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## Sanford School Department LAU Plan

### I. Legal Requirements

The Sanford School Department shall provide appropriate programs for students who are English learners to assist them in attaining English language proficiency and in meeting state and local academic achievement standards in compliance with applicable federal and state requirements. The Sanford School Department's Plan has been developed with the intention of ensuring an equal educational opportunity for all students, and to identify and eliminate language barriers that impede the equal participation of all students in our instructional programs.

The Superintendent is responsible for developing and implementing the Sanford School Department's LAU Plan and any necessary administrative procedures. The Superintendent may delegate specific responsibilities as he/she deems appropriate.

The ESOL/Bilingual Office of the Maine Department of Education has issued the following guidelines to measure school districts' compliance with both federal and state law:

- A. **Title VI of the Civil Rights Act of 1964** prohibits discrimination on the basis of national origin in programs or activities which receive federal financial assistance.
- B. **Equal Education Opportunities Act of 1974** prohibits states from denying equal educational opportunity to an individual on account of his or her race, color, sex or national origin. The statute specifically prohibits states from denying equal educational opportunity by the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.
- C. **Every Student Succeeds Act (2015)** 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. ESEA also provides funds to states and local schools and universities to carry out the intent of the Act.

### Supreme Court Decisions

- ***Lau vs. Nichols (1974)*** ruled that providing the same access to curriculum, instruction, and materials for students of limited English proficiency as is provided to English dominant students is not in effect equitable.
- ***Plyler vs. Doe (1981)*** ruled that all students in public schools must be appropriately served, including any students who may not be documented as legal immigrants.
- ***Castañeda vs. Pickard (1981)*** ruled that schools must take "appropriate action" to address the needs of English Learners as required by the EEOA. The Castañeda standard mandates that programs for English Learners must be (1) based on a sound educational theory, (2) implemented effectively with sufficient resources and personnel, and (3) evaluated to determine whether they are effective in helping students overcome language barriers.

**Terms and Definitions**

**ACCESS for ELLs:** Stands for *Assessing Comprehension and Communication in English State-to-State for English Language Learners*. It is the federally and state-required annual assessment for all English Language Learners.

**ML:** Multilingual Learner designation for any student who scores below a composite score of 4.5 on the WIDA Screener Online, MODEL (K-1), or ACCESS test

**ELP:** English language proficient – designation for a student who meets proficiency on screening assessment or scores a composite score of 4.5 on the ACCESS Assessment

**ELP:** English Learner Program

**ESEA:** Elementary and Secondary Education Act

**ESOL:** English for Speakers of Other Languages

**ESL:** English as a Second Language

**LAC:** Language Assessment Committee – This committee is charged with identifying the needs of the-English Learner student, and overseeing that they are met.

**LAU:** This refers to *Lau v Nichols*, a U.S. Supreme Court case. The decision requires school districts to provide support for English Learner students who could not benefit from education which was conducted in English.

**LDF:** Language Development File – This file will be created and kept in the students cumulative file.

**PLP:** Personal Learning Plan

**preLAS:** English Language Proficiency Assessment for Early Learners

**TESOL:** Teaching English to Speakers of Other Languages

**WIDA:** World-Class Instructional Design and Assessment

**WIDA Screener Online:** WIDA Screener Online is an English Language proficiency assessment given to new students in Grades 1-12 to help educators identify whether they are Multilingual Learners (MLs).

**Director of ESOL Services**

The Superintendent shall appoint a Director of ESOL Services (English for Speakers of Other Languages). The Director of ESOL Services has overall responsibility for implementation of the Lau Plan for the Sanford School Department, establishing reasonable timelines for the provision of services, and filing all necessary reports with the Maine and U.S. Departments of Education. The Director of ESOL Services shall report directly to the Superintendent.

## II. English Learner Identification and Assessment

### Screening Incoming Students

Whenever a student enrolls for the first time in a Sanford school (PRE-Kindergarten, Kindergarten or transfer student), the parent/guardian shall be asked to complete a Language Use Survey. The ESOL teachers will review all surveys in their designated buildings for the presence of a non-English background. These surveys will remain in the students' cumulative files.

Students may also be screened if a staff member becomes aware that another language in addition to English is spoken in the home or if the teacher has language proficiency concerns.

**NOTE:** If a newly enrolled student has been previously identified as an English Language learner, and current preLAS/WIDA Screener for Kindergarten, WIDA Screener Online/ ACCESS scores are available, then further identification screening is not required.

