



Regional School Unit 5
Durham · Freeport · Pownal

"To inspire and support every learner by challenging minds, building character, sparking creativity, and nurturing passions."

Jean Skorapa, Superintendent of Schools
Peggy Brown, Interim Director of Finance & Human Resources

Cynthia Alexander, Assistant Superintendent of Schools
June Sellers, Ed.D., Director of Instructional Support

TO: Colin Cheney, Candy deCsipkes, Maddy Vertenten
CC: Jennifer Winkler, June Sellers
FROM: Cynthia Alexander
DATE: November 29, 2022
RE: Policy Meeting – December 2, 2022

The Policy Committee is scheduled to meet on Friday, December 2, 2022 at 8:45 a.m. via Zoom at the following link: <https://networkmaine.zoom.us/j/88179232220> Meeting ID: 881 7923 2220 or join by telephone at 1-646-876-9923

Agenda

IHBEA - Program for English Language Learners
IHBEA-R-LAU Plan
IHBAC - Child Find
JRA-Student Education Records and Information

PROGRAM FOR ENGLISH LANGUAGE LEARNERS

The Board of Directors recognizes that there may be some students attending RSU No. 5 schools for whom English is a new or second language. These students may be significantly challenged as they acquire or improve English proficiency at the same time they are learning the knowledge and skills associated with the content standards of the system of Learning Results. In order to ensure equal educational opportunity, the school system will provide a program for students who are limited in English proficiency.

To that end, the Superintendent/designee shall be responsible for developing and implementing the school unit's "Lau Plan." The Lau Plan will describe:

- A. How students will be identified as being from a non-English language background;
- B. How such students will be assessed to determine their English language proficiency level and their need for support in content areas;
- C. The types of services the school system will provide English Language Learners to meet their English language acquisition needs and support in content areas;
- D. How English Language Learners will be evaluated for the purpose of determining when to reduce services or exit them from the language support services when they are ready to benefit from an all-English Learning Results aligned curriculum, and how their progress will be monitored after they have stopped receiving ESL services; and
- E. How the school system will evaluate the effectiveness and appropriateness of the language support program for English Language Learners.

The Lau Plan will also describe how the school unit will communicate with English Language Learners parents.

The school unit will comply with all applicable federal laws and/or regulatory requirements if federal funds or grants are utilized for English Language Learners.

Legal References: Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d
P.L. 107-110 (No Child Left Behind Act of 2001)
20-A M.R.S.A. § 15670(18)
Ch. 127 § 3.02 (Me. Dept. of Ed. Rule)
Commissioner's Administrative Letter No. 24 (December 9, 2003)

Adopted: February 24, 2010
Reviewed: April 25, 2012
Revised: April 26, 2017

RSU No. 5 School Department LAU PLAN

RSU No. 5 School District English Language Learners (ELL) Program

A Lau Plan, named after the landmark Lau vs. Nichols U.S. Supreme Court Decision of 1974, is an equal access plan that protects English Language Learners (ELLs).

The RSU No. 5 School Department does not discriminate against English Language Learners (ELL). In accordance with the Equal Education Opportunities Act (1974), the School Department makes an effort to do whatever is educationally appropriate to address the English and educational needs of the English Language Learners so that s/he can participate with her/his English background peers in the educational program of RSU No. 5 schools. Eligible students will be identified and placed in programs and services in accordance with statutory guidelines. The RSU No. 5 School Department strives to provide a linguistically and culturally rich teaching and learning environment. It is the policy of the RSU No. 5 School Department to comply with all Federal and State laws prohibiting discrimination against students on the basis of all civil rights categories. The district program for ELL will be overseen by the Director of Instructional Support.

Part I: STUDENT ASSESSMENT

A. Identification of English Language Learners

The Maine Department of Education conducts an annual home language survey to determine the number of language minority children who are enrolled in Maine schools. Schools collect the completed surveys from the parents/guardians of new kindergarten students and newly transferring students. In order to provide English as a Second Language (ESL) services in a timely manner, potential ELL students should be tested and placed within one month.

RSU No. 5 School Department will use the following instruments to identify English Language Learners (ELLs):

- Home Language Surveys
- Maine DOE approved WIDA Screener
- Review of all relevant educational documents and student records
- Teacher observations

B. Assessment for English Language Proficiency

Once a child has been identified as being from a non-English language background or having spent considerable amount of time in a non-English speaking country (and that stay has affected the child's ability to comprehend and express in English).

