

# Franklin County Public Schools

## Lau Plan

### English Language (EL) District Procedures



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## **I. PROGRAM OVERVIEW**

Franklin County Schools English Language (EL) program is one that provides instructional support for children who are learning English. The purpose of our EL program is to ensure "children who are limited English proficient, including immigrant children and youth, attain English Language proficiency, develop high levels of academic attainment in English, and meet the same challenging state academic content and student academic achievement standards as all children are expected to meet". (ESEA Part A, Section 3102).

The staff of the Franklin County Public Schools believe that all children should be held to high academic expectations and that all children should participate in the general education program to the maximum extent of his/her abilities with appropriate support. It is in the general classroom setting with English speaking peers that students learning English will be the most motivated to communicate ideas and knowledge.

Each student identified as an EL student will have an individual plan written with his/her specific strengths and weaknesses in mind. EL students shall continue to have equal access to district programs including, but not limited to, gifted and talented, special education and other non-academic/extracurricular activities. Although parents are encouraged to allow their children to participate, the program is not mandatory.

The EL Program is designed to provide English language learners with the English language competencies needed to participate successfully in grade-appropriate instructional activities in challenging academic subjects.

## **II. LEGAL REFERENCES**

Federal Law supports the identification, evaluation and provision of services to children who are learning the English Language.

Title VI of the Civil Rights Act of 1964 No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

In its interpretation of the law, the Department of Education's Office of Civil Rights has established procedures to be followed by all school districts to ensure that their programs are serving EL students effectively. School districts must:

- Identify all EL students who need special language assistance
- Ensure the placement of EL students in appropriate programs
- Ensure all EL students who need a special language assistance program are

being provided such a program

- Take steps to modify ineffective or inadequate programs
- Use appropriate assessment tools to ensure proper placement of EL students

Take the responsibility to effectively notify EL parents with appropriate and sufficient information about all school activities

The Bilingual Education Act, Title VII of the Elementary and Secondary Education Act of 1968 Established federal policy for bilingual education for economically disadvantaged language minority students; allocates funds for innovative programs; recognizes the unique educational disadvantages faced by non-English speaking students.

### **May 25, 1970 Memorandum**

... "Where inability to speak and understand the English language excludes national origin minority group children from effective participation in the educational program offered by the school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students." This memorandum additionally states that school districts may not assign EL students to special education classes solely on evaluations that essentially measure a student's English language skills.

Lau v. Nichols (1974) ... "There is no equality of treatment merely by providing students with the same facilities, textbooks, teachers and curriculum for students who do not understand English are effectively foreclosed from any meaningful education."

The US Supreme Court decided a class action suit against a San Francisco school system provide English language instruction to students of Chinese ancestry, thereby denying them meaningful opportunity to participate in the district's educational program: a violation of Title VI Civil Rights Act of 1964.

### **Castenada v. Pickard (1981)**

The US Supreme Court determined the following requirements of a school district's educational programming for EL students:

- A school system is pursuing a program based on sound educational theory and principle.
- The program and practices actually used by the school system are being implemented effectively.
- EL students are provided assistance in other areas of the curriculum where their equal participation may be impaired by language barriers, or because of deficits incurred during participation in the district's language remediation

program.

*Phylar v. Doe* (1982) The US Supreme Court ruled that the Fourteenth Amendment to the US constitution prohibits states from undocumented immigrant children regardless of their immigrant status. The Court emphatically declared that school systems are not agents for enforcing immigration law, and determined that the burden undocumented aliens may place on an educational system is not an accepted argument for excluding or denying educational service to any student.

### **IDEA**

The reauthorization of the Individuals with Disabilities Education Act (IDEA) has addressed this issue in many different sections. "The definition of 'native Language' has been amended to specify that in all direct contact with a child (including evaluation of the child), the native language is the language normally used by the child in the home or learning environment." (300.19) The law says that evaluation materials and procedures used to assess a child with limited English proficiency must be carefully chosen and administered to ensure that the test is a measure of whether or not the child has a disability and not a measure of the child's English language skills. Additionally, the law states that the test itself must be administered in the child's native language "unless it is clearly not feasible to do so." (300.532 2 a) When determining eligibility for special education services, the law says that children are not eligible if they need specially designed instruction because of limited English proficiency.