### Assessment of English Language Proficiency

If the determination is made, from the Language Use Survey or a staff request, that a student should receive further screening, the ESOL teacher will administer an ELP (English Language Proficiency) screener assessment to measure the student's listening, speaking, reading, and written English skills.

English Language Proficiency Screening Assessment Requirements		
Grade	Screening Assessment	Minimum Score Required to be Non-EL
Pre-k	preLAS	listening and speaking 71
1 <sup>st</sup> semester K	WIDA Screener for Kindergarten	oral language proficiency level 4.5
2 <sup>nd</sup> semester K/1 <sup>st</sup> semester 1 <sup>st</sup> grade	WIDA Screener for Kindergarten	composite proficiency level 4.5
2 <sup>nd</sup> semester 1 <sup>st</sup> grade-12 <sup>th</sup> grade	WIDA Screener Online	composite proficiency level 4.5

### Administration of ACCESS for ELLs

Federal and state laws require that the English language proficiency of all MLs be measured annually as a component of accountability under the Elementary and Secondary Education Act (ESEA). If a student is identified as an ML, that student must be administered ACCESS for ELLs annually until the student demonstrates English language proficiency. The Maine

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Department of Education defines English language proficiency as a composite proficiency level of 4.5 on ACCESS for ELLs.

ACCESS for ELLs classifies student proficiency levels based on the following performance definitions:

- 1-Entering: Student knows and uses minimal social language and minimal academic language with visual support.
- 2-Emerging: Student knows and uses some social language and general academic language with visual support.
- 3-Developing: Student knows and uses social language and general academic language with visual support.
- 4-Expanding: Student knows and uses social language and technical academic language.
- 5-Bridging: Student knows and uses academic language working with grade-level material.
- 5-Reaching: Student knows and uses social and academic language at grade-level.

### **III. Development of Individualized Language Acquisition Programs**

#### **Language Assessment Committee (LAC)**

Once identified as an English Learner, the ESOL teacher will form a Language Assessment Committee (LAC) for the student. The LAC, including an ESOL teacher, classroom teacher(s), building administrator and/or guidance counselor (when appropriate), parents/guardians, interpreter (when needed), and student (when/if appropriate), will be contacted within 3 weeks of the student's identification.

The Language Assessment Committee will coordinate and oversee the educational program of the identified ML student. The committee members will:

- Create a Personal Learning Plan (PLP) for newly identified ML students.
- The ESOL teacher will annually consult with members of the committee, (or sooner if needed) to review the status of enrolled ML students, and update their PLPs.

#### **Personal Learning Plan (PLP)**

The LAC will develop a Personal Learning Plan (PLP), to create a program of services for the identified student. This plan will be based on the results of the screening for newly identified students. When developing a PLP for students already enrolled in the district's ESOL program, or newly enrolled but previously identified, the LAC will use results of the ACCESS test, as well as other district assessments, grades, class performance, etc. The plan will include:

- Language goals and objectives
- Class placement and programming
- The level and amount of ESOL services/support to be provided
- Recommendations for modifications
- Timeline for review

The PLP shall be written within 30 days of identification/enrollment for new students, and in May/June for returning students.

### **Programming**

Identified ML students will receive programming in one or a combination of the following models:

- ESOL instruction provided within a mainstream classroom by ESOL teacher (Push-in)
- Specially Designed Academic Instruction in English (SDAIE) (Pull-out)
- Classroom modifications appropriate for the student provided by the mainstream classroom teacher in consultation with the ESOL teacher (Used in combination with direct service)

Each student will be enrolled in an age-appropriate content program and integrated into regular activities. Accommodations to the regular curriculum will be supported by appropriate instructional materials.

The following guidelines will be followed for the development of a student's program:

1. Instruction will be provided during the regular school hours.
2. Student's grade placement will be age appropriate.
3. The ESOL teacher and classroom teacher will coordinate efforts to support the student's acquisition of English and the grade appropriate learning targets.
4. The amount of time spent with the ESOL teacher will be based on the needs of the student as determined by the LAC.

**Recordkeeping**

The ESOL teacher will create a Language Development File (LDF) for each identified ML student. The file will be maintained in the student's cumulative file by the ESOL teacher to document all actions regarding the student. All records pertaining to a student's ML status, including screening, assessments, programming, LAC notes, evaluations, parent/guardian notices and forms shall be included in his/her LDF.

These files will be sent on to the new ESOL teacher(s) when students move on to different schools or levels within the district (e.g. elementary/middle/high).

