interpret the results of the assessment methods used.	Yes	No

### EXIT CRITERIA

31. The district has established an exit criterion. <b>Please attach a description of it.</b>	Yes	No
How many MLs exit the program after:		
31a. Less than 1 year		
31b. 1 to 3 years		
31c. 3 to 5 years		
31d. 5 years or more		
32. The exit criteria ensure that MLs can:	Yes	No
32a. Speak English sufficiently well to participate in the district's general educational program.		
32b. Read English sufficiently well to participate in the district's general educational program.	Yes	No
32c. Write English sufficiently well to participate in the district's general educational program.	Yes	No
32d. Comprehend English sufficiently well to participate in the district's general educational program.	Yes	No



33. The district monitors the academic progress of MLs who have exited the program.	Yes	No
33a. Average years of monitoring		
34. The school district determines whether MLs are performing at a level comparable to their English-speaking peers. <b>Please attach documentation</b>	Yes	No
35. The district has established procedures for responding to deficient academic performance of MLs. <b>Please attach a copy of procedures</b>	Yes	No
36. MLs re-enter the alternative language program if they experience academic difficulties in the regular program.	Yes	No
<b>Please describe under what conditions.</b>		
37. Honor, award, or other special recognition rates of MLs are similar to those of their peers.	Yes	No
37a. Percent of English-monolingual students in Gifted and Talented programs.		
37b. Percent of MLs in Gifted and Talented programs.		
37c. Percent of MLs in district.		

### PROGRAM EVALUATION

38. The district conducts a formal evaluation of its program for MLs to determine its effectiveness. <b>Please attach a copy of the report</b>	Yes	No
39. The district disaggregates data of MLs.	Yes	No
39a. Grade level	Yes	No
39b. Graduation	Yes	No
39c. Dropout rates	Yes	No
39d. Gender	Yes	No
39e. English proficiency	Yes	No
39f. Economically disadvantaged	Yes	No
39g. Multiple measures of academic achievement	Yes	No

**Please attach copies of disaggregated data**

**EQUITABLE ACCESS**

40. The quality of facilities and services available to MLs are comparable to those available to all other students.	Yes	No
41. The quality and quantity of instructional materials in the program are comparable to the instructional materials provided to all other students.	Yes	No
42. MLs participate in classes, activities, and assemblies with all the other students.	Yes	No
43. MLs have access to the full school curriculum (both required and elective courses, including vocational education) while they are participating in the language program.	Yes	No
44. Counseling services provided to MLs are comparable to those available to all other students.	Yes	No
45. MLs have opportunities for full participation in special opportunity programs, (e.g., Gifted & Talented, Advanced Classes, Title I, Special Ed., etc.)	Yes	No
46. MLs are not segregated while taking their classes.	Yes	No
47. In general, MLs are integrated in classes such as P.E., music, art, etc.	Yes	No

**SPECIAL EDUCATION**

48. The district utilizes procedures for identifying MLs who may be in need of special education services. <b>Please attach a copy</b>	Yes	No
49. The district's procedures for identifying and assessing MLs for special education takes into account language and cultural differences. <b>Please attach a copy</b>	Yes	No
50. Testing instruments used to assess MLs for special education placement are valid and reliable for these specific students.	Yes	No
51. Persons who administer special education assessment to MLs are specifically trained in administering the tests.	Yes	No
52. Staff who conduct special education assessments to MLs are fluent in the student's primary language.	Yes	No
53. The instructional program for MLs in special education takes into account the student's language needs.	Yes	No
54. The district ensures coordination between the regular and the special	Yes	No

education programs in meeting the particular needs of ML who are in special education.		
55. The district identifies and places all MLs who need special education services in a timely manner.	Yes	No
56. The parents or guardians of special education MLs are notified of their rights and responsibilities in a language they can best understand.	Yes	No

**NOTICES TO PARENTS**

57. The district communicates with parents/guardians of students with a primary home language other than English in a meaningful way (a form that parents can understand). For example, school forms are translated. <b>Please attach copies of translated forms.</b>	Yes	No
58. Parents of MLs are notified no later than 30 days after the beginning of the school year of their child’s identification, and participation of ESOL programming as well as both student and parental rights.	Yes	No
59. The district uses interpreters or translators to assist in communicating with parents/guardians who do not speak English.	Yes	No
60. Parents/guardians of MLs are well informed of the district’s special educational programs.	Yes	No

**This self-study is based on data from \_\_\_\_\_ academic year.**

District or Building: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Administrator: \_\_\_\_\_

**Completed by:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Title: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

**Please add comments as needed.**

## **APPENDIX L**

### **IMMIGRANTS and FOREIGN STUDENTS**

Posted on May 26, 2011 by Maine Department of Education

#### **ADMINISTRATIVE LETTER: 39**

#### **POLICY CODE: IH**

Topics included in this letter:

- Enrollment of immigrants and foreign students
- Determination of English proficiency required
- Program of services to immigrants and foreign students
- State assessments required for immigrants and foreign students

School administrative units (SAUs) are required under federal law to enroll children regardless of citizenship or immigration status. While the federal guidance offered here relates to immigrant students, the Department has confirmed that it applies equally to foreign students attending a Maine public school as either an exchange student or a tuitioned student.

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin, among other factors, by public schools. In addition, *Plyler v. Doe*, the 1982 decision by the U.S. Supreme Court, held that a state may not deny access to a basic public education to any child, whether that child is present in the country legally or not.

School administrative units are not to discourage the enrollment of undocumented immigrant children by asking about their immigration status, denying enrollment to those with foreign birth certificates, or denying enrollment to children whose parents decline to provide their Social Security numbers or race and ethnicity information. Federal regulations allow schools to ask for children's Social Security numbers to be used as student identifiers. However, they should inform parents of the purpose and that disclosure of such numbers is voluntary. Schools may not deny enrollment if parents refuse to provide a child's Social Security number.

The federal Education and Justice Departments stress in a fact sheet and a question-and-answer document that schools may require proof that a child lives within SAU boundaries. This may include lease agreements, utility bills, or other documents, but schools may not ask parents about a child's immigration status to establish residency.

Schools may also ask for birth certificates to establish that a child falls within minimum and maximum age requirements, but they may not bar enrollment because a child has a foreign birth certificate or no birth certificate. (To determine age of the child, in lieu of birth certificate for proof of age go to: Resource Guide: Serving Maine's English Learners)

Moreover, SAUs are responsible for identifying which of its students have limited English proficiency and providing them with an effective program that affords meaningful access to the SAU's educational program (Office for Civil Rights December 1985 Title VI policy)

memorandum, Title VI Language Minority Compliance Procedures). This means that the SAU is responsible for administering the home language survey to all students, assessing them on the English language proficiency assessment screener test (W-APT), and, if identified as an English learner, providing them with an effective English language acquisition program. The SAU is required to determine the components of this program, i.e., whether it includes tutoring, additional classroom support, materials, teacher sheltering of instruction, or other strategies.

Under the Elementary and Secondary Education Act (ESEA), as amended, a foreign student would not be exempt from any Title 1 required assessment. Additionally, if the student is identified as an English learner, she/he must also participate in the annual State English language proficiency (ELP) assessment the ACCESS for ELLS®.

If you have questions regarding foreign students, please contact April Perkins at 624-6788 or via email at: [april.perkins@maine.gov](mailto:april.perkins@maine.gov)

Adopted: April 5, 2018

Revised: May 4, 2023