# English Learners Plan (Lau)
# Board Policy IGBH-AF1

West Plains R-VII School District

## I. LEGAL

Federal and state laws, acts and court decisions address the need and requirement of supporting English language learners. They also describe the program requirements. A summary of these laws, "The Legal Foundation for EL Programs in Public Schools," is provided in the appendix.

## II. DEFINITIONS

a. ESOL: English for Speakers of Other Languages
b. ESL: English as a Second Language
c. ELL: English Language Learner
d. CLD: Culturally and Linguistically Diverse
e. WIDA: World-Class Instructional Design and Assessment
f. W-APT: WIDA ACCESS Placement Test
g. ACCESS: WIDA's annual Assessing Comprehension and Communication in English State-to-State language assessment
h. WMLS-R: Woodcock Munoz Language Survey – Revised
i. MELL: Missouri Migrant and English Language Learning program - administered by the State of Missouri
j. AMAO: Annual Measurable Achievement Objectives
k. NCLB: No Child Left Behind

## III. IDENTIFICATION

All students of West Plains R-VII public schools will be surveyed or interviewed upon enrollment to determine who may be considered a language minority student (see Appendix B). This designation includes students who speak a second language as well as students who live in households in which a language other than English is spoken.

A. On the initial enrollment form, parents or students answer two questions regarding the second language in the household. If the answer is yes to either question, the Director of Special Services will be notified, and the Language Use Survey (see Appendix B) will be sent home for completion –and/or a student interview will be conducted (West Plains Middle School and West Plains High School Students). NOTE: *If parents cannot communicate with school staff, a secretary will contact the school Director of Special Services to secure enrollment assistance.*
B. The building office manager or counselor of the school building will ensure the student/parent complete the forms, and then forward the forms to the West Plains R-VII ESL teacher.

C. When the West Plains R-VII ESL teacher is notified, the teacher will schedule and administer the W-APT screener from WIDA to determine if the student is eligible for services during the first 30 days of a new school year, or within 10 school days of enrollment.
D. Students may also be identified based upon teacher referrals and/or by requests for testing.
E. Identification and initial assessment documents will be kept in the West Plains R-VII Special Services office as well as the student's permanent record.
F. Based on the identification of need, the district will determine and provide appropriate language assistance services.

## IV. INITIAL ASSESSMENT

All potential EL students will be administered the W-APT online screener, as required by the State of Missouri, by the West Plains R-VII ESL Teacher.

A. If a student in grades 2-12, and second-semester first grade, receives a score of less than 5, they will be eligible for services.
B. First-semester kindergarten students will be administered only speaking and listening sections of the W-APT screener.
C. Kindergarteners who score a combined 29-30 on the listening and speaking sections may take the reading and writing portion of the Kindergarten Screener before the end of the first semester if the test administrator feels the student can be successful. By giving all four domains, district leaders may confirm a student's proficiency in English and not be required to administer the ACCESS for ELs 2.0 in the spring.
D. If a score of 29 is not achieved, students will be eligible for ESL services. Parents will be notified within 30 days, and students will be identified in MOSIS.
E. Second-semester kindergarten students and first-semester first-grade students will be administered all four levels/modules of the kindergarten W- APT. If they receive a combined score of 28 or lower in the listening and speaking modules or receive a score of 10 or lower on the reading portion or a score of 11 or lower on the writing portion, the student will be eligible for EL services.
F. Second-semester first grader students through $12^{th}$-grade students will be administered all four modules of the WAPT. If students receive a composite score of 4.9 or lower, students will be eligible to receive services.
G. If the student is eligible for services, the West Plains R-VII ESL teacher will send a letter home to the parents informing them that the student will receive services. (Appendix B). This letter may be translated into other languages as needed to communicate with the parents.
H. The parents may decline the manner of services provided but cannot decline services overall.
I. The West Plains R-VII ESL teacher will contact the teacher(s) of the student to inform them of the student's eligibility and provide any additional instructional information (including but not limited to Classroom Modifications/ Accommodations).