<http://www.lrc.ky.gov/kar/title703.htm>

<http://www2.ed.gov/policyelsec/leg/esea02/pg39.html>

### **III. PROCEDURES**

#### **Initial Identification**

EL Student Identification and Screening Procedures for K-12 Students The parent/guardian of each school-age student enrolling in Franklin County Public Schools for the first time will complete a Home Language Survey. If the information indicates that the primary language of the student is not English, then the EL Teacher will administer the WIDA Online Screener (K-12).

- One copy of the completed Home Language Survey is filed in the cumulative folder at the school where the student is enrolling, and another copy is filed in students' EL folder.
- A student that is identified as potentially EL based on the HLS will be administered the WIDA Screener (K-12 grade). If the student in grades K-12 scores an overall composite of 4.5 the student would be identified as Initially Fully English Proficient (IFEP). Grades K-12 students identified as IFEP will not take the ACCESS in January and are labeled Not EL.
- If the WIDA Screener indicates that the student is not English proficient, a Program Service Plan (PSP) will be developed for the student by the PSP committee. The district is required to provide written notification (appendix A) to the parents in a language they understand within 30 days if the student is enrolled at the beginning of the school year and within 2 weeks if the student enrolled after the start of the school year.
- Preschool students are exempt from this testing, but if their parents indicated that English is a second language of the child, information should be offered to them about community-based cultural supports and resources.

#### **Program Service Plan Committee Procedures**

If the student is determined to be limited English proficient or non-English speaking based on the results of the testing and professional judgment, the teacher will arrange a meeting with the Program Services Plan (PSP) committee at the student's school, so that an appropriate program can be designed. This meeting must include parents and must occur within the first 30 calendar days of the school year or within two weeks if the student enrolled after the start of the school year. If parents cannot attend, the team must use and document other methods to ensure that the parents understand the results of the WIDA Screener and the instructional plan that has been designed for their child. The committee will consist of the child's parent(s), a school administrator (the Principal or Guidance Counselor), the student's regular education teacher, the EL teacher, and the student, if appropriate. If the student is in Special Education then the Special Education teacher should be present. Upon notifying the parents of the meeting

to discuss a program plan, if it is agreed that the parents are not English proficient, then an interpreter should also be invited to attend the meeting. Records of all contacts should be maintained by the EL staff member.

The PSP team meets to discuss the results of the testing. Performance Definitions, Language Acquisition Stages, and other examples of the child's work are analyzed and discussed. A Program Service Plan is completed with input from all committee members. In designing this plan, the team must consider all available information regarding the student's learning styles, age, degree of proficiency in his/her native language, motivation, personality, general intelligence, specific interests, learning rate, social skills, and any other data the committee finds pertinent. Service delivery model is discussed and noted on the Individual PSP.

Placement will be consistent with the following guidelines:

- Students will be placed in classroom settings that provide the best possible opportunities for them to continue to learn content material while they are learning English. EL students are entitled to participate in district programs such as Gifted and Talented, Extended School Services and other support programs in a nondiscriminatory manner.
- Students will be placed in age-appropriate classrooms. Even if students have not attended school before, the social nature of schooling cannot be ignored. It is important to place students with their peers and allow them to interact naturally.
- Students will be placed in classrooms that utilize the most interactive methods of teaching. EL students need to listen, speak, read and write in meaningful contexts to acquire English.
- EL personnel may work directly with students in the classroom in conjunction with the general classroom teacher. In this way, EL personnel have a better understanding of what, why, and how content material is being studied, and can provide support that is directly connected to classroom goals.
- Consideration will be given to alternate means of classroom assessment for EL students.
- The PSP committee will encourage EL students' involvement in extracurricular activities at all grade levels.
- Committee members are asked to sign the PSP form, and parents give permission for the plan implementation .
- Parents of English learners have a right to decline or opt their children out of the school district's language acquisition program or opt out of particular English learner service(s) within a language acquisition program. However, their child will continue to take the ACCESS test until they test out by scoring a 4.5 or higher composite. Franklin County remains obligated to provide the student meaningful instruction until the student is

reclassified, inform the parent when progress is not made, and offer the parent programs and services to consider at that time.

