

ELLSWORTH SCHOOL DEPARTMENT LAU PLAN

The LAU Plan (Plan) derives its name from the 1974 U.S. Supreme Court case, *Lau v. Nichols*. The subsequent decision, based on the Civil Rights Act of 1964, required school districts to provide special assistance to English Language Learners (ELLs) who were unable to benefit from an educational program conducted primarily in English. In 2015, The Every Student Succeeds Act (ESSA) reauthorized the Elementary and Secondary Education Act (ESEA), which also upholds this requirement. The Plan itself is a locally written program guide to address the appropriate educational practices for ELL students and includes components dealing with identification, assessment, placement, and exit criteria.

Legal Requirements:

- A. School systems must identify all students for whom English is an additional language (ELL) who have, or may have, difficulty completing coursework in English, and who can not learn or achieve at a rate similar to their English-dominant peers.
- 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 ELLs.
- C. This instructional program should be based on second language acquisition pedagogy and sound educational practices for meeting the individual needs of ELL students. The burden of proof is upon the district that the instructional program designed for an ELL student has clearly developed English language skills of comprehension, speaking, reading, and writing necessary for learning and achieving in English-only instruction at a level substantially equivalent to pupils whose first language is English. (*Castaneda v. Pickard*, 648 F2d 989-5th Circuit –1981.)
- D. School systems which provide English language development programs to ELL students shall reclassify students from ELL to fully English proficient (FEP) by specific multi criteria reclassification procedures. (*Rios v. Read*, 73 F.R.D. 595 (E.D.N.Y. –1977) (*Cintron v. Brentwood*, E.D.N.Y #77-C-1370.)

For the purposes of this Administrative Procedure, “parent” shall refer to “parent and/or legal guardian.”

Language Acquisition Committee:

A student’s Language Acquisition Committee is a group of Ellsworth School Department (ESD) staff members who meet to monitor, evaluate, and improve a plan of instruction and assessment for ELL students. Language Acquisition Committee members may include, but are not limited to, the following:

- Building Administrator (BA)
- ELL Coordinator (ELLC)
- ELL Teacher
- Student’s classroom teacher(s)
- School counselor

The English Language Learner Coordinator (ELLC) and the EL teacher meet monthly to oversee the district ELL program.

ELLSWORTH SCHOOL DEPARTMENT

Responsibilities of ELL team members are identified as follows:

EL Teacher

1. Determine meeting needs;
2. Review Home Language Surveys (HLS) to be sure that all ELL students have been identified, and create a language acquisition file for each identified student;
3. Notify parents, in a language they comprehend, of dates and nature of any upcoming English proficiency testing;
4. Annually administer ACCESS for ELLs 2.0 (Assessing Comprehension and Communication in English State-to-State) test, using data to make decisions about appropriate ELL programming;
5. Administer the WIDA screener to newly identified students as needed;
6. Be a resource for school staff by providing information about ELL students and ELL;
7. Carry out periodic review for two (2) years after the student has exited the ELL program.

Language Acquisition Committee

1. Meet on a regular basis, minimally annually, to monitor the ELL student's language and academic progress;
2. Make recommendations for placement and program type for the next school year and discuss instructional objectives for the ELL instructor.

ELLC & EL Teachers

1. Recommend revisions and additions for the LAU Plan to ESD Board (ESDB);
2. Recommend modifications of ELL support services or exiting a student from the program because he/she is FEP.
3. Review ELL student progress regularly.

Identification of Students:

Identification of ELLs in the ESD may be accomplished based upon any of the following methods:

- Results of the HLS completed by the parent/guardian and reviewed by the EL teacher of new kindergarten students and newly transferring students at the time of registration;
- Teacher referral;
- Parent referral;
- Student self-referral; or
- Previous school records.

Once a student has been identified, the WIDA Screener will be administered by the ELL teacher to determine the child's basic interpersonal communication skills and cognitive academic language proficiency. The assessment will include listening, speaking, reading, and writing in an academic setting. Additional tools may include:

- Previous school records;
- Observation of the child in the classroom and informal settings
- Interviews with the parent
- Other assessment information provided by school personnel.

ELLSWORTH SCHOOL DEPARTMENT

The Language Acquisition Committee will review assessments and make decisions regarding:

- The need for a structured language support program;
- The most appropriate program to meet the student's needs; and
- The Individualized Language Learning Plan (ILLP) for the child.

Student Placement into an ELL Program:

An ILLP will be developed for each ESD student who is determined to be an ELL. The type of program developed will depend on the particular needs of the student, but the following principles will apply:

- Using ACCESS for ELLs 2.0, the EL teacher will assess the student to determine placement;
- Instruction will be provided during the regular school hours only, with exceptions only upon recommendation of the Language Acquisition Committee and the ELL Coordinator.
- Students will be mainstreamed into regular classes as much as possible, providing the learning experience can be successful;
- The ILLP will be developed by the EL teacher and reviewed by each student's Language Acquisition Committee as needed;
- Instructional materials will be provided on an as-needed basis;
- Until the student is FEP, alternative grading procedures will be in effect: either non-grading, a pass/fail system, or a combination of the above plus traditional grades in subjects in which the student is able to participate;
- Parents will be involved as much as possible in program planning;
- Peer helpers will be utilized when appropriate;
- ELL students will be encouraged to share culture and language with the regular classroom to the degree that they are comfortable.

