

SCARBOROUGH SCHOOL DEPARTMENT
ENGLISH AS A SECOND LANGUAGE PROGRAM
LAU PLAN

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I. Historical and Legal Background

To ensure that all students who are learning English as a second language receive the same quality educational experience as native speakers, the federal government through legislative actions has mandated specific guidelines to be implemented by each local educational agency (LEA) that has at least one student designated as needing extra linguistic support. *Title VI* of the *Civil Rights Act* declared:

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 subject to discrimination under any program or activity receiving federal financial assistance.

In other words, students who have been classified as English Language Learners (ELLs), and requiring special language and/or academic assistance must be provided with comparable services, including instructional space and materials.

In 1974 *Lau vs. Nichols* established two significant legal points. Equity of educational opportunity does not mean simply providing all students with the same facilities, textbooks, teachers, and curricula. Students who are not fully proficient in English may still be unable to participate in meaningful education. The second point of *Lau vs. Nichols* states that while a LEA may not intentionally discriminate against ELLs, the ensuing result is still discrimination.

The Equal Education Opportunities Act of 1974 required state and local agencies to take “appropriate action to overcome language barriers” confronting language minority students. The “Lau Remedies” (1975) were formulated and used by the Office of Civil Rights to determine compliance by educational agencies. Specifically, they required schools to do the following:

- Identify and assess the English language abilities of the English language learner;
- Utilize the most effective teaching styles and educational programs to meet the students’ learning needs;
- Establish criteria for students exiting ESL programs; and,
- Establish professional standards for ESL teachers.

In *Castaneda v. Pickard* (1981), the Court of Appeals formulated a three-part test to measure compliance with the *Equal Educational Opportunities Act*. The first part demands that the school system pursue a program of informed educational theory recognized as sound by some experts in the field of second language acquisition. The second test requires school systems to implement said theory into practice with the essential procedures, resources, and personnel. The third part stipulates that the adopted theory and practice must yield results; that is, the educational program must show that language barriers are indeed being overcome. The ruling also informs school districts of their duties to assist ELLs in the learning of academic subjects while improving English comprehension and communication so that the goal of equal participation in standard educational instruction is not unduly delayed.

In 1990, 5 M.R.S.A. 4601, an amendment to the *Maine Human Rights Act*, stipulated that persons of national origin minority groups are guaranteed the right of freedom from discrimination in education in these areas:

- Academic, extracurricular, research, or occupational training;
- Program or institutional administration;
- Access to information from program or institutional recruitment;
- Financial assistance.

Most recently the federal mandate No Child Left Behind, title III of the Elementary and Secondary Schools Act of 2001 holds state educational agencies, local educational agencies, and schools accountable for increases in English language proficiency and core academic content knowledge of limited English proficient students. It requires states to implement yearly student academic assessments that include, at a minimum, academic assessments in mathematics and reading or language arts. These assessments must be aligned with state academic content and achievement standards. Each state, school district, and school is expected to make adequate yearly progress toward meeting the state standards. This progress is measured by disaggregating data for specified subgroups of the population.

Title I of the Elementary and Secondary Education Act 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 limited English proficient in schools served by the state.

II. Language Assessment Committee

A Language Assessment Committee (LAC) will be created to coordinate and oversee the educational program of limited proficient students enrolled the Scarborough School System. Members of the LAC will include the ESL District Coordinator, ESL instructors, administrators, classroom teachers, guidance counselors, parents (when appropriate), and other ESL consultants who may be involved with this committee as determined by need. The LAC meetings will be scheduled and conducted by the ESL District Coordinator or an administrator of the Scarborough School District. The LAC responsibilities will include the following:

- Review the Home Language Surveys to identify potential ELLs that have not already been identified by LAC surveys, or parent/teacher referrals;
- Inform parents in a language that they understand of the date and nature of English proficiency, recommended services and their right to refuse services for their child;
- Administer multi-criteria evaluations to potential ELLs in English and native languages when appropriate;
- Determine the placement and appropriateness of ESL programming;
- Convene regularly to monitor students' language and academic progress;
- Make recommendations concerning the placement and program for the following school year that will best meet the needs of each student;

- Recommend modifications of ESL support services or reclassification of students;
- Continue to monitor ESL students who have been reclassified as fully English proficient (FEP) for two years;
- Create, maintain and review a record keeping system for recording language assessment for each student identified in meeting the established needs of its students; and,
- Evaluate the success of the ESL program in meeting the established needs of its students.

