Merrimack School District, SAU #26

Lau Compliance Plan

May 2026

I. Introduction

In the Merrimack School District, our mission is to provide a high quality, future-driven education to all students in the community. To that end, the ESOL program in Merrimack endeavors to ensure that multilingual learners develop culturally and linguistically in order to become independent in academic, social and vocational situations. To accomplish this goal, students are immersed in all domains of the language: speaking, listening, reading and writing. In addition, we believe it is essential to support students and their families in adapting to and understanding American culture, as well as maintaining their unique cultural heritage. To help ensure that this vision becomes a reality, we have developed the Merrimack School District's Lau Plan, which is a comprehensive framework designed to provide culturally and linguistically diverse students with the support and resources they need to thrive academically, socially, and emotionally.

Named after the landmark Supreme Court case *Lau v. Nichols*, which affirmed the rights of English Language Learners (ELLs) to receive a meaningful education, our Lau Plan represents our commitment to educational equity and inclusivity. We recognize the unique challenges faced by students from diverse linguistic and cultural backgrounds and are dedicated to addressing these disparities and removing any barriers in our system that may exist. We also recognize the significant contribution our immigrant and multilingual students and families bring to our district and our community. Our responsibility is to provide a welcoming and supportive environment for these families. Our Lau plan is one way we seek to ensure that environment.

The MSD’s Lau Plan takes a multi-faceted approach that combines targeted instructional strategies, professional development for educators, and community engagement to foster an environment where all students can excel. Our plan is rooted in federal legislation and research-based practices and leverages the expertise of educators, administrators, families, and community stakeholders to create a robust support system for multilingual students and their families.

MSD School Board policy IHBBA provides additional guidance that informs our professional practice.

II. Glossary of Terms

Alternate Assessment of Comprehension and Communication in English (Alternate ACCESS):
This assessment is New Hampshire's language proficiency assessment for Kindergarten – Grade 12 students that are identified as a student with a severe cognitive disability and as a student with limited English proficiency.

Assessment of Comprehension and Communication in English (ACCESS):
This assessment is New Hampshire's language proficiency assessment for Kindergarten – Grade 12 students that are identified as English Learners (ELs). The ACCESS test is an assessment designed to measure the English language proficiency of ELs in the United States. It is administered annually in many states to ELs to monitor their progress in acquiring English language skills.

The ACCESS test evaluates Multilingual Learners' proficiency in four language domains: listening, speaking, reading, and writing. It assesses their ability to understand spoken English, communicate orally, comprehend written English, and produce written responses in a content-rich context. The test takes into account various academic, social, and instructional language skills, such as vocabulary, grammar, syntax, and discourse.

English for Speakers of Other Languages (ESOL)
This term can refer to the program, the student, or the teacher. In our district, we primarily use "ESOL" to refer to the program and/or the teacher – ESOL program or ESOL teacher.

English Language Development (ELD)
This encompasses a range of instructional programs, strategies, and resources aimed at nurturing language growth of students who speak multiple languages. The primary objective of ELD is to enhance English language proficiency.

English Learner/English Language Learner (EL/ELL)
A student who speaks a primary language other than English and has not yet achieved English language proficiency.

Language Instruction Educational Program (LIEP)
LIEP refers to a program designed to provide language instruction and support to students who are English Learners (ELs) or students whose native language is not English. LIEP programs are implemented in schools to help ELs acquire English

language proficiency while simultaneously ensuring their academic success across various content areas.

Multilingual Learner/Multilingual Language Learner (ML/MLL)
A student who is or has been, consistently exposed to multiple languages. This is the preferred terminology in our district to describe students as it implies a strengths-based lens rather than an English deficit lens. It acknowledges that these students bring with them a wealth of languages and experiences to the educational setting.

World-Class Instructional Design and Assessment Screener (WIDA Screener):
Students enrolled in a U.S. school for less than 12 months and identified as active English Learners, based on WIDA Screener, are exempt for one administration of the ELA statewide assessment (NH SAS or NH SAT School Day with Essay). Students are still required to take the mathematics portion and science portion, if applicable, of the statewide assessments, but their scores will not be included for accountability.