In addition, copies of the current ACCESS Teacher Report and the Personal Learning Plan will be added to the student's cumulative folder.

**Parent Notification and Involvement**

When a student qualifies for ESOL services, the parents/guardians will be notified no later than 30 days after the beginning of the school year, or within two weeks of the child's placement in the program in accordance with the requirements of the Elementary and Secondary Education Act (ESEA).

Parents/guardians will be included and encouraged to participate in decisions pertaining to their child's ESOL programming. The school unit shall notify parents/guardians of students about the instructional program and parents/guardians' rights, as required by law. Parents/guardians will be apprised of their child's progress at each marking period (trimesters at PK-4/ quarters at 5-12).

**Refusal of Services**

Parents/guardians have the right to refuse ESOL services for their child. In the event that a parent/guardian refuses ESOL services, he/she will be required to sign a Decline Services Form. This form needs to be signed by a school official, and then placed in the student's cumulative file. Parents/guardians may withdraw this refusal of services at any time.

Identified ML students who do not receive services, must still be assessed yearly (ACCESS test), as required by law, until they attain a composite score of 4.5. The ACCESS scores will be sent to the parents, and ELL services will again be offered (if the student has not yet reached a composite score of 4.5). A new Decline Services Form must be signed annually. Copies must then be placed in the student's cumulative folder as well as the LDF.

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### **Evaluation of Student Progress, Reclassification, and Exit from English Learner Programs**

The ESOL teacher will consult with the LAC in May/June to review information/data to evaluate each student's progress in meeting goals and objectives, determine class placement and programming for the following year, and update the Personal Learning Plan. The information/data to review should include:

1. Teacher evaluation of general language proficiency by observing the student's oral performance in both formal and informal settings.
2. A comparison of the current year's ACCESS scores with the previous year's scores to measure progress (if applicable).
3. Results of district assessments, grades, class performance, etc. to determine if the student is meeting the standards for the different content areas.

All identified English learners who have not attained a Composite Score of Level 4.5 on the ACCESS for MLs must take the ACCESS test until he/she reaches a composite score of 4.5.

Once students receive a composite score of 4.5 on the ACCESS test, they will be determined to be English language proficient (ELP) by the state of Maine.

In accordance with federal law, any English learner who has met proficiency must be monitored for two years, by the LAC, in order to ensure academic success. The ESOL teacher will consult with the LAC and determine how and when the monitoring will occur based on the needs of the student. If within those two years, the student's status changes, the student will be reclassified as ML, and have a new PLP developed to meet his/her needs.

### **Special Needs Placement**

English Learner Identification is not a disability covered by IDEA or Maine special education regulations. 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 making little academic progress over time, including but not limited to: the normal process of second language acquisition, the acculturation process, different learning styles, motivation to learn, and/or the student's lack of prior schooling.

If an ML student experiences continued, serious academic/social behavioral difficulty, it must be determined whether the student is exhibiting temporary learning and behavior characteristics shared by learning disabled students and students of English as a second language. Steps must be taken to identify the source of difficulty and possible remedies before making a special education referral. The ESOL teacher must be involved throughout the process. These steps include examining:

- Curriculum: continuity of exposure, scope and sequence, student's entry level skills, cognitive demands, mastery criteria, amount of practice exhibited in the native language
- Instruction: sequencing of content, language use, effective teaching behaviors, coordination with other teachers
- Classroom teacher: qualifications, experience with ML students, teaching style, expectations, perceptions, instructional management, behavior management
- Student: experiential background, native language proficiency, cultural characteristics, cognitive learning style, self-concept, motivation
- Assessment: learning standards, modifications
- Cultural differences: country of origin, length of residence in US, age at arrival
- Language differences: first language characteristics, rate of progress in English, opportunities to use English outside of school, literacy skills in first language
- Environmental factors: background factors, attitudes on schooling, interruptions/traumas, frequency of school moves, family separation, family support for schooling, home environment factors
- Medical/physical factors: history, present conditions
- Achievement/performance factors: listening and reading comprehension, oral and written expression, basic reading skills
- Learning/behavior factors: visual and auditory discrimination, visual and auditory memory, visual motor coordination, problem solving, speech

Parents, teachers, and support staff can initiate referrals to Special Education. Parents/guardians will be provided an interpreter (if needed). The ESOL teacher and classroom teacher will gather the information and make the referral.

An ML student may only be placed in a special education program if:

- Testing shows a learning disability, independent of the English Learner determination
- The student's native language skills were assessed
- Appropriate procedures for special education services have been followed
- All steps, procedures, and testing are well-documented



**NOTE:** ML students may receive RTI or Title I service for which they are eligible under the same criteria as other students, but these services may not supplant structured language support services (ESOL program).