- The student is tested annually with the ACCESS, even if services are denied. Recommendations for continued service are made based on test results, teacher observations, classroom performance and parental input. The individual student plan will then be continued, revised, or ended.

Parents must be notified in 30 days or 2 weeks after the school year has begun regarding a child's identification, level of English Language proficiency and academic achievement, means of assessment and continued participation in a recommended language instructional program. (Title III, Section 3302)

Each year, a PSP meeting is held with the committee members to review and update the plan. The updated PSP is then shared with all stakeholders involved in the child's education (building administrator and all staff that provide instruction to the child.) Implementation of the PSP is consistently and regularly monitored for relevance and effectiveness throughout the year.

## **IV. Description of LIEP**

### **INSTRUCTIONAL AND ASSESSMENT ACCOMMODATIONS**

EL students whose primary language is not English and who have been enrolled in an English speaking school are given the state test according to certain guidelines. State regulations address issues related to the determination of participation in state-required assessments and the determination of the need for accommodations or modifications or both. Refer to the District Assessment Coordinator for current policies and procedures.

Accommodations and/or modifications that are used in EL instruction on a regular basis (refer to student PSP) may be used during state mandated testing. These accommodations/modification strategies include, but are not limited to:

- Use of readers
- Paraphrasing
- Bilingual dictionaries without definitions

Curriculum Material that is chosen for our EL program will be based on the english proficiency of the child. Tier 1 kids curriculum will be based on content classes and consultation with the teacher as well as in class support will be provided. Tier 2 students will be provided research based curriculum material including but not limited to English 3D, RAZ kids ELL, iReady, Small group support, etc. Tier 3 students will be provided more intense support in order to acquire the language. They will be using such curriculum as In the USA and other research based curricula that gets them

acquainted with our culture and language.

## **WIDA ENGLISH LANGUAGE DEVELOPMENT (ELD) STANDARDS**

Kentucky joined (WIDA) in 2006 to meet the No-Child Left Behind (NCLB) requirement of an annual English Language Proficiency (ELP) Assessment for EL students. WIDA provides Kentucky with the W-APT (WIDA ACCESS Placement Test) and Online WIDA for screening students who have been identified as potential EL students based on the Home Language Survey (HLS) and the annual EL assessment called the ACCESS (Assessing Comprehension and Communication in English State-to-State). Information on the WIDA Screener and ACCESS can be found on the Office of Standards, Assessment and Accountability (OSAA) ACCESS for ELs webpage. <http://education.ky.gov/AA/Assessments/Pages/EL-Testing.aspx>

The WIDA English Language Development (ELD) Standards for English Learners in Kindergarten through 12th grade serve as Kentucky's required English language proficiency standards. These standards act as a companion document to the Kentucky Core Academic Standards (KCAS) in guiding instruction for Kentucky's English Learners (ELs).

The WIDA ELD Standards do not replace the KCAS. The WIDA ELD Standards represent the social, instructional, and academic language that students need to engage with peers, educators, and the curriculum in schools.  
<http://www.wida.us/standards/eld.aspx>

### **EL Services**

Location of services is outlined in the PSP for each EL student based on ACCESS scores and educational need. Services are delivered by an EL staff person in conjunction with the student's general education teachers. Some EL students will also receive Response to Intervention services; therefore, collaboration must occur between all service providers.

In order to ensure the success of EL students, each student's PSP identifies the educational approach that will be used. The options are:

### **Methods of Instruction**

A description of the language acquisition programs provided in *Franklin County* are listed below.