III. Legal Foundation for Providing Effective Educational Services to English Learners

The MSD program is guided by the precedents established by federal legislation and Supreme Court decisions that establish the legal requirements for providing ELs with effective language and content acquisition programming.

Federal Legislation

The Every Student Succeeds Act (ESSA) was signed into law in 2015. This federal law requires high standards of excellence for public schools in the United States. ESSA upholds critical protections for America's disadvantaged and high-need students, thereby advancing equity for EL students. It also requires that all students in America be taught to high academic standards which will prepare them to succeed in college and careers. The New Hampshire' Bureau of Student Support's Title III Office operates under the funding and oversight of the United States Department of Education, Office of Elementary and Secondary Education, authorized by Title III of the Every Student Succeeds Act (ESSA).

With Title III funds, the New Hampshire Title III Office provides technical assistance and training to teachers, administrators and other stakeholders; collects data about EL students; awards Title III grants to school districts; and provides educational resources which enable teachers, parents, and administrators to help ELs succeed academically

and socially. Title III funds also are awarded to help eligible districts that have experienced a significant increase in enrollment of new immigrant children.

Title VI of the Civil Rights Act of 1964 states that: “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.”

The Office of Civil Rights, October 1970 Memo mandates the responsibility of school districts to provide equal educational opportunity to students who are designated as English language learners. Specifically, this memo states that: “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.” Additionally, “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.”

Supreme Court Decisions

Lau vs. Nichols (1974) determined that the failure of a school system to provide English language instruction to students who do not speak English, or to provide them with other adequate instructional procedures, denies them a meaningful opportunity to participate in the public educational program and thus violates the Civil Rights Act of 1964, which bans discrimination based "on the ground of race, color, or national origin," in "any program or activity receiving Federal financial assistance."

Plyler vs. Doe (1981) determined that states cannot constitutionally deny students a free public education on account of their immigration status.

Castañeda vs. Pickard (1981) determined that in order to demonstrate compliance with Title VI of the Civil Rights Act of 1964, school districts must use three prongs to show that their academic programming for ELs is sound. The three prongs include:

- The educational theory underlying the language assistance program is recognized as sound by some experts in the field or is considered a legitimate experimental strategy.
- The program and practices used by the district are reasonably calculated to implement effectively and the educational theory adopted by the district.

- The program succeeds when producing results indicating that students' language barriers are actually being overcome within a reasonable period of time.

Captured in the Reference Chart below are the critical court decisions and United States laws that support equal access and compliance for ELs.

Requirements	Legal Reference	Program
1. Identify	• Office of Civil Rights (OCR)1970 Memo • *Lau v. Nichols 1974* Supreme Court decision • *Plyler v. Doe 1982* Supreme Court decision	• Home Language Survey • WIDA Screener
2. Assess • Determine need for services • Place in appropriate service	• OCR 1970 Memo • *Gomez v. Illinois State Board of Education 1987*, US Court of Appeals, 7th Circuit	• Appropriate proficiency test • Multiple criteria for placement • Identify English language proficiency
3. Provide Services • Direct, appropriate, sufficient • Designed for students' needs • Based on current practices • Appropriate staffing • Appropriate materials	• *Castañeda v Pickard 1981*, U.S. Court of Appeals, 5th Circuit • Equal Education Act 1974 • Titles VI & VII of Civil Rights Act 1964 • *Rios v. Read 1977* • *Cintron v Brentwood 1977, 1978* • *Gomez v Illinois State Board of Education*, *1987* • U.S. Court of Appeals, 7th Circuit • *The Provision of an Equal Education Opportunity to*	• Develop Instructional Plan • Schedules for service • Who provides service Assessment plan • Current ESL teaching practices • Identify appropriate materials • Identify what is taught • Describe adjunct services • Provide support for staff