Records generated by the LAC meetings and testing procedures will be kept in a designated file in the school. A district file in the superintendent's office will hold pertinent ESL document. Copies of formal testing, recommendations, narratives, portfolios, anecdotal notes, and progress reports will be placed in the student's permanent file.

III. Identification and Assessment for Instructional Placement

The Maine Department of Education conducts an annual Home Language Survey for all new incoming students. A Home Language Survey is to be given to all newly enrolled students (PreK-12) and used to identify students who may not be proficient in English.

The Home Language Survey is designed to identify, for possible further evaluation:

- Students who communicate in a language other than English; or
- Students whose families use a primary language other than English in the home; or
- Students who use a language other than English in daily non-school surroundings.

It is strongly recommended that the process for identifying and screening EL students be completed within 30 days following the opening of school or enrollment of a new student. It will be the responsibility of a designated member or members of the LAC to review the Home Language Surveys to identify potential English language learners. After this initial screening, the LAC will create an information base on each student with regard to their present situations and past experience. This information should include the following:

- Literacy skills in native language and English
- Educational background (including previous schooling, preferred learning styles, attitudes toward formal schooling)
- Cultural and political backgrounds of the students
- Personal characteristics

Any information that will provide insight into the child's development as a learner is beneficial to the development of an appropriate instructional program.

Upon the completion of essential background information, the assessment of a student's oral language proficiency in English and content area competencies are the first actions that the LAC should take in identifying the student's needs.

Limited English speaking students that are new to a school will be screened for initial program placement with the W-APT (WIDA-ACCESS Placement Test) and/or MODEL (Measure of Developing English Language). In addition, students identified as limited English proficient must be assessed annually thereafter with the ACCESS for ELLS® until they attain a Composite Score Level 6.

This screening tool evaluates students in both conversational and academic language in the following domains: listening, speaking, reading, writing, and comprehension. Informal assessments such as interviews, story retelling, cloze activities, etc. may also provide additional screening data.

The decision to place each ESL student in a grade level class should be based on the following criteria:

- The student's chronological age
- The student's educational background
- The student's English and native language proficiency levels
- The student's academic performance

Under no circumstances should a student be placed in a grade level that is more than one year below his chronological age. Although it may seem logical to place a language minority child at a grade level that matches the kinds of skills needed to acquire the language, it would be a great disservice to the child both socially and cognitively.

Before a limited-English proficient child is considered for grade-level retention, the LAC will carefully review the child's educational history and judiciously choose a course of action that will most benefit the educational and social development of the child. It is not appropriate to retain a LEP child solely for the reason of his/her English proficiency as the child needs ample time to catch up with native-speaking peers. Full-English proficiency or the acquisition of CALP is a lengthy process that can take six to eight years or longer.

In 1991, the Office of Civil Rights issued an enforcement policy update which further stated that ELLs who have been identified as having learning disabilities or special needs may be placed in a special educational program concurrent with ESL assistance. ESL students who also meet the eligibility requirements for Title I or Migrant Education services may participate in those programs while receiving ESL services. Likewise, ELLs cannot be categorically denied access to Gifted and Talented programs, and the evaluation or testing for such programs must be fairly administered and not exclude students solely on the basis of their proficiency in English.

Regardless of the nature of assistance, the underlying premise is to make sure that ELLs have access to a meaningful education by receiving the necessary language and academic support needed. It should be emphasized that any instructional program must take into consideration the cultural views of the students and that context sensitivity must be shown toward differing cultural values and cultural styles.

IV. Instructional Program and Assessment

Once students have been identified and assessed for placement into an instructional program, it is necessary to determine the nature and extent of ESL support. There are many variables related to the student and school that make it difficult to ascertain the exact time and duration of English language support.

In general, students with low level English skills will receive more instructional time than those with intermediate skills who, in turn, will receive more language support than advanced students. It is often possible and advisable for ESL teachers to work with several students of similar proficiency levels at the same time. Occasionally, an ESL teacher may need to work individually with students, especially new arrivals with little or no English. The primary goal, however, is to support the child within the mainstream classroom to the fullest extent possible.

The ESL program in Scarborough is a language developmental program whose goals are based and designed to accelerate the acquisition of conversational language Basic Interpersonal Communication Skills (BICS), one to three years, and to equip the ELLs with the academic language and cognitive skills Cognitive Academic Language Proficiency (CALP), six to eight years, necessary to compete with their native English speaking peers. Research clearly shows that students learn best when key academic concepts and vocabulary are targeted to their proficiency levels in English.

