

MSAD #37 POLICY

ENGLISH LANGUAGE DEVELOPMENT

This plan will be known as the “LAU Plan” (*Lau v. Nichols*: U.S. Supreme Court Decision of 1974) and states identification, assessment, programmatic, and evaluation policies and procedures. The LAU Plan policies will facilitate provision of a high level of instruction and support for **Multilingual Learners (MLs)** in grades Pre-K through 12, in compliance with Title VI of the Civil Rights Act.

It is the policy of MSAD #37 to provide equitable access for **Multilingual Learners (MLs)**. According to the Equal Education Opportunities Act (1974), this district must make an effort to do whatever is educationally appropriate to address the English and educational needs of the **Multilingual Learners (MLs)** so that they can compete with their same age English background peers. Qualifying students will be identified and placed in programs and services in accordance with statutory guidelines.

The MSAD #37 district will strive to provide a linguistically and culturally rich learning and teaching environment. It is the policy of the MSAD #37 district to comply with all federal and state laws prohibiting discrimination against students on the basis of all civil rights categories.

- I. Establish a *Language Acquisition Committee* (LAC) that will consist of an administrator, classroom teacher, **English for Speakers of Other Language (ESOL)** teacher, and a parent or guardian, if possible, and the student, when appropriate. Support staff, such as a guidance counselor, will be included when they are involved in the student’s program.

The responsibilities of the Language **Acquisition** Committee include:

- a. Identify **Multilingual Learners (MLs)** using the **PreLAS** or the **World-Class Instructional Design and Assessment (WIDA)** assessment tools;
 - b. Develop an appropriate and effective language support program that promotes efforts by **MLs** to achieve the Maine Learning Results and Grade Level Expectations;
 - c. Monitor the student’s progress on an on-going basis;
 - d. Notify parent or guardian of all decisions, in a language they comprehend, and their right to appeal their child’s participation in **ESOL**;
 - e. Determine that the **ML** meets the exit criteria by achieving a composite score of 4.5 on Tier C of the **WIDA ACCESS** for **ELL’s** assessment or a composite score of P2 on the **WIDA Alternate ACCESS** for **ELLs**, for students with significant cognitive disabilities;
 - f. Monitor the exited **MLs** for at least two years;
 - g. Make recommendations for programming for the next school year;
 - h. Identify modifications and accommodations needed for students and provide assigned modifications and accommodations to content area teachers. Keep copy in **ML’s** permanent file;
 - i. Create and maintain an English language proficiency assessment file for each **ML**;
 - j. Notify parents of English language proficiency assessments in a language they comprehend.
- II. All newly-enrolled students, including transfers, will be initially screened through the Language Use Survey. The **PreLAS**, **WIDA Screener for Kindergarten** or for grades 1-12 the **WIDA Screener Online**, will be given to all students who indicate a language other than English on the Language Use Survey.
If a student has been previously identified as **ML** in Maine, with the **PreLAS**, **WIDA Screener for Kindergarten** or for grades 1-12 the **WIDA Screener Online**, screening is not required. English proficiency assessment is required annually in all communicative skills domains.

- III. MLs enrolling at the start of the school year must be identified and parents/guardians notified within thirty calendar days. Students enrolling after the start of the school year must be identified within thirty calendar days, and parents/guardians must be notified within two weeks of their child's identification. Possible Limited English Proficiency (LEP) students will be assessed for level of English Language Proficiency. Review multiple sources to assure authentic assessment information; sources may include:
- a. Consultation with classroom teacher where appropriate;
 - b. Anecdotal information from student, family and/or sponsors;
 - c. Testing for proficiency in the Academic English of content areas;
 - d. Oral and written assessment of English;
 - e. Assessment of academic proficiency in the student's L1 (first language) through school records, anecdotal records, writing sample and interview.
- IV. A Retention Policy is in place for all students and will be followed for placement and retention of ML students.
- If a ML is referred for retention, the LAC should be included in that process to ensure that language proficiency is not the sole reason for the referral. According to research findings, acquisition of another language for cognitive/academic proficiency can take from five to seven years under optimal circumstances of academic and English language proficiency support.
- V. Each ML in MSAD #37 will be enrolled in mainstream programs to the extent possible and integrated into regular activities. The regular classroom teacher will share the responsibility of programming with a qualified ESOL teacher. Modifications to the regular curriculum will be supported by appropriate instructional materials. An ESOL program will be provided at a specified school at each level in order to maximize language support services with sheltered content instruction to support access to the Learning Results. Sheltered content instruction is an approach that utilizes the simplification of the English language to teach ESOL and subject area content simultaneously. Although the actual content is the same as that taught to non-MLs, key concepts and vocabulary are targeted to fit the ML student's English language proficiency level.

