

RSU NO. 5 LAU PLAN

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<u>Glossary of Terms</u>	
CALS - Cognitive Academic Language Support	
CPL - Composite Proficiency Level	
ELD - English Language Development	
ELL - English Language Learner	
ELP - English Language Proficiency	
ESOL - English for Speakers of Other Languages	
IELD - Intensive English Language Development	
IEP - Individual Education Plan	
ILAP - Individual Language Acquisition Plan	
LAS - Language Assessment Scales	
ML - Multilingual Learner	
MTSS - Multi-Tiered System of Support	
WIDA - World-class Instructional Design and Assessment	

Section 1: Introduction

- Mission statement.
RSU No. 5 To inspire and support every learner by challenging minds, building character, sparking creativity, and nurturing passions.
- ML Service Values Statement
RSU No. 5 recognizes the unique paths students take in acquiring English and adapting to new cultural environments. RSU No. 5 is committed to affirming their identities, recognizing linguistic backgrounds, and leveraging strengths while addressing their individual needs.
- Purpose of plan:
This Lau Plan outlines RSU No. 5's procedures and services for identifying, assessing, placing, and supporting MLs from Pre-K through Grade 12. It ensures compliance with federal and state laws while upholding our responsibility to provide equitable access to meaningful, rigorous, and engaging instruction. The education of Multilingual Learners is a shared responsibility of all RSU No. 5 educators, working in partnership with families and the community.

Section 2. Multilingual Learner Identification¹

To ensure equitable access to learning, schools are required to identify MLs and provide appropriate programming within 30 days of the start of the school year, or within two weeks of a student's enrollment during the school year. Parents/guardians are notified of their child's identification and rights within these timelines and are invited to participate in decisions about their child's education.

RSU No. 5 follows the monitoring and reidentification guidelines set by the Maine DOE. All students who exit ML status are monitored for continued success and may be rescreened and reentered into ML status if their English proficiency declines.

Policies and Procedures

Action Required by Federal Law and/or State Policy	Specific Procedure and Responsible Position
Administration of the Maine DOE Language Use Survey	As outlined within Administrative Letter #27 , the Language Use Survey is administered to the parent/guardian of every student (pre-kindergarten through twelfth grade) enrolling in an RSU No. 5 school for the first time. The Language Use Survey is included within the online registration system. If any question is answered with a language other than English, the student is administered an English language proficiency screener.

¹ Elementary and Secondary Education Act of 1965 (ESEA), Section 3111 & Maine DOE, [Administrative Letter No. 27](#) (June 2023) & [Guidance on Determining English Learner Status](#) (State policy document)

Action Required by Federal Law and/or State Policy	Specific Procedure and Responsible Position
Translation/interpretation provided to parents/guardians	When a family requires interpretation/translation for completing the online registration, a phone/in-person interpreter is contacted, and a translation of the survey can be provided. School staff are trained annually on the process for securing translation/interpretation.
Referral of all potential MLs for screening	When a potential ML enrolls, school staff notify ESOL teachers to initiate screening and intake.
Administration of English language proficiency (ELP) screener	ESOL teachers administer the appropriate ELP screener within the required time frame. See chart below for details.
Development of individualized program of services	Upon first enrollment in a US school, a thorough intake interview is administered to the student and family to inform the student's placement and services. A Language Acquisition Committee reviews the student's Individual Language Acquisition Plan (ILAP) at least annually

English Language Proficiency (ELP) Screeners

RSU No. 5 follows the [Maine Multilingual Learner Identification and Placement Guidance](#), which requires* the following screeners and thresholds:

Grade	ELP Screener	Identification Threshold
pre-K	preLAS*	77 (oral domains only)
1st semester K	WIDA Screener for Kindergarten	Oral language level 4.5
2nd semester K/ 1st semester 1st grade	WIDA Screener for Kindergarten	Overall composite proficiency level 4.5
2nd semester 1st grade through 12th grade	WIDA Screener Online	Overall composite proficiency level 4.5

Parent/Guardian Notification and Rights

If a student is identified as in need of ESOL services, the parents/guardians should be notified no later than 30 days after the beginning of the school year or within 30 days of the child's placement in the program, in accordance with the requirements of ESEA. Parents/guardians should be invited to attend and participate in all meetings pertaining to their child and should be notified of all school activities called to the attention of other families.