RSU No. 5 School Department will ensure that the following instrument is administered annually to determine the English language proficiency of ELLs:

- Annual administration of the ACCESS for ELLs English Language Proficiency Test
- Teacher observations and recommendations

C. District Language Assessment Committee (DLAC)

The District Language Assessment Committee (DLAC) is a group of district-wide school staff and parents of students that meets to discuss and develop an appropriate and effective structured ESL program for English Language Learners. The District Language Assessment Committee will:

- Oversee RSU5's ESL program and advise on identifying, serving, assessing, and exiting an English Language Learner from the program.
- Serve to notify parents about upcoming WIDA-ACCESS testing.
- Recommend revisions to the Lau Plan for action by the Superintendent and School Board.

The DLAC will meet twice per year in fall and spring, to review the ESL Program, the effectiveness of the program, and to re-direct certain instructional activities, if necessary. It is the responsibility of the ESL teacher to convene DLAC Committee and schedule meeting dates.

D. An RSU No. 5 Language Assessment Committee (LAC) is established at each school to coordinate and oversee the educational program of English Language Learners enrolled in the RSU No. 5 School Department. LAC members will include the Director of Instructional Support or Building Administrators, classroom teacher(s) and an ESL teacher.

The LAC responsibilities will include the following:

- To make determinations based on either the WIDA-ACCESS, or WIDA Screener about placement, programming services and delivery of services.
- To meet annually, or more frequently if needed, to monitor English Language Learner's language and academic progress.
- To meet with school staff to provide information about English Language Learners and the ESL Program.
- To recommend modification of ESL support services or reclassification of ~~a~~ students English Language Learners.
- To develop an Individual Language Acquisition Plan for each eligible English Language Learner.
- To continue annual monitoring for two years after English Language Learner's reclassification to full English proficiency.

PART II: STUDENT PLACEMENT (ENTRY AND EXIT)

A. Factors that Affect Program Design

There are many factors that must be considered when determining the most appropriate and effective structured language support program. Some of those factors are:

- Age of the child
- English language proficiency level
- Native language proficiency level
- Amount of interrupted schooling in the child's background
- The amount of native language literacy skills the child possesses
- Amount of trauma (if any) in the child's background, especially from refugees
- Amount of literacy readiness/exposure in child's background

B. Classification of Student's English Fluency Level

The English language proficiency level of language minority students can be translated to classification categories. These categories are:

- Level 1 – Entering
- Level 2 – Beginning
- Level 3 – Developing
- Level 4 – Expanding
- Level 5 – Bridging
- Level 6 - Reaching

C. Grade-level Placement

Based on the results of the LAC meeting, the building principal will place the English Language Learner in an appropriate grade. An English Language Learner will not be placed in a grade level that is more than one year below his/her chronological age.

D. Criteria for Reclassification, Transfer and Exit

If a structured language support program is effective and appropriate, the English Language Learner will eventually be: (a) reclassified at a higher level of proficiency, or (b) exited from the structured language support program entirely. Students will be exited based on achieving a WIDA ACCESS composite score of 4.5.

If and when the child is found to be eligible for reclassification or exit, the LAC will need to monitor the child's academic performance and psychosocial well being after the reclassification or exit is made. In the case of a student who is reclassified, the decreased ESL instructional time should be monitored in terms of: continued academic success; adjustment to a longer time period in the mainstream classroom; and, instructional needs being met in the structured language support program. In the case of exit from the program, the full mainstreaming should be monitored for academic success; adjustment to the full-time mainstream classroom; and, any emerging language skills needs that may surface once mainstreaming has occurred.

After a child has been exited from a structured language support program, that child's language performance and growth must be monitored for two years (if the child is still in school). During

those two years of monitoring, if the child experiences a pattern of difficulty with language or content skills, the LAC can re-enter the child into the structured language program.

In the event that a parent/guardian refuses ESL services for a student, a signed letter of refusal is to be placed in the student's file. These ESL services will be offered yearly, and a letter of refusal must be signed annually. The parent may withdraw refusal of services at any time.

PART III: PROGRAM INSTRUCTION

A. Teacher Skills and Credentials

Just as with any other teaching specialization, ESL teachers require special pedagogies to provide the best services for their students. The State Board of Education in 1988 adopted an ESL endorsement for teachers. ESL language support services may be provided in two personnel configurations:

1. An ESL-endorsed teacher provides direct ESL instruction
2. An educational technician supervised by an ESL-endorsed teacher

The presence of an ESL-endorsed professional is imperative for an effective and appropriate program to be implemented. The recommended configuration is the former; recommended by Office for Civil Rights and the Maine Department of Education.