	Limited English Proficient Students, OCR, 1992	
4. Ensure Integration ● Instructional integration ● Social integration	● Titles VI & VII of Civil Rights Act 1964 ● Equal Education Act 1974 ● OCR 1970 Memo ● *Lau v Nichols 1974*, Supreme Court decision	● Describe access to programs and services ● Adhere to policies for grading ● Identify how ELs are integrated with same-age peers ● Provide accommodations that staff can use to provide increased content access
5. Reassess for ending services	● OCR 1970 Memo ● *Rios v Read* 1977 ● *Cintron v Brentwood* 1977, 1978	● Specific multi-criteria reclassification procedures
6. Documentation ● Services ● Successful effect on students ● Modifications, if needed	● *Castañeda v Pickard 1981*, U.S. Court of Appeals, 5th Circuit ● U.S. Court of Appeals, 5th Circuit ● *The Provision of an Equal Education Opportunity to Limited English Proficient Students*, OCR, 1992	● Develop program guide ● Develop record keeping plan ● Appoint team to implement evaluation plan

Reference Chart modified from: Dover School District, New Hampshire Lau Plan, 2023

Title III Requirements

Title III funds may be used to provide supplemental services that improve the English language proficiency and academic achievement of ELs, including through language instruction educational programs (LIEPs) and activities that increase the knowledge and skills of teachers who serve ELs. All services provided to ELs using Title III funds must supplement, and not supplant, the services that must be provided to ELs under Title VI

of the Civil Rights Act of 1964 (Title VI), the Equal Educational Opportunities Act of 1974 (EEOA), and other requirements, including those under State or local laws. Further, it must be noted that:

- The specific use of funds is consistent with the purpose of Title III and meets Federal guidelines for “reasonable and necessary costs.”
- The specific use of funds is supplemental to the SEA’s or LEA’s civil rights obligations to ELs under Title VI and the EEOA.
- The SEA or LEA can demonstrate that it is also using Title III funds to conduct activities required under Title III.

Commitment to Continuous Review and Improvement

Our district is committed to systematically reviewing this Lau Plan and the policies, protocols, documents, and structures embedded herein. A comprehensive review and revision process will occur at least once per year, in conjunction with the ESOL team. This stakeholder group will help ensure that this Lau plan remains current and reflective of best practices for meeting the needs of our EL students.

Program Goals & Objectives

1. The goal is for students to acquire proficiency in the English language, enabling them to comprehend and express themselves effectively in various social and educational contexts appropriate for their age. It is essential that the MSD develop the English language competencies of all EL students so that they can engage socially and academically in all-English classrooms.

2. Students will demonstrate high academic standards. The MSD will provide access to the general education curriculum in multiple modalities, including such Reading, Writing, Listening, and Speaking. We will also provide opportunities and experiences to become college and career ready.

3. The MSD will provide professional development opportunities for all educators to best meet the unique and diverse needs of each EL student.

4. Professional resources will be available that are specifically targeted to support English learners.

5. Family engagement will be proactively accomplished by including parents, family members, and guardians in their child’s education. This includes, but is not

limited to, providing assistance and translation services during registration and critical educational meetings.

IV. English Learner Identification and Assessment

The following protocols and practices are the foundation for the Merrimack School District's ESOL services. It is noted that the MSD follows the state uniform procedures as defined in the NH Consolidated Plan.

Identification of English Learners

- All families will complete the current New Hampshire Home Language Survey (Appendix A) at the time of the students' enrollment.
- The MSD will provide an interpreter if a parent or guardian requests one or if the need is obvious.
- A copy of the Home Language Survey, which indicates that a language other than English is spoken by the student or in the home, will be given to the ESOL teacher. The original survey will remain in the student's school file.
- The ESOL teacher completes an initial assessment of a students' English language proficiency skills using the WIDA Screener.
- The ESOL teacher scores the WIDA Screener and determines if students are eligible for English language acquisition instructional services.
- The ESOL teacher will notify the parent/guardian of their student's eligibility status within 30 days of the student's enrollment in the MSD at the beginning of the school year, and within 14 days at any other time of the school year.
- The MSD will file the Home Language Surveys and assessment scores from the WIDA Screener in students' school file. The ESOL teacher will keep a copy of each document for all eligible students in the EL working files.
- Data on eligible students must be entered in the State's ESOL Fall and/or Mid-Year Roster Report for the ESOL teacher or an administrator who is familiar with the local program for English learners.
- Any parent or guardian has the right to decline direct ESOL services.
- In all instances, whether accepting or declining services, parents must be notified that their child will be assessed annually for language proficiency as is required by law.