Parents/guardians have the right to refuse ESOL services for their child. A parent who does not want their child to have ESOL services is required to sign a [Notice for Parent/Guardian Wishing to Decline ESOL Services](#), which is then placed in the student's permanent record. However, if a parent/guardian refuses ESOL services, meaningful education must still be provided. When a parent/guardian refuses ESOL services, the refusal of ESOL services must be documented, but it does not release the school from its responsibility for providing meaningful education to the ML. If refusal of ESOL services denies an ML access to a meaningful education, this violates the student's rights. A parent/guardian cannot refuse "education" and if a student cannot access education without ESOL services, then the school must support the academic learning of the student. If an ESOL program is necessary in order to ensure academic progress, then ESOL services must be provided.

Further, even if parents refuse services, all identified MLs must still participate in the annual ACCESS for ELLs assessment. Students and families who refuse services or assessment must have a conversation with a building administrator and ESOL teacher to review the student's rights and the responsibilities of the school to educate and assess the student.

Section 3. Development of Individualized Language Acquisition Programs

General Service Provision Guidelines

Proficiency (as measured by the annual test of ELP*)	Program Type	Amount/Frequency
Level 1 - Beginning	Intensive English Language Development (IELD)	2 class periods/day
Level 2 - Entering	IELD	2 class periods/day
Level 3 - Developing	Cognitive Academic Language Support (CALs)	1 class period/day
Level 4-4.5 - Expanding	CALs	1 class period/day

*English language proficiency screening assessment or ACCESS for ELLs

Overview of Programming

Programming is designed by ESOL staff, in collaboration with other staff, to meet the needs of each individual student, taking into consideration all aspects of their learner profile. The general service provision amount/frequency above are used as a guideline, but amount/frequency of service varies to meet individual student needs. The ESOL staff will collaborate with grade-level content teachers and other service providers to determine the instructional combination of services deemed most appropriate for each learner.

All MLs must be provided with ESOL services that enable them to meaningfully access the curriculum in order to meet grade-level standards.² English language development and content area knowledge are to be acquired simultaneously rather than consecutively. MLs are entitled to ELD services until exiting by demonstrating English language proficiency on ACCESS for ELLs/Alternate ACCESS for ELLs (defined as an overall composite proficiency level score of 4.5 or higher).

ESOL services are to be provided in a way that minimizes the isolation of MLs from the general student population and encourages MLs to participate in all aspects of the school program, including advanced coursework, career and technical education, gifted and talented programs, and extracurricular activities.

Support structures include co-planning between ESOL and general and special education educators, as well as collaboration with intervention specialists to ensure access to grade-level curriculum. These supports may take a variety of forms depending on student need and available staffing, including collaborative lesson design, push-in or pull-out instructional support, co-teaching models, consultation, and integration of language objectives into core content instruction. ESOL teachers may also partner with educational technicians, instructional coaches, or specialists to extend services, provided that such work supplements and does not supplant the role of certified staff. Deployment of these models will be determined collaboratively by administrators, ESOL staff, and other educators in a manner that is consistent with district collective bargaining agreements, while maximizing the use of personnel to meet the diverse linguistic and academic needs of students.

ESOL teachers will maintain a file on each student with copies of all relevant documents (state and local assessment scores, ILAPs, progress reports) in their cumulative files. Student records are also maintained in district-approved electronic systems.

Individual Language Acquisition Plan (ILAP)

Each student's ILAP will outline a personalized action plan for language development. The ILAP is created by the student's team of educators and is updated annually. Each year, the ILAP is shared with individual students, parents/guardians, and staff directly working with the student. The ILAP is a useful resource which assists all teachers with understanding and effectively meeting the individual student's needs in terms of: English proficiency levels, language goals, modifications, and accommodations.

² Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.; Equal Educational Opportunities Act of 1974, 20 U.S.C. § 1703(f)

Factors considered in developing each student’s ILAP include but are not limited to:

- Age
- English language proficiency level
- Native or preferred language proficiency level
- Native or preferred language literacy skills/readiness
- Interruptions in schooling
- Complications from trauma associated with refugee status, e.g. histories of war, persecution, resettlement & acculturation

Multilingual Learners and Special Education

RSU No. 5 is committed to providing equity for all students, from early intervention, response to intervention, referral and identification of services. Through a robust Multi-Tiered System of Support (MTSS), we strive to provide linguistically and culturally responsive core instruction, monitor academic progress, and respond to students’ linguistic, academic, and behavioral needs through consistent and continuous support.