## V. INSTRUCTION, ASSESSMENT, AND EVALUATION

Based on Under Title VI of the Civil Rights Act of 1964 (Title VI) and the Equal Educational Opportunities Act of 1974 (EEOA), the West Plains R-VII School district will ensure all ESL students can participate meaningfully and equally in educational programs.

A. The West Plains R-VII Schools district will monitor the progress of all ESL students to ensure they achieve English language proficiency and acquire content knowledge within a reasonable time period.
B. The West Plains R-VII Public School district will utilize a program that will implement researched based theories of language acquisition for instruction, assessment, and evaluation in order to meet the needs of identified English language learners.
C. Instructional time and modes of instruction and intervention will be based on the needs of the individual students.
D. Communication will take place between the West Plains R-VII ESL teacher and regular education teachers via email, team meetings or individual meetings. Communication will take place as often as needed to ensure the success of the EL student.
E. Based on assessed need and availability, ELLs may be provided with textbooks and materials in their native language.
F. The West Plains R-VII ESL teacher will provide a list of modifications that can be utilized by the content teachers. Upon receiving a list of modifications, the regular classroom teachers will be responsible for reviewing and delivering modifications that best meet the needs of the EL student in their specific classroom setting to provide the student the opportunity for success.
G. Based on assessed need, the West Plains R-VII ESL teacher may work with content teachers to provide ELLs with direct or indirect ESOL services such as instructional environments like sheltered instruction, co-teaching, or structured immersion.
H. EL language proficiency will be determined yearly though reviewing annual ACCESS assessment scores. In addition, students' annual standardized test Missouri MAP scores (state and district assessments) will be monitored These state guidelines will be utilized to determine whether students meet the overall district goals for educational programs. Students in the EL program will need to meet the same standards as native English speakers.
I. Assessment progress will be kept in the student's cumulative file and on the student information system and, if possible, shared with the student's regular education teacher.
J. A copy notification of the student's W-APT scores, ACCESS scores, transition letters and other documentation related to student's EL history will be placed in their permanent record.
K. EL students will have access to the following services based on procedures already established by the West Plains R-VII school district:
    a. Special education o Gifted and talented services o
    b. Reading Recovery/Literacy Intervention
    c. "At Risk" services

d. Extracurricular activities
e. A+ tutoring program is available to EL students.

## VI. PARENTAL NOTIFICATION, COMMUNICATION AND COMMUNITY INVOLVEMENT

A. If a student meets eligibility for the ESL program, the West Plains R-VII ESL teacher will send written communication to parents in a language they can understand about any program, service, or activity that is called to the attention of parents who are proficient in English.
B. The ESL teacher may organize parent meetings after school to help parents understand more about what students are doing in school and how they may help.
C. Information on parent and community involvement will be kept in the West Plains R-VII Special Services Office.
D. Translation services will be provided on an "as need basis" for items such as parent conferences, special meetings, and events, etc.
E. Parents of EL students will be encouraged to attend school opportunities such as parent-teacher conferences, grandparents' day, art festivals, family nights, etc.

## VII. EXIT CRITERIA AND MONITORING

The goal of the district's EL program is English Proficiency and transition from any specialized programs to a regular course of instruction. No student will be transitioned out of the district's LIEP unless the student has achieved the DESE established composite score on the ACCESS for EL's 2.0 assessment. In addition, the following information will be used to determine when students are ready to transition out of the program and how student progress will be monitored after exiting the program. The scores below may vary year to year based on DESE guidelines. Therefore, those listed below will apply unless DESE has released different guidelines for exiting the program. At this time, the exit score below will be adjusted to adhere to the newest recommendation by DESE.

Students are reclassified based on one of the following methods:

A. The student scores an overall proficiency level of 6.0 on Tier C of the ACCESS for ELs® ELP assessment

or

B. The student scores an overall proficiency level of at least 5.0 on Tier C of the ACCESS for ELs® ELP assessment and achieves a proficiency level at least equal to Basic on the state assessment of English Language Arts, AND meets some additional criteria in Table 1

or

C. The student scores an overall proficiency level of at least 4.7 on Tier C of the ACCESS for ELs® ELP assessment and achieves a proficiency level at least equal to Basic on the state assessment of English Language Arts AND meets all of the criteria in Table 1.

