



SCARBOROUGH PUBLIC SCHOOL DEPARTMENT
ENGLISH AS A SECOND LANGUAGE PROGRAM
LAU PLAN

Revised Lua Plan Adopted: 2022
Revised Lau Plan Adopted: 2014
Revised Lau Plan Adopted: 2005
Original Lau Plan Adopted: 1997

Table of Contents

Section 1: Legal Foundation for Providing Effective Educational Services to English Learners

Section 2: English Learner Identification

Section 3: Development of Individualized Language Programs

Section 4: Meaningful and Equitable Access to Academic and Extracurricular Programs

Section 5: Equitable Personnel, Facilities, and Materials

Section 6: Annual English Language Proficiency Test Administration

Section 7: Exit and Monitoring

Section 8: Ongoing Program Evaluation

Section 9: Meaningful Communication with Parents/Guardians

Summary

Glossary

Section 1: Legal Foundation for Providing Effective Educational Services to English Language Learners

A. Legal Requirements:

It is the responsibility of the Scarborough School Department to ensure that all federal and state guidelines are followed to guarantee equal educational opportunities for all students. The Lau Plan describes the procedures the Scarborough School Department will take to provide for the needs of our culturally and linguistically diverse students.

To ensure that all students who are learning English as a second language receive the same quality educational experience as native speakers, the federal government through legislative actions has mandated specific guidelines to be implemented by each local educational agency (LEA) that has at least one student designated as needing extra linguistic support. *Title VI of the Civil Rights Act* declares:

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 subject to discrimination under any program or activity receiving federal financial assistance.

In other words, students who have been classified as English Language Learners (ELLs) and require special language and/or academic assistance must be provided with comparable services, including instructional space and materials.

B. Federal Legislation:

- ***Every Student Succeeds Act (2015)*** provides strong accountability for the education of all children and certain provisions specific to limited English proficient students, especially under Titles I and III of the Act. NCLB (No Child Left Behind) also provides funds to states and local schools and universities to carry out the intent of the Act.

<https://www2.ed.gov/policy/elsec/leg/essa/index.html> (U.S. Department of Education's official ESSA website)

- ***Title VI of the Civil Rights Act of 1964*** prohibits discrimination on the basis of national origin (and other civil rights).

<https://www.dol.gov/agencies/oasam/regulatory/statutes/title-vi-civil-rights-act-of-1964#>

- ***The Equal Education Opportunities Act of 1974*** requires state and local agencies to take “appropriate action to overcome language barriers” confronting language minority students. The “Lau Remedies” (1975) were formulated and used by the Office of Civil Rights to determine compliance by educational agencies. Specifically, they required schools to do the following:

- Identify and assess the English language abilities of the English language learners;
- Utilize the most effective teaching styles and educational programs to meet the students’ learning needs;

- Establish criteria for students exiting ESL programs;
- Establish professional standards for ESL teachers.
<https://www.govinfo.gov/content/pkg/USCODE-2010-title20/pdf/USCODE-2010-title20-chap39-subchapl-part2-sec1703.pdf>

C. Supreme Court Decisions:

- **Lau vs. Nichols (1974)** established two significant legal points:
 - * Equity of educational opportunity does not mean simply providing all students with the same facilities, textbooks, teachers, and curricula. Students who are not fully proficient in English may still be unable to participate in meaningful education.
 - * The second point states that while a LEA may not intentionally discriminate against ELLs, the ensuing result is still discrimination.
http://www.law.cornell.edu/supct/html/historics/USSC_CR_0414_0563_ZS.html
- **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:
http://www.law.cornell.edu/supct/html/historics/USSC_CR_0457_0202_ZO.html
- **Castañeda vs. Pickard (1981)** formulated a three-part test to measure compliance with the *Equal Educational Opportunities Act*.
 - The first part demands that the school system pursue a program of informed educational theory recognized as sound by experts in the field of second language acquisition.
 - The second test requires the school system to implement said theory into practice with the essential procedures, resources, and personnel.
 - The third part stipulates that the adopted theory and practice must yield results; that is, the educational program must show that language barriers are indeed being overcome.

The ruling also informs school districts of their duties to assist ELLs in the learning of academic subjects while improving English comprehension and communication so that the goal of equal participation in standard education instruction is not unduly delayed.