The SDAIE (Specially Designed Academic Instruction in English) model, also known as Sheltered English, is used primarily at the middle and high school levels. This model employs organizational patterns and tools that help students learn content and language together. Some best practices include scaffolding language, pre-teaching key concepts and vocabulary, grouping students, and using graphic organizers.

It is imperative that ESL instructors collaborate with mainstream educators to establish clear instructional goals, develop and adapt materials, and provide alternate assessment pieces that truly measure what students know. Joint in-service training for both ESL and mainstream teachers is essential to a quality program.

Standardized tests in the content areas, such as math and science, do not cover the full range of assessment needs for ELLs and should be used in conjunction with types of authentic assessment such as oral reports, writing samples, projects, exhibitions, and demonstrations. The accurate and effective assessment of ELLs is necessary to ensure that they gain access to appropriate instructional programs.

An annual meeting is held with the student and his or her parents, classroom teachers, and other professional staff as appropriate. The purpose of the annual meeting is to review current ACCESS results and student's academic and social progress in order to determine the type and frequency of the ESL services. Service types include modalities such as push in, pullout, sheltered English and teacher consultation. Specific goals are developed and needed classroom and assessment accommodations are identified. ESL progress reports are included with the students report cards at regular intervals throughout the school year.

V. Reclassification and Exiting of Students

Any member of the Language Assessment Committee may recommend a student for reclassification or exit from an ESL program. Maine stipulates that a Composite Score of Level

6 on the ACCESS for ELLs is required to exit from the ESL program. In the evaluation process, teachers must provide students with numerous and varied opportunities to demonstrate their finest language and academic abilities. Standardized achievement measures continue to remain strong indicators of student performance, but their use should be combined with a variety of other sources of materials. Informal performance measures also provide important information concerning the student's learning progress. Some of these include teacher prepared tests, cloze tests, story retelling, portfolios, reading inventories, reports, structured interviews, observations, and writing samples.

The Language Assessment Committee will decide whether or not to exit a student from the program and must monitor the student's progress for a period of two years with the understanding that s/he may be returned to an ESL program if deemed necessary.

The LAC will inform the parents/guardians in a language they understand of any changes in the reclassification and their right to challenge the decision.

VI. Program Evaluation

The Language Assessment Committee is to periodically review the objectives, resources, and operation of the ESL program to determine its strengths and weaknesses. The second language methodologies, curriculum content and teaching/learning materials must be scrutinized in relation to student achievement and goals. The availability, cost, and quality of human and material resources are also considered in the program review. The LAC should gather data, analyze records, examine opinions of staff, students, parents, and outside consultants in a self-study program that must be an ongoing process to continually strive to meet the high standards of the program.

Some criteria to consider in the evaluation process include the following:

- Attainment of goals
- Progress of individual students
- Effectiveness of service providers
- Appropriate time allotment for services
- Comparable instructional materials
- Comparable classroom space
- Instruction provided during school hours, not special classes (art, gym, etc)
- Instruction based on sound educational practices and ESL theory
- Efficient and accurate recordkeeping

A quality program evaluates its effectiveness on a continual basis as determined by the program staff, administration, students, as well as when required by outside agencies or the larger institutions in which the program operates.

VII. Teacher Preparation

The state of Maine has an ESL endorsement for teachers which requires 15 semester hours of coursework in five cluster areas. Proper qualifications include training in the methodology for second language instruction and/or the following:

- English language background
- Linguistic skills
- Effective teaching skills
- Second language curriculum design
- Knowledge and appreciation of other cultures
- Knowledge of the process of acculturation and assimilation.

If a district has limited English proficient students enrolled, language support services may be provided in two personnel configurations: 1) an ESL endorsed teacher who provides direct ESL instruction or, 2) a paraprofessional or non-ESL endorsed teacher who provides supplemental ESL services and is supervised and guided by an ESL endorsed teacher.

The presence of an ESL endorsed professional is imperative to the implementation of an effective and appropriate program. If a paraprofessional or non-ESL endorsed teacher is providing direct services, s/he must still participate in training for ESL though it might be less rigorous.

The ideal qualifications for ESL tutors who are not endorsed are the following:

- Experience in a second language setting;
- Experience in a non-English speaking culture;
- Experience working effectively with children in an instructional setting;
- Knowledge of instructional methods for communication skills and content areas; and,
- Knowledge of ESL practices, second language acquisition, and LEP students.