When a referral to special education is appropriate, we ensure that cultural, linguistic, and experiential factors are taken into account through a collaborative process involving special education, ESOL, and general educators, as well as families.

Students may qualify for and have legal entitlement to both ESOL and special education services. Appropriate screening is required to determine students’ eligibility for each type of service. Depending on a student’s learning disability and Individual Education Plan (IEP), universal testing tools or accommodations may be needed in order to measure English language proficiency. When evaluating an ML for learning disabilities, screening must be linguistically and culturally appropriate.

RSU No. 5 recognizes the importance that IEP Teams for ELs with disabilities include persons with expertise in second language acquisition and/or other professionals, such as speech-language pathologists, who understand how to differentiate between limited English proficiency and a disability. The participation of these individuals on the IEP Team may be essential in order to develop appropriate academic and functional goals for the child and provide specially designed instruction and the necessary related services to meet these goals.³

All students, including immigrant and international students, must be screened for ML status. International students are not exempt from Title I required state academic assessments. In Maine, recently arrived MLs who have been enrolled in a U.S. school for less than 12 months are exempt from one administration of the state’s English language arts assessment only.

RSU No. 5 will continue to follow state and national guidelines as they are developed.

³ U.S. Dep’t of Educ. & U.S. Dep’t of Justice, “[Dear Colleague Letter and Q&A on English Learners with Disabilities](#)” (2016).

Section 4. Meaningful and Equitable Access to Academic and Extracurricular Programs⁴

English language proficiency is not a prerequisite to participate in general education classes and other school activities, programs or events. All staff—including administrators, ESOL teachers, guidance counselors, coaches, and general education teachers—share responsibility for ensuring MLs have meaningful access to programs. MLs are entitled to equitable access to all academic and extracurricular programs that their schools offer, such as required curriculum, college preparatory classes, Advanced Placement, dual enrollment, gifted and talented, career and technical education, athletics, academic/career counseling, performing and visual arts, clubs, honor societies, and others. MLs with disabilities are entitled to full access to academic and extracurricular programs, with accommodations and supports provided as outlined in their IEP or 504 plan.

Students have equal access to academic and extracurricular activities, including summer programming. Language proficiency levels will not determine a student’s eligibility for such programming and activities. RSU No. 5 will monitor ML participation in advanced courses, specialized programs, and extracurricular activities to ensure equity, and will take corrective action if disparities are identified. Information about these programs is provided through individual school communication from teachers, district leadership, and other staff and community members. All communications will be provided in a language that is understandable to each family, in written and/or oral formats.

As discussed in Section 9 below, RSU No. 5 ensures that important information about programs is provided to parents/guardians in a language they understand, through written translation and/or oral interpretation.

Section 5. Equitable Personnel, Facilities, and Materials⁵

MLs must be provided with sufficient, qualified teaching staff to meet their language learning and academic content acquisition needs, as well as facilities and materials of comparable quality to those of their non-ML peers.

ESOL services are provided through qualified ESOL teachers, who are certified through the State of Maine 660 ESOL endorsement. Staffing is adjusted according to need and number of students on teacher caseloads. ESOL teachers are available to consult with mainstream teachers and may also provide professional development to staff when possible. The district will review staffing allocations annually, in collaboration with building administrators, to ensure caseloads allow assisting MLs in a manner consistent with this Lau Plan.

ESOL services may be provided by an educational technician who is supervised by an ESOL teacher as long as those services do not supplant the standard curriculum or replace direct

⁴ 34 C.F.R. §§ 100.1–.2 (implementing Title VI); Equal Educational Opportunities Act, 20 U.S.C. § 1703(f); Maine Revised Statutes Annotated, 20-A M.R.S. §§ 4712, 4722-A, 8205, 8402, 5225.

⁵ Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.; Elementary and Secondary Education Act of 1965, Title III, 20 U.S.C. § 6826(c); *Castañeda v. Pickard*, 648 F.2d 989, 1013 (5th Cir. 1981).

services from an ESOL teacher. Educational technicians may provide core ESOL support services only as an emergency, interim measure while the district seeks to secure qualified staffing. If necessary, teachers with conditional certification may be hired if they are actively engaged in obtaining appropriate credentials.