- **Sheltered English Instruction:** An instructional approach used to make academic instruction in English understandable to EL students. In the sheltered classroom, teachers use physical activities, visual aids, and the environment to teach vocabulary for concept development in mathematics, science, social



studies, and other subjects.

- **Structured English Immersion Program:** The goal of this program is acquisition of English language skills so that the ELL student can succeed in an English-only mainstream classroom. All instruction in an immersion strategy program is in English. Teachers have specialized training in meeting the needs of ELL students, possessing either a bilingual education or ESL teaching credential and/or training, and strong receptive skills in the students' primary language.
- **Content-based English as a Second Language:** This approach makes use of instructional materials, learning tasks, and classroom techniques from academic content areas as the vehicle for developing language, content, cognitive and study skills. English is used as the medium of instruction.
- **Newcomer Program:** Newcomer programs are separate, relatively self-contained educational interventions designed to meet the academic and transitional needs of newly arrived immigrants. Typically, students attend these programs before they enter more traditional interventions (e.g., English language development programs or mainstream classrooms with supplemental ESL instruction)
- **POE: Pull-out ESL/resource** in which the student is removed from the general education classroom to receive instruction individually or in a small-group of learners.

A student who has scored higher than a 4.0 on ACCESS shall have EL services in a push-in (co-teach) setting.

**Instructional Delivery Tiered Plans**

Organizational Factors	Tier 1	Tier 2	Tier 3
Time allotted for direct language instruction	none	30-45 min/day, 3-5 days a week	45-90 min/day; 4-5 days /week
Instructional Grouping	Co-Teach structure	5-15 students (can be within co-teach structure)	1-8 students
Duration of Instructional Grouping	Ongoing	8- 20 weeks	5-6 months
Teacher Delivering Tier 2 Targeted	n/a	EL Staff or within Co-teach structure	EL Staff

Language Instruction			
Teacher Delivering Tier 1 Academic Language	General Education Teacher with collaboration/co teach with EL Staff	General Education Teacher or within co teaching structure	n/a
Teacher Delivering targeted instruction in reading (intervention)	Reading interventionist; Spec. Ed	Reading interventionist; Spec. Ed	n/a
<b>Assessment Factors</b>	<b>Tier 1</b>	<b>Tier 2</b>	<b>Tier 3</b>
Assessment Framework	<ul style="list-style-type: none"> <li>• ACCESS 2.0</li> <li>• iReady</li> <li>• CERT</li> </ul>	<ul style="list-style-type: none"> <li>• ACCESS 2.0</li> <li>• iReady</li> <li>• CERT</li> </ul>	<ul style="list-style-type: none"> <li>• Access 2.0</li> <li>• Check point assessments specific to Newcomer program</li> </ul>
Curriculum	Kentucky Standards Classroom Content	<p>Academic Language to support content area instruction.</p> <p>Some direct language instruction based on ELD standards, if needed.</p>	Social and Instructional Language
<b>Organizational Factors</b>	<b>Tier 1</b>	<b>Tier 2</b>	<b>Tier 3</b>
Instructional Focus	Academic Language within Content areas.	<p>Features of Academic Language within all four domains; reading, writing, listening, and speaking</p> <p>Discourse: Linguistic Complexity</p> <p>Sentence: Language Forms and Conventions</p> <p>Word/Phrase: Vocabulary Usage</p>	<p>Oral Language Development</p> <p>Introductory English Literacy Skills</p>

**Tier 3: LOW Students and Newcomers (1.0-2.4)**

These learners receive direct, intensive EL instruction, delivered by EL Staff for 5-6 months. After this time, the EL moves into tier 2.