<https://web.stanford.edu/~hakuta/www/LAU/IAPolicy/IA1bCastanedaFullText.htm>

Section 2: English Learner Identification

Action Required by Federal Law and/or State Policy	In specific detail, when and how is this action accomplished in the Scarborough Public School District? Include the job title of the person responsible for ensuring that each action is completed.
--	---

Administration of the Maine DOE Language Use Survey	Families complete this survey upon registration with the Scarborough Public Schools. If any language other than English is mentioned in the Home Language Survey the student is referred to the ESL specialist for possible screening.
Translation/Interpretation Services Provided to Parents/Guardians	Services arranged by ESL specialists as needed using professional interpreters contracted with the Scarborough School Department.
Referral of all Potential English Learners for Screening	Referrals to the English Language Learner program can be made at any time through intake registration, parents, teachers, and ESL specialists.
Administration of English Language Proficiency Screener	Administered by ESL specialists.
Language Acquisition Committee (general ed teachers, ESL teachers, parents, administrators, guidance and other associated staff members) meets to develop Program of Services for Identified English Learners	ESL specialists will convene meetings of necessary stakeholders to complete ESL programming. Identification of English learners must occur within 30 days of enrollment from the beginning of the school year or within two weeks of enrolling during the school year.

Language Assessment Committee

A Language Assessment Committee (LAC) will be created to coordinate and oversee the educational program of limited proficient students enrolled the Scarborough School System. Members of the LAC will include the ESL District Coordinator, ESL instructors, administrators, classroom teachers, guidance counselors, parents (when appropriate), and other ESL consultants who may be involved with this committee as determined by need. The LAC meetings will be scheduled and conducted by the ESL District Coordinator or an administrator of the Scarborough School District. The LAC responsibilities will include the following:

- Review the Home Language Surveys to identify potential ELLs that have not already been identified by LAC surveys, or parent/teacher referrals;
- Inform parents in a language that they understand of the date and nature of English proficiency, recommended services and their right to refuse services for their child;
- Administer multi-criteria evaluations to potential ELLs in English and native languages when appropriate;

- Determine the placement and appropriateness of ESL programming;
- Convene regularly to monitor students' language and academic progress;
- Make recommendations concerning the placement and program for the following school year that will best meet the needs of each student;
- Recommend modifications of ESL support services or reclassification of students;
- Continue to monitor ESL students who have been reclassified as fully English proficient (FEP) for two years;
- Create, maintain and review a record keeping system for recording language assessment for each student identified in meeting the established needs of its students; and,
- Evaluate the success of the ESL program in meeting the established needs of its students.

Records generated by the LAC meetings and testing procedures will be kept in a designated file in the school. A district file in the superintendent's office will hold pertinent ESL document. Copies of formal testing, recommendations, narratives, portfolios, anecdotal notes, and progress reports will be placed in the student's permanent file.

English Language Proficiency Screening Assessment Requirements		
Grade	Screening Assessment	Minimum Score Required to be Non-EL
1 st Semester K	WIDA Screener for Kindergarten	Oral Language Proficiency Level 4.5
2nd Semester K/1 st Semester 1 st grade	WIDA Screener for Kindergarten	Overall Composite Proficiency Level 4.5
1 st grade – 12 th grade	WIDA Screener Online	Overall Composite Proficiency level 4.5

Section 3: Development of Individualized Language Acquisition Programs

It will be the responsibility of a designated member or members of the LAC to review the Home Language Surveys to identify potential English language learners. After this initial screening, the LAC will create an information base on each student with regard to their present situation and past experience. This information should include the following:

- Literacy skills in native language and English

- Educational background (including previous schooling, preferred learning styles, attitudes toward formal schooling)
- Cultural and political backgrounds of the students
- Personal characteristics

All English Learners must have an individualized educational program to meet their English language acquisition and academic content learning needs.

The results of the screener/annual ACCESS for ELL testing indicate the proficiency level of English language learners: Level 1 - Entering, Level 2 - Beginning, Level 3 - Developing, Level 4 - Expanding, Level 5 - Bridging, and Level 6 - Attained. Embedded in each proficiency level are targeted standards used to create ESL programming that is necessary to determine the nature and extent of ESL support.

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.

There are many variables related to the student and school that make it difficult to ascertain the exact time and duration of English language support. In general, students with low level English skills will receive more instructional time than those with intermediate skills who, in turn, will receive more language support than advanced students. It is often possible and advisable for ESL teachers to work with several students of similar proficiency levels at the same time. Occasionally, an ESL teacher may need to work individually with students, especially new arrivals with little or no English. The primary goal, however, is to support the child within the mainstream classroom to the fullest extent possible.

An effective English language acquisition program is tailored to the needs of each student, which may include but is not limited to: scaffolding, sheltered instruction, additional classroom support, consulting with content area teachers, and other strategies.

Standardized tests in the content areas, such as math and science, do not cover the full range of assessment needs for ELLs and should be used in conjunction with other types of authentic assessment such as oral reports, writing samples, projects, exhibitions, and demonstrations. The accurate and effective assessment of ELLs is necessary to ensure that they gain access to appropriate instructional programs.