ESOL teachers maintain a classroom/office space in each building where students who are MLs attend. An ESOL program budget line is used to provide MLs with equitable educational materials, comparable to those of their non-ML peers. Students who are MLs have full access to all educational opportunities and materials provided by RSU No. 5. Facilities provided for MLs will be comparable in quality to those used by non-ML peers, and instructional materials will align with WIDA standards and district curricula.

ESOL staff will participate in decision-making teams for specialized program placement (e.g., gifted/talented, AP, honors, special education), to ensure language and cultural factors are considered and MLs are not excluded from opportunities. RSU No. 5 recognizes that characteristics of giftedness may present differently in MLs (e.g., code-switching, rapid language acquisition, cross-cultural negotiation, or advanced literacy in the home language) and will ensure these factors are considered during referral and evaluation.

Section 6. Administration of Annual English Language Proficiency Assessment⁶

Federal and state laws require that the English language proficiency of all MLs be measured annually as a component of accountability under the Elementary and Secondary Education Act (ESEA). If a student is identified as an ML, that student must be administered ACCESS for ELLs/Alternate ACCESS for ELLs annually until the student demonstrates English language proficiency. The Maine Department of Education defines English language proficiency as an overall composite proficiency level of 4.5 on ACCESS for ELLs or 4 on Alternate ACCESS for ELLs, as applicable.

State law requires that ACCESS for ELLs/Alternate ACCESS for ELLs be administered only by an individual trained in its administration. It is not required that the individual be an ESOL endorsed teacher. All test administrators must complete WIDA training and certification annually prior to administering ACCESS assessments. The district ACCESS Coordinator will collaborate with school-level ACCESS Coordinators to ensure consistent implementation, compliance, and secure handling of testing materials.

Dually-identified students that qualify for alternate state academic assessments will participate in WIDA Alternate ACCESS for ELLs. For students with significant cognitive disabilities who cannot meaningfully participate in ACCESS even with accommodations, Alternate ACCESS will be administered by the student's special education teacher or another qualified adult familiar with the student's IEP/504 plan.

⁶ Elementary and Secondary Education Act of 1965, Title I, 20 U.S.C. § 6311(b)(7); Title III, 20 U.S.C. § 6823(b)(3)(C)–(D); see also Maine DOE, [Participation in Alternate Assessments Decision Flowchart](#); WIDA, [Alternate ACCESS for ELLs Participation Criteria Decision Tree](#).

Parents/guardians may decline ESOL services (see Section 2 above), but the district remains legally obligated to ensure the student receives meaningful access to education.

Section 7. Exit and Monitoring⁷

When a Multilingual learner meets Maine’s definition of English language proficiency on ACCESS for ELLs (currently an overall composite proficiency level of 4.5), the student is exited from Multilingual learner status. For students with the most significant cognitive disabilities who take the Alternate ACCESS for ELLs, exit occurs upon reaching Level PL2, provided the student is eligible for Alternate ACCESS under their IEP/504 plan. While the 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 MLs and are no longer administered ACCESS for ELLs/Alternate ACCESS for ELLs.

As mentioned previously, RSU No. 5 follows the monitoring and reidentification guidelines as stated in the Maine DOE [Administrative Letter 20](#) and [Guidance On Determining English Learner Status](#). “After an EL demonstrates English language proficiency by attaining a CPL of 4.5 or higher on ACCESS for ELLs, federal and state regulations require that schools monitor the student’s academic progress for two years. If during or after that two-year period a continued need for English language acquisition services becomes apparent, the student must be provided services. Students who have previously exited English learner status may experience a change in English proficiency level at any time. It is essential to monitor the performance of such students in order to ensure that any student who needs English language acquisition support services receives them.”

MTSS Building Teams or ESOL teacher/case managers are responsible for reviewing the academic progress of all exited MLs. Monitoring is conducted at least twice annually during the required two-year period, including review of grades, attendance, behavior, and assessment data. After the two-year period, monitoring may continue as needed.”

If concerns arise about the academic progress of a monitored student, the student will be referred to the MTSS, which includes an ESOL teacher. The MTSS team determines whether the student’s lack of progress is due to language development. If language is identified as a factor after interventions, the student may be referred for re-screening using the WIDA Screener Online or other appropriate tool.