Levels	Notes	Service time	Curriculum
Grades K-1	Scores 1-2.4 in Listening and Speaking, oral , Access	30 min/day	Ellevation; Finish Line, iReady, "Look, Llsten, Speak: Interactives for ELLs" Or other research based programs
Grade 2-5		45-90 min/day	Ellevation; Finish Line, iReady, "Look, Llsten, Speak: Interactives for ELLs" Or other research based programs
Grade 6-12		45-90 min./day	"Inside the USA", Ellevation, Finish Line, English 3D Or other research based programs
<b>Tier 2: (2.5-3.9)</b>			
Based on teacher feedback, ACCESS scores, as well as classroom performance, tier 2 students may receive English 3D program in order to improve academic vocabulary. If needed, they may also be provided in class supports.			
<b>Tier 1 (4.0-4.4)</b>			
Students in tier one will be placed into mainstream classes. The EL staff will provide in class support as well as consultation to support the teacher.			

EL Staff members will:

- Assist in identifying helpful instructional and behavioral strategies. Curriculum and educational approaches used to serve EL students must be "tied to scientifically-based research on teaching EL children that has been demonstrated to be effective." (3113(b)(6)). EL Staff will have access to a list of resources to utilize and provide to general education staff to be used to enhance learning for students receiving EL services.
- Consider all the available information to identify what accommodations the

student may need in order to learn and be successful.

- Develop realistic targets or benchmarks that would indicate successful growth.
- Encourage the student's family to continue to enrich the primary language and participate in developmentally appropriate family and community activities.
- Stay in close contact with general education teachers and the student.
- Maintain student files for each EL student on their caseload. Content must include, but is not limited to, the following:
  - Student Information Document
  - Home Language Survey
  - Individual Program Services Plan
  - Assessment results
  - Monitoring Records
  - Exiting Information

### **Annual English Language Proficiency Assessment and Administration**

All Active EL students will take the ACCESS for ELs English language proficiency assessment annually until they meet the exit criteria. Students whose parents deny services will also take ACCESS for ELs until they meet exit criteria,

### **Exiting Students from the English Language Learner Program**

In order to exit from an EL program in the state of Kentucky, a student must achieve a score on ACCESS of 4.5 or higher Overall Composite .

The Program Exit Date will be the student's last day of enrollment in the current school year.

### **Monitoring Guidelines**

The academic progress of former limited English proficient students who have been re-designated fully English proficient (RFEP) must be monitored for four-years (for those who began monitoring after 17-18 school year) after exiting from a language instruction program.

This monitoring must ensure that RFEP students are able to participate meaningfully in the mainstream classroom, which means:

- 1) students are able to perform on-level with their native English speaking peers in the mainstream classroom;
- 2) students are able to have full access to all aspects of the school's mainstream curriculum and participate successfully without the use of simplified English materials; and
- 3) students have access to language instruction services, if needed.

English Language staff members must formally monitor the student's academic performance regularly. The information must be documented in the student's records. If monitoring shows that the student is struggling in academic performance and/or English language skills, appropriate assistance and language instruction services must be made available to the student.

The district must collect data on the academic performance of RFEP students for the duration of the four-year period. The sources of information collected may include:

- Records on length of time from entry in a US English speaking school to exit from EL programs
- Performance on standardized achievement tests Grades in content area classes Grade Point Averages (GPAs)
- Teacher observations Parent observations and/or feedback
- Meeting promotion and graduation requirements
- Graduation rates

After 4 years of monitoring, an EL student will be exited from the EL program when it is determined that the student has achieved sufficient proficiency in reading, writing, speaking and comprehending the English language in order to participate successfully in the general education program. The final exit letter will be completed and sent to the parent/guardian. EL staff will inform the teachers and school principal that the student will be exiting the EL program.

## **VI. PROGRAM EVALUATION**

The EL Director will meet with the Superintendent, Curriculum Directors, and Principals to ensure that program elements are appropriate and effectively meeting the needs of the EL population. ACCESS scores, MAP scores, state assessment data, retention rates, dropout rates, teacher input from yearly surveys, parental input etc. will be reviewed to determine if EL students are making progress in the development of their language skills and in the general education curriculum.