The initial ELP screener provides an assessment of the student's English proficiency, which gives schools more information to assist with EL determination and placement. When the ESOL teacher determines that a student has had significant exposure to a language other than English at home, districts must administer an ELP screener with the following exceptions:

- Students who transfer from another district within NH or another WIDA state and who did not qualify as ELs on ELP screening as administered in their former district; or
- Students who transferred from another district within NH or another WIDA state with ACCESS ELP results from within the last calendar year.

The chart that follows captures the screener options and eligibility determination that have been approved by the NH State Board of Education and used in the MSD.

Screener Options and Eligibility Determination

WIDA Assessment	**Grade**	**Required Domains**	**Scoring Threshold** *Students at minimum or higher score to not qualify:*
WIDA Screener	Kindergarten, 1st semester	Listening & Speaking	Oral language proficiency score:4.5 or higher
	Kindergarten, 2nd semester Grade 1, 1st semester	Listening, Speaking, Reading, and Writing	
WIDA Screener	Grade 1, 2nd semester Grades 2 - 12	Listening, Speaking, Reading, and Writing	Composite score 4.5 or higher (No domain minimum requirements)

Note: Students who are identified and qualify for ELL services are eligible to be enrolled through age 21.

Test Administrator Qualifications

Teachers licensed in any area through the New Hampshire Department of Education who have completed the appropriate WIDA Test Administrator training certification, may administer the online WIDA screener to students in Grades 1 - 12. Only educational professionals licensed in ESOL in NH (or another state which has a reciprocity agreement with NH) who have successfully completed the WIDA Test Administrator training certification are permitted to administer the WIDA Kindergarten Screener or paper screeners, or score the WIDA suite of state approved ELP assessments to determine initial EL eligibility.

Once EL students are identified, they are entered into the Real Time ESOL Student Roster on i4see, where the state tracks their status and progress. ELs will remain on this roster until they exit the program after a four-year monitoring phase, graduate, or move to a district outside of NH.

V. Development of Individualized Language Acquisition Programs

All English learners must have an individualized educational program to meet their English language acquisition and academic content learning needs. The MSD uses a program model that is effective, evidence-based, relative to each student's current level of English proficiency, native language proficiency, educational background, disability status, and other factors. Individualized programs are described on the student's PREP (Program Recommendations for English Proficiency) (Appendix E), which is updated annually according to the student's ACCESS scores and shared with mainstream teachers and other support staff who work with ELL students in the school setting.

VI. Meaningful and Equitable Access to Academic and Extracurricular Programs

In the MSD, English learners are entitled to equitable access to all academic and extracurricular programs that their schools offer, such as college preparatory classes, Advanced Placement, dual enrollment, Gifted and Talented, Career and Technical Education, pre-kindergarten, athletics, academic/career counseling, performing and visual arts, clubs, honor societies, and others.

MSD will place ELs in classrooms with their age peers, or in exceptional situations, within one year of their age peers.

At the middle and high school level, students will be placed in the appropriate level of content courses based on transcripts from previous schools and other supporting documentation.

At the high school level, students receiving ESOL services will have the option to enroll in an ESOL elective to earn credits toward graduation requirements.

In cases of suspected exceptionality, where Special Education or Gifted and Talented Services may be needed, students will be tested in accordance with the legal requirements to administer assessments in their dominant language and using an interpreter, if necessary.

VII. Equitable Personnel, Facilities, and Materials

In the MSD English learners are supported by qualified ESOL teaching staff to meet their language learning and academic content acquisition needs. EL students have access to the same facilities as their Merrimack peers. Materials are either the same as their peers or of comparable quality if alternatives are necessary based on students' needs.

Caseloads and schedules of MSD teachers serving ELs are monitored on an ongoing basis to ensure that they can effectively meet the needs of students.

ESOL teachers provide ongoing support and training provided to mainstream/content area teachers on strategies for meeting the individual needs of English learners in their classrooms.

Except for their pull-out ESOL services, EL students are fully integrated into their mainstream classroom communities. This includes academic instruction, unified arts, lunch and recess, after school activities, assemblies, field trips, clubs, and special events.