VIII. Summary

Every school district servicing language minority children in need of added linguistic and academic support must have a Lau Plan that describes the purpose, scope, and nature of the educational program for the student(s). The Lau Plan must be based on sound educational principles that seek to enable English language learners to reach the same high academic standards as their native English speaking peers. The components of the plan address the identification, assessment, instruction, and exiting of ESL students as well as establish the professional standards for teachers of English language learners. A Language Assessment

Committee (LAC) will oversee the implementation of the Lau Plan.

In the identification process, the ESL teacher reviews the home language surveys and administers a language proficiency test to those students suspected of needing English language support. From the test results and essential background information, the teacher and other involved school staff can then devise an instructional plan that will best meet the unique needs of each student.

The instructional program is intended to support and reinforce the skills associated with the particular stage of language development, specifically the acquisition of BICS and CALP. The mastery of basic oral English is not enough for any student; each must have the opportunity to achieve full academic mastery in reading and writing and aspire to higher levels of education. In addition to the language and academic components, a sound instructional program will also adopt a multicultural perspective, providing students with the cultural knowledge they need to promote their acquisition of English while affirming a respect for native cultures as well.

Student assessment throughout the instructional process assures awareness of changing needs and provides educators with the information to make sound educational decisions. Some of these decisions will eventually concern the reclassification and exiting of students from the ESL program. In each case, the LAC will collect an array of solid evidence that the student can function well in the mainstream classroom. To prevent backsliding, an exited student must continue to be monitored for a period of two years. Anytime a change occurs in the educational status or setting of an ESL student, the parents or guardians must be notified in a language that they understand.

A strong well-trained staff is the cornerstone of the ESL program. The teachers of the ESL program must be certified and endorsed in ESL education. All other teachers, tutors, or facilitators who work with ELLs must be culturally sensitive, competent, and offered support for advanced training through workshops or seminars.

The Lau Plan is a procedural guide designed by each school district for the unique needs of its language minority students. It is a document to be reviewed, analyzed, and changed so that it continues to reflect the educational philosophy that will allow its limited English proficient students to become responsible citizens in a democratic society and ethnically diverse world.

Glossary

ACCESS: Assessing Communicative Competence in English State to State. The ACCESS for ELLS is the new annual comprehensive assessment system that will measure both conversational and academic language at all grade levels for English Language Learners.

BICS: Basic Interpersonal Communication Skills. This is the type of language proficiency that is needed to carry on everyday conversation about everyday events. It generally takes one to three years to teach BICS competency.

CALP: Cognitive Academic Language Proficiency. This is the language of textbooks dealing with abstract, cognitively demanding concepts viewed as necessary for academic success in schools. It generally takes 6-8 years to develop CALP.

ELL: English Language Learner. A student who learning English as a second language and has not yet reached a level comparable to native speakers. This term has been suggested as a replacement for “Limited English Proficient” (LEP).

ELP: English Language Proficiency

ESL: English as a Second Language. This term can refer to students who are learning English as their second language as well as the instructional program offered to those students.

FEP: Fully English Proficient. This term describes a minority language student who has developed full proficiency in the usage of English and is mainstreamed into the regular classroom.

LAC: Language Assessment Committee. This is a school-based committee consisting of a variety of personnel who together make decisions regarding student placement, assessment, instruction, and exit from an ESL program.

LEA: Local Educational Agency. This term refers to the local school administrative agency that oversees the instruction of the students within its defined school district.

LEP: Limited English Proficient. This is the term first used in federal legislation to refer to minority language students who have sufficient difficulty speaking, reading, writing, or understanding the English language and whose difficulties may deny these students the opportunities to learn successfully in English speaking classrooms.

MODEL: The MODEL (Measure of Developing English Language) is a series of English language proficiency assessments for Kindergarten through Grade 12. MODEL can be used by educators as an identification/placement assessment for newly enrolled ELLs or as an interim progress monitoring assessment.

NEP: Non-English Proficient. This term describes a minority language student who is just beginning to learn English.

SDAIE: Specially Designed Academic Instruction in English is a teaching model closely associated with Sheltered English that is used mainly in the middle and high schools. Generally taught by the content area teacher, this model employs a structured language approach that

enables students to learn both important subject area content and specific vocabulary concurrently.

TESOL: Teachers of English to Speakers of Other Languages. This is the international professional association whose mission is to strengthen the effective teaching and learning of English throughout the world while respecting individuals' language rights.

W-APT: WIDA ACCESS Placement Test. An English language proficiency screen tool that is used for initial program placement with all incoming ELLs.

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.