The EL Director shares the results of the ACCESS testing with district administrators at an administrative staff meeting at the beginning of the school year. Student roster reports and teacher reports are given to each principal to assist in making decisions about instruction at the building level. District scores are compared to previous year scores giving administrators a visual representation of progress made and improvements that may be needed. A copy of the Can Do descriptors (<http://www.wida.us/standards/eld.aspx>) and an explanation of their use are given to each principal, along with a copy of our EL district procedures overview.

## **VII. PARENT INVOLVEMENT**

Parents will be included in all decision making regarding their child's education including the development of the Individual PSP and the determination of successful completion. Parents will also be asked to rate the program's effectiveness annually.

Notification to have their child participate in the program will be sent out 30 days after school starts or two weeks once school has begun.

Translators will be provided for parents if needed for a meeting.

The EL program and individual schools may hold regular meetings and events for EL parents and Community members.

## **VII. REFERRING STUDENTS FOR SPECIAL EDUCATION AND GIFTED & TALENTED**

### **SERVICES**

Special Education with a student who has previously been determined to have limited English proficiency, the special education referral process should begin with a review of the Program Service Plan along with any other interventions and subsequent impact on educational performance. If it is clear that the student has had sufficient time to learn the skills presented to him/her with appropriate accommodations and considerations have been made regarding culture, experience and individual personality traits, the

Admissions and Release Committee (ARC) may proceed with the referral for special education. All forms of communication with the parents must be translated or interpreted in the native language unless it is clearly not feasible to do so. The EL Teacher becomes a member of the Admission and Release Committee (ARC). The Special Education Director and EL Director must be notified of all EL special education referrals for students in grades K-12. The Preschool Coordinator is notified of any special education referrals for children aged three to five.

**Evaluation materials and procedures used to assess a child with limited English proficiency must be carefully chosen and administered to ensure that the test is a measure of whether or not the child has a disability and not a measure of the child's English language skills.**

Gifted and Talented Services Teachers review MAP data at the beginning of the school year for reading and math in grades K-8. For any student scoring at or above the 96th percentile, the process of gathering the other two supporting pieces of data is initiated. Students in K-3 are identified for the Primary Talent Pool. If identified, classroom teachers provide differentiation for the student. Additionally, as part of the initial Gifted and Talented training, teachers are intentionally instructed to look closely at students who may be part of another sub-population for gifted tendencies and characteristics. These characteristics are presented to teachers annually.

#### **IV. PROFESSIONAL DEVELOPMENT PLAN AND INFORMATION**

High-quality professional development opportunities will be offered to general education teachers, EL staff, administrators, paraprofessionals, and other school personnel as they become available. Trainings/conferences (TESOL, ELD Standards Training, WIDA Training, etc.) will be offered to the aforementioned group.

Each year EL instructors will prepare a presentation for faculty members in the district designed to share knowledge from trainings attended covering instructional strategies and best practices for EL students. School district administrators will be encouraged to invite EL presenters to their buildings to receive this training within the framework of faculty meetings, PLC meetings, and/or departmental meetings. EL staff will be able to present an overview of the WIDA website tool and instructional strategies at school-based faculty meetings throughout the school year as requested by building principals. EL instructors send an overview of this material to school principals at the beginning of each year that can then be disseminated to building level staff.

Additional in-district trainings for EL staff will focus on WIDA standards, ACCESS test administration, and research-based instructional strategies. In-district trainings will also target differentiation of instruction and using tools from the WIDA Website to improve

instruction. Available trainings will be those based on scientific research and those that have been proven effective in increasing children's English proficiency. EL staff will then be able and available to disseminate this information to general education staff members and administration during PSP meetings, Student Support Team meetings, and/or teacher conferences on an as needed basis.

#### **IV. Private/Home School**

Annually, the district will conduct timely and meaningful consultation with private and home schools for provision of services on an equitable basis to determine eligibility for English Language services.

If it is concluded through the consultation that they are eligible the EL staff will conduct a Home Language Survey and WIDA Screener (K-12). If they qualify, they will receive appropriate services in English Language Instruction. They will take the ACCESS test to determine continued eligibility. EL staff will conduct a survey and analyze ACCESS data to evaluate the effectiveness of the program.