B. Service Delivery Models

There are several types of structured language support programs the RSU No. 5 School Department believes can be beneficial to English Language Learners. This system's ability to provide some of these programs depends on both availability of native-language speaking personnel and availability of native language instructional materials for sheltered content. The keys to an effective and appropriate program choice will include careful consideration of the child's needs, full research into the resources available (personnel, materials), and full understanding of the possible program configurations.

Some of the likely structured language support programs to be used in RSU No. 5 schools will include:

English as a Second Language: A structured language learning program or curriculum designed to teach English to students whose native language is not English. Pullout and push-in services are provided based on individual student's need. Services are provided by or supervised by a State certified teacher endorsed in ESL.

Sheltered English: An approach that utilizes the simplification of the English language to teach ESL and subject area content simultaneously (sometimes called "content ESL"). Although the

actual content is the same as that taught to non-ELL students, key concepts and vocabulary are targeted to fit the ESL student's English language proficiency level.

A structured language support program encompassing the above models will be provided in a time allocation that will most benefit the ELL. The consideration of many factors must take place when a program is being developed. However, the ultimate goal is to provide effective and appropriate services to the student so that s/he may benefit fully from and succeed in an education conducted in English.

The determination of a time allotment for structured language support programs will be made by the Language Assessment Committee with assessment information available.

PART IV: PROGRAM EVALUATION AND RECORDKEEPING

In order to ensure the most effective and appropriate structured language support programming for English Language Learners, a model for overall program evaluation must be developed and utilized. An annual program evaluation will illustrate the following: attainment of program outcomes; attainment of learner outcomes; school climate and support for the program and children; the quality of instructional materials; the maintenance of information about students; the effectiveness of staff development activities; the amount and effectiveness of mainstream – ESL collaboration; the effectiveness of school and program communication with parents; and the implementation of the district's Lau Plan itself approved by its Board.

In all the procedures involving the identification, assessment, provision of services, and exit from services for English Language Learners, thorough record keeping must be implemented and maintained.

It is the responsibility of the ESL teacher to maintain accurate files for each English Language Learner. Items included in student files (but not limited to) would consist of:

- Copy of the Home Language Survey
- Copy of the WIDA-ACCESS/MODEL tests
- Test scores
- Copy of ILAP
- Any other pertinent information

Part V: STATUTE

Legal Obligation of Schools toward English Language Learners

1. Civil Rights Act of 1964

Title VI: "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 subjected to discrimination under any program or activity receiving Federal Financial Assistance."

2. Office for Civil Rights Memorandum (1970):

“(1) Where inability to speak and understand the English language excludes national origin minority group 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.

(2) School districts must not assign national origin minority group students to classes for the mentally retarded on the basis of criteria which essentially measure or evaluate English language skills; nor may school districts deny national origin minority group children access to college preparatory courses on a basis directly related to the failure of the school system to inculcate English language skills.

(3) Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead end or permanent track.

(4) School districts have the responsibility to adequately notify national origin minority group parents of school activities, which are called to the attention of other parents. Such notice in order to be adequate may have to be provided in a language other than English.”

3. Lau v. Nichols: U.S. Supreme Court decision of 1974

“No state shall deny equal educational opportunity to an individual on account of his or her race, color, sex, or national origin, by –

- (f) 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.”

Administrative Procedure Adopted: 4/13/10

Administrative Procedure Reviewed: 4/3/12

Adopted by Board: 4/26/17

CHILD FIND

RSU No. 5 seeks to ensure that all children within its jurisdiction are identified, located and evaluated who are school-age 5 through the school year in which they turn 20 and who are in need of special education and supportive assistance -- including homeless children, state wards, state agency clients, students who have been suspended or expelled, children attending private schools receiving home instruction, children incarcerated in county jails, children who have the equivalent of 10 full days of unexcused absences or 7 consecutive school days of unexcused absences during a school year, highly mobile children (including migrant or homeless), and children who are suspected of being disabled and in need of special education and supportive assistance even though they are advancing from grade to grade.

The school unit's child find responsibility shall be accomplished through a unit-wide process which, while not a definitive or final judgment of a student's capabilities or disability, is a possible indicator of special education needs. Final identification of students with disabilities and programming for such students occurs only after an appropriate evaluation and a determination by the IEP Team.