An annual meeting is held with the student and his or her parents, classroom teachers, and other professional staff as appropriate. The purpose of the annual meeting is to review current ACCESS results and student's academic and social progress in order to determine the type and frequency of the ESL services. Service types include modalities such as push in, pull out, sheltered English and teacher consultation. Specific goals are developed and needed classroom and assessment accommodations are identified.

ESL progress reports are included with the students report cards at regular intervals throughout the school year.

Legal Basis: Title VI of the Civil Rights Act of 1964; Castañeda, 648 F.2d at 1009-10; Cf. 34 C.F.R. § 100.3(b)(1), (2); see also 20 U.S.C. §§ 6312(g)(1)(A)(viii) (Title I), 7012(a)(8) (Title III)

Parents or legal guardians have the right to refuse ESL services for their child. 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 from its responsibility for providing meaningful education to the English Language Learner. If parental refusal of ESL services denies an ELL access to a meaningful education, this violates the English Learner's rights. A parent cannot refuse "education", and if an ELL cannot access education without ESL services, then the school must support the academic learning of the English Language Learner. If an ESL program is necessary in order to ensure academic progress for the English Language Learner, then ESL services must be provided.

Legal Basis: Title VI of the Civil Rights Act of 1964; Titles I and III of the Elementary and Secondary Education Act of 1965

Section 4: Meaningful and Equitable Access to Academic and Extracurricular Programs.

English language learners are entitled to equitable access to all academic and extracurricular programs that their schools offer, such as academic support, college preparatory classes, advanced placement, dual enrollment, gifted and talented, career and technical education, athletics, college counseling, honor societies, performing and visual arts, clubs, and other programs.

Determining special needs programming is a complex process. Screening for English language proficiency is separate and distinct from special education screening. ELL status in itself is not a disability covered by IDEA or Maine special education regulations. ELLs should not be placed in any special education program unless their exceptionality is well-documented and appropriate procedures for special education services have been followed, independent of the ELL identification. See [Tools for Addressing English learners with Disabilities](#)

Students may qualify for and have legal entitlement to both ESL and special education services. Appropriate screening is required to determine students' eligibility for each type of service in accordance with the Scarborough School District Special Education referral process. Depending on a student's learning disability and IEP, universal testing tools or accommodations may be needed in order to measure English language proficiency. When evaluating an ELL for learning disabilities, screening must be linguistically and culturally appropriate.

Legal Basis: 34 C.F.R. § 100.1-.2; 20 U.S.C. § 1703(f)

Section 5: Equitable Personnel, Facilities, and Materials.

The Maine Department of Education requires the English language support program for students who are English language learners to be provided or overseen by a 660 ESOL-endorsed teacher.

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 ESL endorsed teacher. However, only an ESL endorsed teacher is qualified to design, oversee, and implement an English language support program, which includes the interpretation of ACCESS for ELLs/Alternate ACCESS test results.

Section 6: Annual English Language Proficiency Test Administration

Assessing student learning is an essential aspect of education as it provides data that can lead to improved instruction and outcomes. Assessments take many forms. The accurate and effective assessment of ELLs is necessary to ensure that they gain access to appropriate instructional programs.

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). As a member of the WIDA (World Class Instructional Design and Assessment) consortium, Maine has adopted a comprehensive assessment system called the ACCESS for ELLS (Assessing Comprehension and Communication in English State to State for English Language Learners) or Alternate ACCESS, if applicable. The ACCESS for ELLs is a standards-based, criterion referenced English language proficiency test designed to measure English language learners' social and academic proficiency in English. It assesses social and instructional English as well as the language associated with language arts, mathematics, science, and social studies within the school context across the four language domains of listening, speaking, reading and writing.

The Maine Learning Results define the learning standards for all students and are measured each year through state and local assessments. All students must take state mandated assessments in one of the following ways: 1) standard administration, 2) administration with accommodations. ELLs who were enrolled in a United States school for the first time have a one-time exemption from Maine's ELA/Literacy assessment only, if they participated in the ACCESS for ELLs during the testing window or were administered a WIDA screener if enrolled after the ACCESS for ELLs testing window. There is no exemption from the mathematics or science assessment for English learners.

Maine does not have an opt-out policy for any state or federally required assessments. All students are required to participate in these assessments. All ELLs are required to take ACCESS for ELLs annually. (Maine English Language Learner Identification and Placement Guidance Document Updated 9/17/2021)

Section 7: Exiting and Monitoring

If a student is identified as an English language 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.

Per federal guidance, Scarborough School district is to monitor the performance of former students who are English language learners for at least two years after exiting. While Scarborough School 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 language learners and are no longer administered ACCESS for ELLs (or Alternate ACCESS, if applicable).

