

REGIONAL SCHOOL UNIT NO. 38
Lau Plan
Revised May, 2019

I. Legal Foundation

Regional School Unit No. 38 is obligated to follow all federal and state guidelines in providing equal educational opportunities to all students. Therefore, it is necessary that the district take care in evaluating and meeting the needs of students with limited English proficiency. The rights of this group of students to an equal education are protected by the force of legislation, judicial opinion, and administrative regulation.

Through its ESOL and Bilingual Education Office, the Maine Department of Education has issued the following guidelines for measuring school districts' compliance with federal and state law:

- A. School systems must identify all students whose primary language is other than English, who have or may have difficulty performing ordinary class work in English, and who cannot learn or achieve on parity with their English dominant peers. English Learners (ELs) must be placed in a specifically designed language support program.
- B. Any specially designed support or instructional program shall be consistent with all federal acts and mandates, related federal regulations and court cases as well as Maine State acts, mandates and policies, which relate to the education of limited English and National Origin minority students.
- C. This instructional program should be based on second language acquisition pedagogy and sound educational practices for meeting the individual needs of ELs. The burden of proof is upon the district that the instructional program designed for ELs has clearly developed English language skills of comprehension, listening, speaking, reading, and writing necessary for learning and achieving in English-only instruction at a level substantially equivalent to pupils whose primary language is English. In addition, instructional providers for ELs must be adequately trained in the appropriate field.
- D. Maine's exit criteria is based on the level of English proficiency that enables students to access the state's challenging academic curricula without language support services. Students who achieve a composite proficiency level of 4.5 on ACCESS 2.0 for ELLs are automatically exited from EL status in Synergy, the state's student data system.
- E. Consistent with Maine statute and *Every Student Succeeds Act (ESSA)*, ELs are held to the same accountability requirements for achievement of the Learning Results and of participating in state mandated assessments. Accommodations or alternate assessments may be required for some ELs.

II. Philosophical Foundation

Even if state (H.P. 1360-L.D. 1877/March, 1990) and federal legislation did not require special consideration of the needs of the ELs, it is consistent with the goals of RSU No. 38, to provide quality, meaningful and relevant instruction to all students. This plan applies to regularly enrolled students in RSU No. 38.

III. **Terms**

- A. **ESOL** (English for speakers of other languages) – adjective, describes a type of class, student, teacher, program, etc.; it is perceived as more inclusive and is therefore the preferred term.
- B. **FEP** (Fluent English Proficient) - Students whose primary language is other than English and who have met the criteria for determining proficiency in English. Their knowledge of English is equivalent to their native English speaking peers.
- C. **ILAP** (Individual Language Acquisition Plan) - A personalized action plan which outlines support and services for language development.
- D. **LAC** (Language Assessment Committee) - a school based committee with responsibilities which make educational decisions that support language, social, cultural, and educational needs of each EL.
- E. **Lau** - Informal reference to the Lau vs. Nichols U.S. Supreme Court Decision of 1974 that requires school districts to provide assistance to English Learners who are unable to benefit from an education conducted primarily in English.
- F. **EL** (English Learner) - a student who speaks a primary or home language other than English and has not yet achieved English language proficiency.
- G. **WIDA** (World-Class Instructional Design and Assessment) – multi-state consortium with the mission of advancing academic language development and academic achievement for linguistically diverse students through high quality standards, assessments, research, and professional development for educators.

IV. **Language Assessment Committee (LAC)**

The Building Language Assessment Committee will coordinate and oversee the educational program of English Learners. For purposes of continuity, a district administrator will be appointed Coordinator of ESOL Services within the RSU No. 38. The Building LAC will be composed of the Building Administrator, Classroom teacher(s), Parents/Guardians when appropriate, ESOL Teacher, and any other school staff or advocates involved in the student's school program. The LAC meetings will be scheduled and conducted by the building administrator.

The LAC responsibilities will include the following:

1. Review the Language Use Survey of newly enrolled students to identify potential English Learners and refer to the ESOL District Coordinator for possible screening and/or support.
2. Administer screenings and/or evaluations to EL students annually.
3. With parental participation, make determinations from these assessments regarding the student's placement, programming, and amount of services.
4. Meet at least annually to develop or revise ILAPs.

5. Provide progress reports to parents/guardians on same schedule as school report cards.
6. Make recommendations for placement and program type for the next school year.
7. Recommend modification of ESOL support services.
8. Notify parent or guardian in writing or if necessary in person of all decisions (in a language they comprehend) and their right to appeal.
9. Carry out annual monitoring for two years after student's reclassification to full English proficiency.