The school unit shall provide Child Find during the first 30 days of the school year or during the first 30 days of enrollment for transfer children, in addition to other Child Find activities provided by the school unit.

This child find process shall include obtaining data on each child through multiple measures, direct assessment, and parent information regarding the child's academic and functional performance, gross and fine motor skills, receptive and expressive language skills, vision, hearing and cognitive skills. RSU No. 5 may schedule child find activities during its annual kindergarten enrollment to assist in planning for necessary special education and related service at the start of the school year. If screening occurs in the spring prior to school entry, RSU No. 5 will refer the child to the regional CDS site within 10 school days.

If the child find process indicates that a student may require special education and supportive services in order to benefit from regular education, the student shall be referred to the IEP Team to determine the student's eligibility for special education services.

School staff, parents, or agency representatives or other individuals with knowledge of the child may refer children to the IEP team if they believe that the student, because of a disability, may be in need of special education and supportive services in order to benefit from regular education. Such a referral should follow the school unit's pre-referral and referral policy.

Legal References: 34 C.F.R. § 300.111 (2006)
Me. Dept. of Educ. Rule Ch. 101, IV 2(A), (C) (2015)
Me Dept. of Educ. Administrative Letter 1 (January 21, 2021)

Adopted: June 24, 2009
Reviewed: April 25, 2012
Revised: April 24, 2013
Revised: February 28, 2018

STUDENT EDUCATION RECORDS AND INFORMATION

RSU No. 5 shall comply with the Family Educational Rights and Privacy Act ("FERPA") and all other federal and state laws and regulations concerning confidentiality and maintenance of student records and student information.

A. Directory Information

RSU No. 5 designates the following student information as directory information: name, participation and grade level of students in recognized activities and sports, height and weight of student athletes, dates of attendance in the school unit, and honors and awards received. RSU No. 5 may disclose directory information if it has provided notice to parents (and eligible students over 18) and has not received timely written notice refusing permission to designate such information as directory information.

B. Military Recruiters/Higher Education Access to Information

Under federal law, military recruiters and institutions of higher education are entitled to receive the names, addresses and telephone numbers of secondary students and RSU No. 5 must comply with any such request, provided that parents have been notified of their right to request that this information not be released without their prior written consent.

C. Information on the Internet

Under Maine law, RSU No. 5 shall not publish on the Internet any information that identifies a student, including but not limited to the student's full name, photograph, personal biography, e-mail address, home address, date of birth, social security number and parents' names, without written parental consent.

D. Transfer of Student Records

As required by Maine law, RSU No. 5 sends student education records to a school unit to which a student applies for transfer, including disciplinary records, attendance records, special education records and health records (except for confidential health records for which consent for dissemination has not been obtained).

E. Designation of Law Enforcement Unit

School units may disclose student education records without parental consent to personnel of its law enforcement unit, provided that they have been designated as school officials with legitimate educational interests for the purpose of compliance with FERPA.

The Board hereby designates its School Resource Officer, Freeport Police Department, Cumberland County Sheriff's Department and the Androscoggin Sheriff's Department as RSU No. 5's law enforcement unit for the purpose of disclosure of student education records under FERPA.

F Health or Safety Emergency Emergencies

As permitted by FERPA, the school unit may disclose personally identifiable information from a student's educational record to appropriate parties, including parents of an eligible student, if taking into account the totality of the circumstances, it determines that there is an articulable and significant threat to the health or safety of the student or other individuals and that knowledge of the information is necessary to protect the health or safety of the student or other individuals. In the event of disclosure, the school unit will record the articulable and significant threat that formed the basis for the disclosure and the parties to whom the school unit has disclosed and maintain such record with the student's educational record.

G. Administrative Procedures and Notices

The Superintendent is responsible for developing and implementing any administrative procedures and parent notices necessary to comply with the applicable laws and regulations concerning student education records and information. Notices shall be distributed annually to parents and eligible students concerning their rights under these laws and regulations. A copy of this policy shall be posted in each school.

Legal Reference: 20 U.S.C. § 1232g; 34 C.F.R. Part 99
20 U.S.C. § 7908
20-A M.R.S.A. §§ 6001, 6001-B
Ch. 101, 125 (Me. Dept. of Ed. Rules)

Cross Reference: JRA-E – Annual Notice of Student Education Records and Information Rights
JRA-R – Education Records and Information Administrative Procedure
ILD – Student Surveys

Adopted: July 8, 2009
Revised: November 30, 2011
Reviewed: November 30, 2016