Section 8. Ongoing Program Evaluation⁸

RSU No. 5 strives to provide an equitable and high-quality educational program for all MLs. The effectiveness of ESOL teachers is assessed annually through the district-wide process of teacher evaluation. Longitudinal data collection and analysis methods are provided as needed via the Comprehensive Needs Assessment to ensure that long-term outcomes are comparable to

⁷ Elementary and Secondary Education Act of 1965, Title I, 20 U.S.C. § 6311(b)(7); Title III, 20 U.S.C. § 6823(b)(3)(C)–(D)

⁸ *Castañeda v. Pickard*, 648 F.2d 989, 1014–15 (5th Cir. 1981).

those of students who were never MLs. The following ML data will be reviewed annually, and program modifications will be made as necessary:

- State and local academic assessment scores
- Graduation rate
- ML status exit rate
- Participation in advanced coursework (college prep, AP)

Section 9. Meaningful Communication with Parents/Guardians⁹

Families not only have a right to meaningful communication, but also RSU No. 5 recognizes families as an essential partner in the education of their children. Communication must be two-way, asset-based, and culturally responsive in order to fully engage families. Engaged families are a key to success for individual students and the community as a whole.

Therefore, RSU No. 5 ensures meaningful communication with families in a language they can understand through a variety of means, including on-demand video and phone interpretation, contracted interpretation and translation services, and automated translation of school communications through an online platform. RSU No. 5 identifies interpretation and translation needs of parents and guardians, in part, through the multilingual intake process.

Essential communications provided to parents/guardians may include, as applicable, information about federal and ESOL programs, special education and related services (including IEP meetings), grievance procedures, nondiscrimination notices, student discipline policies, registration and enrollment, report cards, permission slips, parent-teacher conferences, handbooks, gifted and talented programs, magnet and charter schools, health and wellness information, and any other school or program choice options.

Section 10. Lau Plan Review

RSU No. 5 conducts an annual review of the Lau Plan to ensure alignment with updated federal and state policies, as well as to ensure that it reflects current practices and procedures within the district. The review process will be led by the Assistant Superintendent, in collaboration with other staff and community stakeholders as needed. The Lau Plan will be shared annually with the School Board for its awareness near the beginning of each academic year. In addition to this annual review and reporting, RSU No. 5 will engage in continuous monitoring of the Lau Plan's efficacy and maintain a formal schedule for considering substantive revisions at least once every three years, or more frequently if required by changes in law or district practice.

⁹ Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.; Elementary and Secondary Education Act of 1965, Titles I & III, 20 U.S.C. §§ 6301 et seq., 6801 et seq.

Legal References

The following non exhaustive list provides legal references for consideration in conjunction with this Lau Plan:

- I. [Title VI of the Civil Rights Act of 1964](#) prohibits discrimination on the basis of national origin in programs or activities which receive federal financial assistance.
- II. [Equal Education Opportunities Act of 1974](#) 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.
- III. [Elementary and Secondary Education Act](#) (ESEA), reauthorized in 2015 as the Every Student Succeeds Act (ESSA), holds state educational agencies, local educational agencies, and schools accountable for increases in English language proficiency and core academic content knowledge of Multilingual Learners (MLs). It requires states to implement yearly student academic assessments that include, at minimum, academic assessments in mathematics and reading or language arts. Title I of the ESEA also requires that states provide for an annual assessment of English language proficiency (listening, speaking, reading, writing, and comprehension in English) of all students identified as MLs in schools served by the state.

Supreme Court Decisions

- ❖ [Lau vs. Nichols \(1974\)](#) ruled that providing the same access to curriculum, instruction and materials for MLs as is provided to English dominant students is not, in effect, equitable.
- ❖ [Plyler vs. Doe \(1981\)](#): Public schools must serve all students regardless of immigration status.
- ❖ [Castañeda vs. Pickard \(1981\)](#) ruled that schools must take “appropriate action” to address the needs of MLs. Programs designed to address the needs of ML’s must (1) be based on sound theory, (2) be implemented with adequate resources, and (3) be evaluated for effectiveness in helping students overcome language barriers.

More recent cases, including *Horne v. Flores (2009)* (examining adequacy of state funding and structured English immersion programs), and ongoing federal enforcement actions (e.g., *United States v. Texas*), reaffirm that districts must ensure not only theoretical compliance but actual program effectiveness, with sufficient staffing, resources, and monitoring.

Administrative Procedure Adopted: 4/13/10

Administrative Procedure Reviewed: 4/3/12

Adopted by Board: 4/26/17

Revised: 1/25/23; 10/22/25