Table 1
*Additional Exit Criteria*

| |
|---|
| District benchmark or interim assessments (in multiple content areas) |
| Writing performance assessments scored with the Missouri standardized rubric |
| Academic records such as semester and course grades |
| Agreement between the EL teacher, classroom teacher(s), other relevant staff and parents/guardians that language is no longer a barrier to the students' ability to access academic content. |

D. Students that meet the criteria of reclassification will be moved from Limited English Proficient (LEP) to Monitored Year 1 (MY1) in the student information system.
E. Upon the first successful year of monitoring (MY1), the student will be moved to Monitored Year 2 (MY2) in the student information system.
F. Parents will be notified of the student's change of placement.
G. Exiting of Special Education students: Students who are identified as both special education and English language learners can be provided services by both the special education teacher and EL teacher. Some students may receive consultation services, while some may receive EL pull out or push in minutes. Determination will be made on an individual basis according to need. EL services will be documented on the IEP, and the West Plains R-VII ESL teacher should be included on IEP meetings. Students can be exited from the EL program if the IEP team determines that the student's disability and not language is the underlying factor in their failure to make progress or if the district's EL exit criteria are met.
H. An EL student's progress will be monitored for two years following their attainment of proficiency. Documentation will be kept in the student's file (grade cards, district benchmark assessments and additional annual evidence of language proficiency).
I. The West Plains R-VII ESL teacher will conference with the student's regular classroom teacher or check assessment scores at least once a semester. In addition, the regular classroom teacher will complete a monitoring form evaluating student success or lack of success.
J. If the student is not performing to the expected level, and/or maintaining grades due to language abilities for one semester, the student will re-enter the EL program.

## VIII. MIGRANT STUDENTS

The West Plains R-VII School district identifies migratory children movement among the states does not penalize students for disparities in curriculum, graduation requirements, or state academic content and student academic achievement standards. Migratory children are provided with appropriate education services (including supportive services) to address their special needs and receive full and appropriate opportunities to meet the same challenging state academic content and student academic achievement standards that all children are expected to meet.

If the student answers affirmative to the migrant question upon enrollment, the District Enrollment Census Information Homeless Migrant Form (see Appendix C) will be provided during the enrollment process. The completed form will be forwarded to counseling department who may use the U.S. Department of Education Migrant Student Records Exchange (MSIX) to ensure the appropriate enrollment, placement, and accrual of credits for migrant children. In addition, the counseling department will make contact with the sending district if the records have not been forwarded to the West Plains R-VII Counseling Program.

## IX. PERSONNEL

A. All EL students will be provided instruction from a certified West Plains R-VII ESL teacher, or under the guidance and supervision of West Plains R-VII ESL certified personnel. Determination of the number of teachers will be determined by the number of students in need of services.
B. When interpretation services are needed, the services will be obtained and provided upon the approval and agreement of the Director of Special Services and the Assistant Superintendent of Federal Programs.

## X. PROFESSIONAL DEVELOPMENT

A. The West Plains R-VII ESL teacher will be provided with collaboration opportunities among teachers within the district.
B. The West Plains R-VII ESL teacher will attend research-based training and conferences as they become available.
C. State assessment training will be attended by the West Plains R-VII ESL teacher, as required.
D. Professional development will be provided to regular classroom teachers through presentations, videos, and conferencing with the West Plains R-VII ESL teacher in order to improve the instruction and assessment of EL students. Such professional opportunities will be designed to enhance teachers' understanding and use of curricula, assessment measures and instructional strategies for EL students.
E. Teachers will participate in district-required evaluation program.