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

Section 8: Ongoing Program Evaluation

The Scarborough School Department will annually review the objectives, resources, and operation of their ESL Program to determine its effectiveness. The second language acquisition methodologies, curriculum content, and teaching/learning materials will be reviewed in relation to student achievement and goals. The availability, cost, and quality of human and material resources are also considered in the program review. The performance of ESL teachers and specialists is assessed regularly through the district-wide process of teacher evaluation.

Criteria to consider in the evaluation process are:

- Attainment of student learning goals and individual student progress
- Appropriate time allotment for services
- Comparable instructional materials and classroom space
- Instruction based on sound educational practices and ESL theory
- Efficient and accurate record keeping

Legal Basis: Castañeda, 648 F.2d at 1014-15

Section 9: Meaningful Communication with Parents/Guardians

The Scarborough School Department ensures meaningful communication with all parents who have a home language other than English. Limited English Proficient (LEP) parents will be notified about pertinent information in a language they can understand using such tools as Smore, Talking Points, and Google Slide Translator. ESL

specialists will provide support to staff about how to access interpreters and translation services for families.

Summary

Every school district servicing multilingual students in need of added linguistic and academic support must have a Lau Plan that describes the purpose, scope, and nature of the educational program for the students. The Lau Plan is based on sound educational principles and seeks to enable English Language Learners (ELLs) to reach the same academic standards as their native English-speaking peers. The components of the plan address the identification, assessment, instruction, and exiting of ESL students as well as establish the professional standards for teachers of English language learners. A Language Assessment Committee (LAC) will oversee the implementation of the Lau Plan.

In the identification process, the ESL teacher reviews the home language surveys and administers a language proficiency test, the ACCESS screener, to those students identified as needing English language support. From the test results and essential background information, the teacher and other involved school personnel can then devise an instructional plan that will best meet the unique needs of each student.

The instructional program is intended to support and reinforce the skills associated with the particular stage of language development. The mastery of basic oral English is not enough for any student; each must have the opportunity to achieve full academic mastery across all content areas. A sound instructional program will also adopt a multicultural perspective, providing students with the cultural knowledge that they need to promote their acquisition of English, while affirming a respect for their native cultures as well.

Student assessment throughout the instructional process assures awareness of changing needs and provides educators with the information to make effective educational decisions. Some of these decisions will eventually concern the reclassification and exiting of students from the ESL program based on evidence that the student can function well in the mainstream classroom. An exited student will continue to be monitored for two years. Anytime a change occurs in the educational status of an ESL student, the parents or guardians must be notified in a language that they understand.

A strong well-trained staff is the cornerstone of the ESL program. The teachers of ESL students must be certified and endorsed in ESL education. All other teachers, tutors or facilitators who work with ELLs must be culturally competent and offered support on how to effectively work with multicultural students.

The Lau Plan is a procedural guide designed by each school district for the unique needs of its English language learners. It is a document which should be reviewed, analyzed, and changed so that it continues to reflect the educational philosophy that will allow its multicultural students to become responsible, successful citizens in a democratic society and culturally diverse world.

Glossary

ACCESS: Assessing Communicative Competence in English State to State. The ACCESS for ELLS is the new annual comprehensive assessment system that will measure both conversational and academic language at all grade levels for English Language Learners.

ELL: English Language Learner. A student who learning English as a second language and has not yet reached a level comparable to native speakers. This term has been suggested as a replacement for “Limited English Proficient” (LEP).

ESL: English as a Second Language. This term can refer to students who are learning English as their second language as well as the instructional program offered to those students.

FEP: Fully English Proficient. This term describes a minority language student who has developed full proficiency in the usage of English and is mainstreamed into the regular classroom.

LAC: Language Assessment Committee. This is a school-based committee consisting of a variety of personnel who together make decisions regarding student placement, assessment, instruction, and exit from an ESL program.

LEA: Local Educational Agency. This term refers to the local school administrative agency that oversees the instruction of the students within its defined school district.

LEP: Limited English Proficient. This is the term first used in federal legislation to refer to minority language students who have sufficient difficulty speaking, reading, writing, or understanding the English language and whose difficulties may deny these students the opportunities to learn successfully in English speaking classrooms.

Sheltered Instruction: Is an approach to teaching English language learners which integrates language and content instruction.

TESOL: Teachers of English to Speakers of Other Languages. This is the international professional association whose mission is to strengthen the effective teaching and learning of English throughout the world while respecting individuals’ language rights.

WIDA: Wisconsin, Delaware, Arkansas, the original partners in a consortium that produced an enhanced assessment system designed to measure English language competence in both social and academic English. Later, WIDA became known as World-class Instructional Design Assessment. Maine joined the WIDA consortium in the fall of 2003, six months after the consortium was formed.