English Language Acquisition:

ESD recognizes that ELLs may have unique learning needs including the acquisition of basic interpersonal communication skills and cognitive academic language. These two components encompass many skills, abilities, and cognitive demands. If ELLs are to be FEP, they must become proficient in both these components. Within each component there are many skills that ELLs must be able to perform to be proficient in that component.

Research has been conducted on the rate at which ELLs acquire the two components. Many variables contribute to the rapidity of acquisition including age of child; previous schooling in the student's first language; continuity of education; mastery of literacy skills in the first language; maintenance of the first language in the home; length of residence in the U.S.; family value of education; amount and quality of bilingual instruction in previous schooling; and the amount and quality of ELL instruction in previous schooling. Under the optimal conditions, it can take up to two years for a student to acquire basic interpersonal communication skills and from five to seven years to acquire cognitive academic language skills. The ideal age for a child to begin learning another language is between the ages of 8 and 11.

ELL teachers may create individualized instructional activities to assist students in working on the skills in each component. ELL students will be provided opportunities to demonstrate proficiency in promotion and graduation standards with or without accommodations as outlined in their ILLPs. Parents need to be apprised of this information so that they can have realistic expectations of the instructional program and of their child. It will also help them to advocate effectively for their children in the school setting.

ELLSWORTH SCHOOL DEPARTMENT

Teachers and administrators also need to be informed of this information so that they, too, can help provide an appropriate and effective structured language support program with realistic expectations for ELL students. The assessment of the ELL must take into account the two components of language proficiency identified above.

FEP / Exit Criteria and Monitoring:

A multi-criteria assessment will be made when developing an ILLP, reclassifying a student to FEP, or when transferring the student to another instructional program. Multi-criteria assessment will consist of the following:

1. Teacher evaluations – Relevant staff will evaluate the ELL’s proficiency by observing the student’s oral language in both formal and informal settings.
2. The EL teacher will annually use ACCESS for ELLs 2.0 to determine the student’s progress. Results of the ACCESS for ELLs 2.0 will be used to determine if a student is “making progress” in the acquisition of English in accordance with the Every Student Succeeds Act (ESSA). If a student earns a Composite Score of six (5) on the ACCESS, they will be FEP designated.
3. All of the student’s assessment scores will be used to evaluate the student.
 - a. Accommodations and alternate assessments will be determined by the Language Acquisition Committee, and recorded in the Language Acquisition Committee minutes.
 - b. Assessment scores will be used to develop an ILLP in compliance with the ESSA.
4. After a student is reclassified as FEP, the student will be monitored and/or reviewed on a regular basis for two years.
5. Parents will be notified in an understandable language of the following:
 - a. Their child’s progress and classification; and
 - b. Their legal rights regarding their child’s program.
6. All ELL services provided by ESD will terminate upon the student’s graduation.

Record Keeping:

In all of the procedures involving the identification, assessment, provision of services, and exit from services of ELL students, thorough record keeping must be implemented and maintained. Such record keeping is necessary to keep track of the components of the ILLP and the child’s progress within it. The file is also a valuable source of information for the program evaluation. If the child moves to a different school, the information in the file can help the new teacher to set up a language support program more expeditiously.

The file is also a valuable tool for illustrating the ESD’s commitment to quality programming for ELLs. Ideally, a file would consist of:

- All test scores pertaining to program decisions;
- Writing samples completed by the student;
- ILLPs (with program goals and objectives) and measurable outcomes;
- A copy of the HLS that initially identified the child as LEP;
- Copies of Language Acquisition Committee meeting minutes;
- Recommendations for reclassification or exit from the program; and
- Academic progress reports.

ELLSWORTH SCHOOL DEPARTMENT

Grade Level Placement and Retention:

To determine appropriate grade level placement, the Language Acquisition Committee will evaluate the following information:

- The child's chronological age;
- The child's educational background; and
- The child's English Language Proficiency (ELP) level.

As a general rule, grade level retention is advisable only when an ELL is lagging behind peers socially and emotionally. It stands to reason that the ELL will not be on grade level academically until he/she has had the opportunity to acquire the English skills necessary for success. It is not appropriate to retain a student solely for the reason of LEP due to the fact that the child has unique needs and must be given time from grade level to grade level to acquire ELP. The acquisition of the English language for cognitive/academic proficiency can take from five to seven years under optimal circumstances.

If an ELL is referred for retention, the Language Acquisition Committee should be included in the process to ensure that ELP is not the sole reason for the referral.

Legal References: 42 U.S.C. § 2000d (Title VI, Civil Rights Act of 1964)
20 U.S.C. §§ 6801 et seq.
1974 U.S. Supreme Court case, Lau v. Nichols Ch. 127.Sec.03 (MDOE. Rule)
2011 MDOE Letter #56, Policy IH
114 U.S.C. Public Law 114-95 (Title III-Every Student Succeeds Act; Sec. 3001)

Other References: Professor J. Cummins, A leading authority on bilingual education and second language acquisition.

First Reading: October 16, 2012

Adopted: November 13, 2012

Revised: September 6, 2016