V. English for Speakers of Other Languages Program (ESOL)

Once English proficiency is determined factors such as student's chronological age, previous educational experience and family history will guide programming and placement that best supports the EL student in acquiring English language proficiency. Looking at a student holistically will help in developing an effective program.

1. Instruction will be provided during regular school hours.
2. ESOL staff, classroom teacher and school staff will coordinate efforts on behalf of the students.
3. ESOL staff will extend instruction into the classroom providing support to the ELs and sharing the cultural diversity and new language with other students. Content teachers will support ELs in their achievement of the Learning Results with the support of the ESOL teacher through an effective research based program.
4. Instructional space for ELs will be provided that is comparable to that available to the overall student population.
5. Amount of time spent with the ESOL staff will be determined by the LAC Committee.
6. Home/school coordination will be conducted as part of an outreach effort to parents of EL students.
7. Materials and resources, such as simplified texts, will be provided as appropriate to assist in the implementation of the ILAP plan. They will be comparable in quality and support the instruction of the classroom.
8. Participation of all EL students in an annually administered secure test. The ACCESS 2.0 for ELLs®, an English language proficiency test administered annually in Maine to all ELs from kindergarten through grade 12, meets the federal requirements of assessing ELs' proficiency levels and provides reliable, valid, and useful information on the progress of ELs in acquiring academic English. ACCESS 2.0 for ELLs® English language proficiency standards are aligned with Maine's *Learning Results* academic content standards and are a requirement in Maine's Comprehensive Assessment System (MeCAS).

9. Administration of the ACCESS 2.0 for ELLs® by a trained individual. This test was developed based on the English Language Proficiency Standards developed by WIDA within grade clusters, which include Kindergarten, Grades 1, Grades 2-3, Grades 4-5, Grades 6-8, and Grades 9-12. ACCESS 2.0 for ELLs® assesses the domains of Speaking, Listening, Reading, and Writing, of English Learners in Math, Language Arts, Social Studies, Science, and Social and Instructional language. It identifies five levels of English language proficiency: Level 1 – Entering, Level 2 –Emerging, Level 3 – Developing, Level 4 – Expanding, Level 5 – Bridging, Level 6 – Reaching.
10. An EL student whose composite score [35% reading, 35% writing, 15% speaking, and 15% listening] is below Level 4.5 [1]will continue to be classified as an English Learner and eligible for ESOL services.
11. A student receiving a composite score of 4.5 or higher will be exited from ESOL services, reclassified as Former English Learner, and no longer take *ACCESS 2.0 for ELLs®*.

VI. **ESOL Staff Requirements and Responsibilities**

ESOL Teachers will hold State of Maine certification with a (660) endorsement. ESOL paraprofessionals may provide instruction under the supervision of the ESOL Teacher or Consultant.

ESOL staff will:

1. Administer evaluations such as the WIDA Screener and ACCESS 2.0 for ELLs.
2. Provide an instructional program that is based on second language acquisition pedagogy.
3. Communicate with parents regarding progress of students using available resources to access parents in their own language.
4. Recommend ongoing modifications or revisions to the Lau Plan as needed for re-submission to the Board.
5. Provide meaningful opportunities to students, teachers, and classmates to learn about the culture and language of ELs.
6. Monitor former EL students who have attained a comprehensive score of 4.5 or higher on the ACCESS for ELLs 2.0 test for a period of two years.
7. Work with regular education staff to determine if a former EL student is in need of additional services.

VII. **Identification of English Learners**

It is required under Section 1112 of ESSA that all ELs be identified within 30 days of enrollment from the beginning of the school year or within two weeks of enrollment mid-year. ESOL staff will be notified of potential EL students and information from the following sources will be utilized.

1. The Language Use Survey, which is included in registration packets of all newly enrolled students.
2. Informal observation/interview (part of regular registration process).
3. Informal meeting with parents.
4. Review of previous school records (cumulative folder).
5. The English language proficiency screener (administered if a student's Language Use Survey indicates a language other than English). The proficiency screener for students in kindergarten is the W-APT while students in grades 1-12 are administered the WIDA Online Screener. The Pre Las may be used for Pre-K students as there is not currently a WIDA screener for students under age 4 and a half.

VIII. Assessment of English Language Proficiency and Academic Skills

EL's will be assessed for English language proficiency through:

1. Consultation with classroom teacher(s) and parents.
2. Anecdotal information from student and family/guardian.
3. Data from an English language proficiency screener if they matriculate without ACCESS 2.0 scores from the previous year. This test will help designate appropriate placement within the mainstream and for ESOL support.
4. Testing in content areas when comprehensible.
5. Annual results of the ACCESS 2.0 for ELLs®.

IX. Record-Keeping for Identified EL Student

EL student files will be maintained in a specific location in the superintendent's office. The responsibility for updating the files (student language assessment, educational plans, reviews, and reclassification information) will be assigned to the ESOL staff and building administrator.