VIII. Annual English Language Proficiency Test Administration

All English learners in the MSD are annually administered the ACCESS Test for ELLs (or Alternate ACCESS, if applicable).

As required by the assessment schedule set by the New Hampshire Department of Education, ESOL teachers administer the ACCESS Test for ELLs to all eligible EL students. This includes students whose parents/guardians have declined direct ESOL services. It is noted that ELs who have been opted out of services must take the annual ELP assessment until they reach the state determined threshold for exit or reclassification.

IX. Exit and Monitoring

In the MSD, when an English learner meets New Hampshire's definition of English language proficiency on the ACCESS Test for ELLs/Alternate ACCESS, which is currently an overall composite proficiency level of 4.5, or level P2 on Alternate ACCESS, the student is exited from English learner status. It is noted that no other criteria may substitute for a score of proficient on ACCESS for ELLs/Alternate ACCESS.

MSD ESOL teachers monitor the academic performance of all former English learners for four years to ensure that English language support services are no longer needed.

Using the MSD's ESOL Monitored Status form, ESOL teachers compile and review student progress information on a quarterly basis.

X. Ongoing Program Evaluation

The MSD regularly evaluates the effectiveness of our programs for English learners and makes revisions if the desired outcomes, both academic and linguistic, are not being achieved.

The program goals for EL students enrolled in the Merrimack School District include:

- To identify potential EL students through the Home Language Survey (HLS) or by referral.
- To assess students identified by the HLS or referral.
- To provide an instructional plan, Program Recommendation for English Proficiency (PREP), to develop the students' communicative and academic skills by providing sufficient and appropriate instruction and support so that they can be successful in their classroom and fulfill the MHS graduation requirements.
- To provide instructional and embedded activities to lead to successful integration into the mainstream, while respecting the student's home language and culture of origin.
- To provide appropriate learning experiences which lead to a command of the language as well as the academics and study skills necessary to access the mainstream curriculum in their classroom.
- To develop and implement a program process which incorporates:
    - Participation by and cooperation among ESOL, classroom teachers, specialists and administrators
    - ESL and classroom teacher professional development
    - A coordination team and plan
    - Parental/guardian engagement and involvement
- To monitor ELL student progress after students exit the program to ensure continued academic success.

ESOL teachers annually analyze the ACCESS test results to assess the district's program effectiveness and identify areas of need. This includes synthesizing and summarizing the student data to reflect on the programs and services offered at the district, building, and individual level.

The MSD's ESOL teachers are licensed professionals who are observed and receive summative evaluations from their building administration.

XI. Meaningful Communication with Families

The MSD recognizes our obligation to ensure meaningful communication with parents/guardians with a primary/home language other than English in a language they can understand. Essential to meeting this goal is to adequately notify the parents/guardians of EL students about any program, service, or activity that the district offers to all families. This includes, but is not limited to, information regarding language assistance programs, special education and related services, IEP meetings, grievance procedures, notices of nondiscrimination, student discipline policies and procedures, registration and enrollment, report cards, requests for parent permission for student participation in district or school activities, parent-teacher conferences, parent handbooks, gifted and talented programs, magnet and charter schools, and any other school and program choice options.

Using the Home Language Survey, ESOL teachers identify parents/guardians who may need translation/interpretation services. Additionally, the MSD provides these services to any parent/guardian presenting as needing these services. ESOL teachers work collaboratively with district faculty and staff to ensure families are offered translation/interpretation services whenever needed.

5/5/26 Minor edits

Sigita Clifford, Reeds Ferry School (603) 424-6215 x6115 sigitia.clifford@sau26.org	**Lauren Moores, Thorntons Ferry School** (603) 889-1577 x7106 lauren.moores@sau26.org
Nicole Funicella, Mastricola Upper Elementary School & Mastricola Elementary (603) 424-6218 x5326 nicole.funicella@sau26.org	**Kimberly Ross, Merrimack Middle School** (603) 424-6289 x3231 kimberly.ross@sau26.org
Jessica Kueblbeck, Merrimack High School (603) 424-6204 x2213 jessica.kueblbeck@sau26.org	**Allison Noel, Assistant Superintendent** (603) 424-4200 x1112 allison.noel@sau26.org