# LAU PLAN

I. **General Policy Statement** - The Cape Elizabeth is committed to ensuring that Multilingual Learners (ML) are able to access and participate meaningfully in the district's educational programs. In accordance with federal law and School Board Policy IHBEA, the Cape Elizabeth School Department (CESD) will implement this Lau Plan, which delineates the procedures to be followed on behalf of its MLs.

II. **Legal Foundation** - when a student has been identified as a possible ML, Maine requires the education program of an ML to be overseen by a Maine ML endorsed teacher. Federal law further requires the education of all MLs to be design, overseen, and implemented by an ML endorsed teacher. Only an ML endorsed teacher meets the legal requirements to provide ML services.

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

   II. **Lau v. Nichols: US Supreme Court decision of 1974:** There is no equality of treatment merely by providing students with the same facilities, textbook, teachers, and curriculum, for students who do not understand English are effectively foreclosed from any meaningful education.

   III. **Memorandum, May 25, 1970 Dept. of HEW:** Where inability to speak and understand the English language excluded national origin-minority children form 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 it's instructional program to these students.

   IV. **Office of Civil Rights, Fall, 1985 memo on the May 23, 1970 Memorandum:** Title VI rights are for individual rights, thus LES's must heed the May 25th memorandum even if they only have a single Limited English Proficient (LEP) Student.

III. **Responsibility for Lau Plan Implementation -** The Superintendent will appoint a Lau Plan Coordinator to oversee implementation of the Lau Plan for the CESD, including procedures for screening, identification, placement, programming, assessment, exiting, and monitoring. The Lau Plan Coordinator will report directly to the Superintendent.

IV. **Identification Process -** Limited English proficiency is not a disability covered by the federal Individuals with Disabilities Education Act of Maine special education regulations. MLs will not be placed in special education programs without a separate determination of the need for such services. Further, living in a home in which another language is routinely spoken does not automatically identify a student as an ML.

   I. **Screening:**

      1. **Language Use Survey -** At Kindergarten screening and whenever a student enrolls in the Cape Elizabeth schools, the student's parent/guardian will be asked to complete the Maine Department of Education's Language Use Survey.

      2. **Other Screening Methods -** In addition to the Language Use Survey, the following methods may be used to identify students who may need Multilingual Learning Services:

         a. Teacher referral;

         b. Parent/guardian referral;

c. Student self-referral; and

d. Review of prior educational records, including any ML services.

## II. Assessment

1. **WIDA Assessments -** Maine is a member of the World Class Instructional Design and Assessment (WIDA) Consortium. The WIDA Consortium is dedicated to providing a linguistically and culturally appropriate system for supporting Multilingual learners in the K-12 classroom setting. WIDA assessments that are administered to inform identification include for the preLAS, Screener for Kindergarten, and Screener Online (Grades 1-12).

2. **Other Assessments -** Other assessments that may be used to inform identification include:

   a. NWEA assessments;

   b. Classroom-based/course assessments'

   c. Teacher observations;

   d. Parent/guardian and student interviews; and

   e. Prior education records.

### III. Formal Identification

1. A certified (660 English - Second Language K-12) ESOL teacher will use results from the screening assessments to determine the student's level of English proficiency and, if appropriate, identify the student as an ML within 30 days of enrollment from the beginning of the school year or within 30 days of enrollment during the school year.

2. If a student has been identified as an ML, but a teacher, administrator, or parent/guardian believes that this identification is incorrect, a request for change in identification may be made within 90 days of enrollment.

### V. Placement and Programming

I. Once a student has been identified as an ML, the ML teacher, in consultation with a school administrator, guidance counselor, classroom teacher, and parent/guardian who together comprise the student's Language Acquisition Committee (LAC), will consider the following factors in determining appropriate placement and programming to support the student in achieving English proficiency and the Maine Learning Results:

   1. Student's chronological age;

   2. Student's English proficiency level;

   3. Student's educational background; and

   4. Student's academic performance.

II. Placement and programming decisions are made on a case-by-case basis and will include at lease one of the following:

1. Small group or one-on-one instruction with the ML teacher in a pull-out setting;

2. Small group or one-on-one instruction with an educational technician or volunteer under the supervision of the ML teacher in a pull-out setting;

3. ML support provided in a mainstream classroom by the ML teacher or educational technician;

4. Curriculum/assessment modifications appropriate for the student and implemented by the classroom teacher.

5. Support, including curriculum/assessment modifications, provided through consultation by the ML teacher and mainstream teacher.