The following guidelines will instruct the development and implementation of each ML student's program:

1. Implementation of ML's educational program will depend on the degree of English language proficiency identified by the PreLAS, WIDA Screener for Kindergarten or for grades 1-12 the WIDA Screener Online.
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 Learning Results.
4. The ESOL teacher will extend instruction into the classroom providing support to the ML and will share the cultural diversity and the new language with other students (when and if appropriate).
5. Instructional space will be provided to MLs that is comparable to space provided for non-MLs.
6. The amount of time spent with the ESOL teacher will be determined by the annual WIDA ACCESS for ELLs assessment or the Alternate ACCESS for ELLs, for students with significant cognitive disabilities. The tier (A, B, or C) and level (1, 2, 3, 4, 5, 6) for the ACCESS for ELLs and (A1, A2, A3, P1, P2, (P3)) for the Alternate ACCESS for ELLs, guide the intensity and duration of ESOL services.
7. Outreach efforts to parents of MLs, with support to those parents provided in a language they can comprehend.

8. Cooperation with community agencies providing support or services to MLs and participation of MLs and their families in school activities and programs will be encouraged.
9. Program services for MLs will be reviewed annually.

VI. ESOL Teacher requirements are as follows:

1. Hold State of Maine Certification with ESOL endorsement.
2. Administer multi-criteria evaluations used to determine eligibility.
3. Communicate at least quarterly or each trimester with parents regarding progress of the student in a language the parent/guardian understands.
4. Recommend modification or revisions to the LAU Plan.
5. Recommend reclassification or exiting of students based upon WIDA Assessments.
6. Provide meaningful cultural and language information to students, teachers, and classmates.
7. Ensure that high school students receive appropriate career and educational information, that all post-graduate opportunities are made equitably accessible to the LEP student.
8. Monitor students who have exited the ESOL program for a period of at least two years.
9. Maintain a language development file on each student served by the ESOL Program.

VII. A student is not Fluent English Proficient (FEP) until the student achieves a composite score of 4.5 on Tier C of the WIDA ACCESS for ELLs assessment or a P2 on the Alternate ACCESS for ELLs for students with significant cognitive disabilities. A student is not exited from the ESOL program until this goal is achieved.

VIII. 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 progress, 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 ML students, or whether referral to special education is warranted. The ESOL teacher and coordinator 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, the LAC will 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 ML 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.

2. Examine the student's individual and group behavior, parental perceptions, work samples, and teacher perceptions.
 - a. Cultural differences: country of origin, length or residence in the U.S., 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, social perception, problem solving, activity level, speech.
3. Parents, teachers, and support staff can initiate referral to Special Education. Parents will be provided with an interpreter and documentation available in a language parents can comprehend (as needed). The Language Acquisition Committee (LAC) 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 LAC will gather the information and process the referral observing Special Education regulation timelines. The disabling condition **must** occur in the student's primary language and/or the target language to warrant a referral.

IX. In order to ensure the most effective and appropriate structured language support programming for **MLs**, a model for overall program evaluation must be developed and utilized consistent with state and federal statute. An annual program evaluation will illustrate: attainment of program outcomes; English language and content acquisition; attainment of learner outcomes; school climate and support for the program and students; the quality of instructional materials; the amount and effectiveness of mainstream **ESOL** collaboration; the effectiveness of school and program communication with parents; and, the implementation of the LAU Plan itself.

The program accountability and demonstration of outcomes will enhance the program's legitimacy in the school and will consummate the work and methods of the program toward the ultimate goal of continually improving instruction to meet learner instructional needs. The following three circumstances could present themselves. The policy of MSAD #37 is as follows:

1. Although language minority/**ML** students may be eligible for Title I and Title III services under the same criteria as other students, any may receive those services. Title I and Title III services *cannot* supplant structured support services such as **ESOL**.
2. Limited English proficiency is not a disability as defined by the Americans with Disabilities Act of 1994 and State special education regulations. If a language minority student is referred for a special education evaluation, a culturally and linguistically **unbiased** evaluation must comply with state and federal regulations. An assessment of the student's native language skills as soon after school enrollment

as possible is advisable so that any significant problems can be identified and noted for future references. The disability must be determined in the student's primary language and/or target language.

3. In the event that a parent/guardian wishes to refuse ESOL services for their child, a signed Opt-Out Form will be placed in the student's file. These ESOL services will be offered yearly and a letter of refusal must be signed annually. The parent/guardian may withdraw the refusal of services at any time.

X. MSAD #37 will provide as needed, meaningful communication with parents/guardians in a language they can understand.

XI. Funding for the ESOL program in MSAD #37 will be determined annually, predicated upon all students' WIDA ACCESS for ELLs/Alternate ACCESS for ELLs assessment tier and level.

Legal References:

Civil Rights Act (Title VI) of 1964

"No person in the United States shall, on the grounds of race, color, or natural origin be excluded from participation in, be denied under the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Lau v. Nichols: U.S. Supreme Court Decision of 1974

"There is no equality of treatment merely by providing students with the same facilities, textbook, teachers, and curriculum, for students who do not understand English are effectively foreclosed from any meaningful education. "

Memorandum May 25, 1970 Department of Health, Education and Welfare

"Where inability to speak and understand the English language excluded national origin-minority children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students."

Office of Civil Rights, Fall 1985 Memorandum to the May 25, 1970 Memorandum

"Title VI rights are for individual rights, the LEA's must heed the May 25th memorandum even if they have only a single Limited English Proficient (LEP) student."

Board Approved:	June 28, 2006
Revised:	May 19, 2010
Revised:	January 27, 2016
Revised:	September 28, 2016
Revised:	October 31, 2018
Revised:	June 28, 2023