X. Parent Notification

The Language Assessment Committee will meet with the parents or guardians to discuss any changes in the EL's programming. This information will be given in a language that the parents or guardians can understand. At any time parents have the right to refuse ESOL services. In that case, the district requests that parents sign a form that states that services are being declined. Even if the parents refuse services meaningful education still needs to be provided. A parent cannot refuse education, and if an English Learner cannot access education without ESOL services then the school/SAU must support the academic learning of the English Learner. If an ESOL program is necessary in order to ensure academic progress for the English Learner then services must be provided. The Civil Rights Act of 1964 remains the foundation of the legal rights of an English

Learner. Students, even if parents decline services, must continue to take the ACCESS for ELLs 2.0 test annually until they achieve a composite score of 4.5.

XI. Exit Criteria

Exiting from ESOL programming will occur when the student meets the state's definition of proficiency. Current criteria is a composite score of 4.5 or higher on the ACCESS 2.0 test. Once the student has attained this score they are no longer defined as an English learner and therefore do not participate in the ACCESS for ELLs® 2.0 administration any further. All ELs who have met proficiency must be monitored for 2 years in order to ensure the academic success of that student. If at any time the student's ELP is affecting their academic performance they may be reentered into the ESOL program. The student will not be recoded or participate in the ACCESS for ELLs 2.0.

XII. Special Needs Placement

Determining special needs placement for students who are receiving ESOL Services is a complex process. There may be a number of individual or combined factors determining why language and cultural minority students are achieving little academic progress over time; the normal process of second language acquisition, the acculturation process, different learning styles, motivation to learn, or the student's lack of prior schooling are a number of potential factors instead of intrinsic learning problems. Screening and diagnosing at-risk students receiving ESOL Services include a number of pre-referral steps to determine whether there exist temporary learning and behavior characteristics shared by learning disabled students and English learners, or whether referral to special education is warranted. The ESOL Specialist must be involved throughout the process.

The following pre-referral process will be followed to determine the necessity for referral to special education:

1. When the student experiences continued, serious academic/social behavioral difficulty:
 - Examine systematic efforts to identify the source of difficulty:
 - a. Curriculum: continuity of exposure; scope and sequence; student's entry level skills; cognitive demands; mastery criteria; amount of practice exhibited in the native language.
 - b. Instruction: sequencing of content; language use; effective teaching behaviors; coordination with other teachers.
 - c. Teacher: qualifications; experience with EL Students; teaching style; expectations; perceptions; instructional management; behavior management.
 - d. Student: Experiential background; native language proficiency; cultural characteristics; cognitive learning style; locus of control/attribution; self-concept; motivation.
 - e. Assessment: learning standards; data collection procedures; modifications.
 - Examine the student's individual and group behavior, parental perceptions, work samples, and teacher perceptions.
 - a. Cultural differences: country of origin; length of residence in US; age at arrival.
 - b. Language differences: first language characteristics; rate of progress in English; opportunities to use English outside of school; literacy skills in first language.

- c. Environmental factors: background factors; attitudes on schooling; interruptions/traumas; frequency of school moves; family separation; family support for schooling; home environment factors.
 - d. Medical/physical factors: history; present conditions.
 - e. Achievement/performance factors: listening comprehension; oral expression; basic reading skills; reading comprehension; written expression.
 - f. Learning/behavior factors: visual discrimination; auditory discrimination; visual memory, auditory memory; visual motor coordination; attention/coordination; a social perception; problem solving; activity level; speech.
2. Parents, teachers, and support staff can initiate referral to Special Education. Parents will be provided an interpreter. The Language Assessment Committee can also refer a student to special education services for continued diagnosis and testing if: (a) systematic efforts to identify the source of the difficulty are unsuccessful and/or (b) the Intervention Checklist identifies behavioral patterns deemed necessary for continued assessment. The Language Assessment Committee will gather the information and process the referral observing Special Education regulation timelines. The disabling condition must occur in the student's primary language to warrant an ESOL referral.

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References:

Maine Department of Education, Serving English Learners in Maine Policy and Resource Guide, <https://www.maine.gov/doe/learning/englishlearners/policy>

No Child Left Behind (NCLB) Act of 2001 provides for strong accountability for the education of all children and for certain provisions specific to limited English proficient students, especially under Titles I and III of the Act. NCLB also provides funds to states and local schools and universities to carry out the intent of the Act. <http://www.ed.gov/policy/elsec/leg/esea02/index.html> (full text); <http://www.ed.gov/nclb/> (U.S. Department of Education's official NCLB Web site)

Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency" (PDF). <https://www.lep.gov/13166/eo13166.html>