III. Student programming and ancillary ML services will be supported by dedicated cost centers within the school department's annual budget.

VI. **Evaluation of Student Progress -** Each ML will have an Individual Language Acquisition Plan (ILAP) developed by the ML teacher, in consultation with the student's LAC. The ILAP will evaluate student progress and establish new goals, and will be updated annually until the student exits from ML services. The ILAP will be based on:

I. Annual ACCESS for ELLs results;

II. Student performance on other standardized and classroom-based assessments;

III. Teacher observations; and

IV. Parent/guardian and student input.

VII. **Exit Criteria -** MLs may be exited from ML services once they have achieved an overall composite score of 4.5 on the ACCESS for ELLs.

VIII. **Monitoring -** A student who has been exited from ML services will be monitored by the ML teacher for two years. If the student experiences academic difficulties, they may be reassessed in accordance with Lau Plan procedures to determine whether English language support should be resumed.

IX. **Program Evaluation -** The Lau Plan Coordinator is responsible for evaluating the overall effectiveness of the Lau Plan. An effective plan is on in which students are making progress toward achieving English proficiency and are able to access and participate meaningfully in the district's educational programs. The Lau Plan Coordinator will perform the following functions annually:

I. Review staff compliance with Lau Plan procedures;

II. Review student progress in achieving English proficiency and participating in school programs;

III. Obtain feedback from staff, parents/guardians, and students, as appropriate, concerning ML services;

IV. Share the results of the program evaluation and any recommendations for improvements to the Lau Plan or ML services with the superintendent.

X. **Parent/Guardian Notification and Rights -** If practicable, school information will be provided in a language the parent/guardian can understand. In addition, whenever feasible, an interpreter will be provided at parent-teacher conferences and LAC meetings to assist parent/guardians in understanding their child's programming and progress toward achieving English proficiency. Parents/guardians have the right to refuse ML services for their child. Parents who do not want their child to have ML services are required to sign a letter of refusal that will be placed in the student's cumulative folder.

XI. **Recordkeeping -** All records pertaining to a student's ML status, including Language Use Surveys, assessments, ILAPs, and monitoring documentation, will be included in the student's cumulative folder. Appropriate recordkeeping is the responsibility of the ML teacher and, once the student has been exited from ML services, school counselors.

XII. **Glossary of Terms**

- **ESL/ESOL/EL Services:** English as a Second Language/English to Speakers of Other Languages/English Learner Services: use of special curriculum and services to help students who come from a non-English language background learn English
- **LAC:** Language Assessment Committee: committee charged with responsibilities that include identifying and generally meeting the needs of Non-English Proficient (NEP) and Limited English Proficient (LEP) students
- **ILAP:** Individualized Language Acquisition Plan: a plan developed an individual student defining the special languages services needed to make a transition from NEP to LEP status to Fluent English Proficiency (FEP) status
- **Lau:** Informal reference to Civil Rights Act and required school districts to provide special assistance to MLs who were unable to benefit from an education conducted primarily in English
- **LEP/ML/EL:** Limited English Proficiency/Multilingual Learner/English Learner: students who have a primary language other than English and are unable to participate effectively in school when English is the language of instruction
- **HLS:** Home Language Survey: form completed at registration to indicate a student's language background in and out of school
- **ACCESS:** Assessing Communicative Competence in English State to State: The ACCESS for MLs is the new annual comprehensive system that will measure both conversational and academic language at all grade levels for MLs
- **WIDA:** Wisconsin, Delaware, Arkansas, the original partners in a consortium that produced an enhanced assessment system designed to measure English Language competence in both social and academic English. Later, WIDA became known as World-class Instructional Design Assessment. Maine joined the WIDA consortium in the fall of 2003, six months after the consortium was formed.

CESD Lau Plan document

SCHOOL BOARD APPROVED: June 20, 2012

May 14, 2019

February 13, 2024

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Revision #3
Created 27 February 2024 19:10:33
Updated 28 February 2025 18:05:37 by Andrea Fuller