**IV. Meaningful and Equitable Access to Academic and Extracurricular Programs**

All ML students will have equal access to and will be encouraged to participate in all academic programs to the same extent as non-MLs including but not limited to Title 1, Advance Placement courses, Gifted and Talented, and Career and Technical Education. ML students will be identified using the same criteria as non-ML students, taking into consideration language differences and ensuring that language needs are supported within the program. ESOL teachers will be included in the review of data when placements in such programs are considered.

All ML students will have equal access to and will be encouraged to participate in all extracurricular programs to the same extent as non-MLs. ML students will be identified using the same criteria as non-ML students, taking into consideration language differences and ensuring that language needs are supported within the program. Communication with families is made available in a translated format by ~~the ESOL teacher~~ staff as needed.

**V. Equitable Personnel, Facilities, and Materials**

English learners must be provided with sufficient, qualified teaching staff to meet their language learning and academic content acquisition needs, as well as facilities and materials of comparable quality to those of their peers.

All ESOL teachers must possess appropriate teacher certification and ESOL endorsement as defined by the State of Maine. When it is necessary, teachers with conditional certification may be hired if they are actively engaged in obtaining appropriate credentials.

**ESOL Teacher Requirements and Responsibilities**

The responsibilities of an ESOL teacher include, but are not limited to:

1. Function as an active part of the Advisory Committee and LAC.
2. Review all Language Use Surveys for designated schools.
3. Screen cumulative folders of new incoming students.
4. Create (with LAC) a Personal Learning Plan for all students in caseload:
  - A. For students already enrolled: written each May/June for the following school year.
  - B. For new students: written once they are enrolled in the ESOL program.
5. Maintain a Language Development File in the student's cumulative folder (LDF) on each student in caseload.
6. Update and maintain all paperwork for ML students in caseload.
7. Arrange for, and administer, required testing, e.g., preLAS/WIDA Screener for Kindergarten/WIDA Screener Online and ACCESS
8. Monitor and document progress of English language proficiency of ML students in caseload at the end of each quarter (or trimester).
9. Communicate at least quarterly (or each trimester), with parents/guardians regarding progress of students.
10. Provide meaningful cultural and language information to students, teachers, and classmates.
11. Monitor students who have exited the ESOL program for a period of two years.
12. Work with guidance counselors to provide appropriate career and educational information, and accessibility to post-graduate opportunities. (High School)

## **VI. Ongoing Program Evaluation**

The ESOL Advisory Committee is composed of the Director of ESOL Services and the Sanford School Department's ESOL teachers.

The committee is responsible for monitoring and evaluating the overall effectiveness of the ESOL program in accordance with the Lau Plan. The Advisory Committee will meet on an annually and perform the following functions:

- Review staff compliance with Lau Plan procedures and requirements
- Review student data to assess student progress in achieving English proficiency
- Review longitudinal data to ensure outcomes for MLs are comparable to non-MLs who were never English learners.
- Participate in professional development activities
- Obtain feedback and suggestions from staff, parents/guardians and students (when appropriate) concerning the services provided to students under the Lau Plan
- Review Lau Plan annually
- Submit a written report, in May, to the Superintendent regarding the Advisory Committee's findings, including recommendations for changes to Lau Plan, procedures, and/or educational programs and services provided to ML students

## **VII. Meaningful Communication with Parents and Guardians**

The Sanford School Department ensures meaningful communication with parents with a primary/home language other than English in a language they can understand and adequately notifies LEP parents of information about any program, service, or activity of a school district that is called to the attention of non-LEP parents. The Sanford School Department does this through the registration process. The essential information provided to parents includes but is not limited to information regarding: language assistance programs, special education and related services, IEP meetings, grievance procedures, notices of nondiscrimination, student discipline policies and procedures, registration and enrollment, report cards, requests for parent permission for student participation in district or school activities, parent-teacher conferences, parent handbooks, gifted and talented programs. ESOL teachers provide support to the building administrator about how to access interpreters and translation services for families.

Legal reference: Title VI of the 1964 Civil Rights Act  
20 U.S.C. ss 6312; 6701 et seq.  
20-A M.R.S.A. ss 4701  
Maine Department of Education Rules Chapter 127  
Maine DOE Administrative Letter No. 24 (December 9, 2003)  
Maine DOE Priority Notice (February 11, 2020)

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