## XI. RESOURCES AND EQUITY

A. The West Plains R-VII ESL teacher will be provided with materials and resources needed to implement the EL program, including specialized books, technology resources, visual aids, reference materials, implemented curriculum and native language support materials.
B. Resources are provided as needed and evaluated once a year.
C. The West Plains R-VII ESL teacher will be provided equitable instructional space.
D. Tutoring (at all grade levels) and STOMP program services (Upper Elementary) are available to students.
E. Wage scales for The West Plains R-VII ESL teacher follow the district salary scales of regular education teachers.

Appendix A

# The Legal Foundation for English Language Programs in American Schools

## Title VI of the Civil Rights Act (1964)

Title VI prohibits discrimination on the grounds of race, color, or national origin by recipients of federal financial assistance. The Title VI regulatory requirements have been interpreted to prohibit denial of equal access to education because of a language minority student's limited proficiency in English.

## Keyes v. School District No. 1 (S.Ct. 1973)

The Denver school system was racially segregated, but evidence of de jure segregation was only found with regard to one outlying community. The district court ordered district-wide desegregation. A finding of intentional segregation in a meaningful portion of a school system creates a prima facie case of unlawful segregative design on the part of school authorities. The burden of proving that other segregated schools within the system are not also the result of intentionally segregative actions shifts to the school authorities.

## Lau vs. Nichols (1974)

A class action suit brought by parents of non-English-proficient Chinese students against the San Francisco Unified School District. In 1974, the Supreme Court ruled that identical education does not constitute equal education under the Civil Rights Act of 1964. The court ruled that the district must take affirmative steps to overcome educational barriers faced by the non-English speaking Chinese students in the district. [414 U.S. 563 (1974)]

The influence of Lau on federal policy was substantial. After the court's decision, the U.S. Department of Education's Office of Civil Rights created the Lau Remedies. The Lau Remedies specified proper approaches, methods, and procedures for (1) identifying and evaluating national-origin-minority students' English-language skills; (2) determining appropriate instructional treatments; (3) deciding when LEP students were ready for mainstream classes; and (4) determining the professional standards to be met by teachers of language-minority children. Under the Lau Remedies, elementary schools were generally required to provide LEP students special English-as-a-second-language instruction as well as academic subject-matter instruction through the students' strongest language until the student achieved proficiency in English sufficient to learn effectively in a monolingual English classroom. (pp. 4-5)

The essence of Lau was codified into federal law through the Equal Educational Opportunities Act of 1974 (EEOA), soon after the case was decided. Section 1703(f) of this act declares: "No state shall deny educational opportunities 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."

## Equal Education Opportunities Act (1974)

This civil rights statute prohibits states from denying equal educational opportunity to an individual on account of his or her race, color, sex, or national origin. The statute specifically prohibits states from denying equal educational opportunity by the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs. [20 U.S.C. §1203(f)]

## Serna v. Portales (1974)

Serna v. Portales (1974) was the first case to raise the issue of bilingual education outside of the context of desegregation (Del Valle, 2003). The case dealt with a White-majority school in New Mexico that failed to meet the unique needs of "Spanish-surnamed students." It was argued under Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of "race, color, or national origin" in any program that receives federal funding. The court found the school's program for these students to be inadequate. The judge declared, "It is incumbent on the school district to reassess and enlarge its program directed to the specialized needs of the Spanish-surnamed students" and to create bilingual programs at other schools where they are needed. This case was first decided in 1972. Later it was appealed to the 10th Circuit Court of Appeals and decided in 1974 just six months after Lau. Like Lau, it makes clear that schools cannot ignore the unique language and educational needs of ELL students.

## Plyler v. Doe (1981)

Summary of a Fourteenth Amendment Landmark case

In 1975, the Texas Legislature revised its education laws to deny enrollment in their public schools to and withhold any state funds for the education of children who were not "legally admitted" to the country.

A class action was filed on behalf of certain school-age children of Mexican origin residing in Texas who could not establish that they had been legally admitted into the United States. The class filed a motion for permanent injunctive relief, asking the district court to prevent defendants from denying a free public education to members of the class.

In deciding the motion, the district court found that neither the revised law nor its implementation had "either the purpose or effect of keeping illegal aliens out of the State of Texas." The district court also found that the increase in enrollment in Texas public schools was primarily attributable to the admission of children who were legal residents. Finally, the district court found that while barring undocumented children would save money; it would not necessarily improve the quality of the education. The court then concluded that illegal aliens were entitled to the protection of the Equal Protection Clause of the Fourteenth Amendment and that the Texas legislation violated it.

## Castaneda vs. Pickard (1981)

On June 23, 1981, the Fifth Circuit Court issued a decision that is the seminal post-Lau decision concerning the education of language minority students. The case established a three-part test to evaluate the adequacy of a district's program for ELL students: (1) is the program based on an educational theory recognized as sound by some experts in the field or is considered by experts as a legitimate experimental strategy; (2) are the programs and practices, including resources and personnel, reasonably calculated to implement this theory effectively; and (3) does the school district evaluate its programs and make adjustments where needed to ensure language barriers are actually being overcome? [648 F.2d 989 (5th Cir., 1981)]

## Policy Update on Schools' Obligations Toward National Origin Minority Students with Limited-English Proficiency (LEP students) (1991)

Set up steps in evaluating effective ESOL programs and whether school districts are meeting requirements. More information can be found at:

http://www.ed.gov/about/offices/list/ocr/docs/lau1991.html

## Title VII of the Elementary and Secondary Education Act (1994)

The Bilingual Education Act, Title VII of the Elementary and Secondary Education Act (ESEA), recognizes the unique educational disadvantages faced by non-English speaking students. Enacted in 1968, the Bilingual Education Act established a federal policy to assist educational agencies to serve students with limited-English-proficiency by authorizing funding to support those efforts. In addition to providing funds to support services to limited-English-proficient students, Title VII also supports professional development and research activities. Reauthorized in 1994 as part of the Improving America's Schools Act, Title VII was restructured to provide for an increased state role and give priority to applicants seeking to develop bilingual proficiency. The Improving America's Schools Act also modified eligibility requirements for services under Title I so that limited-English-proficient students are eligible for services under that program on the same basis as other students.

## Executive Order 13166: Improving Services for Persons with Limited English Proficiency (2000)

The Executive Order requires Federal agencies to examine the services they provide, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them.

Appendix B
LANGUAGE USE SURVEY

In order to provide your child with the best possible education, we need to determine how well he or she understands, speaks, reads, and writes in English. Please provide information about your child's language

Student's Name: _____ Date: _____

School: _____ Grade: _____

Relationship of person completing this survey: _____

**Tier I: Language Background**

1. What was your child's first language? English: ___ Other: _____
2. Which language(s) does your child use (speak) at home and with others? English: ___ Other: _____
3. Which language(s) does your child hear at home and understand? English: ___ Other: _____

**If any of these answers indicate a language other than English, please complete the rest of the survey.**

**Tier II: Expand language background**

4. Does the student understand when someone speaks with him/her in a language beside English? Yes No
5. Does the student read in a language other than English? Yes No
6. Does the student write in a language other than English? Yes No
7. Does the student interpret for you or anyone else in a language other than English? Yes No

**Tier III: Educational History**

8. How many years did the student attend school where the native language was used for instruction? _____
9. What was the most recent month and year the student attended school? _____
10. Do you believe that your child has learning difficulties that affects his/her ability to understand? _____
    If yes, please explain: _____
11. Has your child been referred to be evaluated for special education? _____
    If yes, please explain: _____

The school is required to assess the English language proficiency of all students who indicate or are suspected of having a first language other than English. If the results of the assessment show a student needs language support, you will be notified in writing and the school district will provide language support as deemed appropriate by district staff.

**NOTICE TO SCHOOL STAFF:** This form must be given to all new and enrolling students. Any student that indicates use of a language other than English must be assessed to determine the student's English language proficiency. Please notify district staff responsible for the next steps immediately and when ready, keep his form in the student's permanent records.