

# VINALHAVEN SCHOOL

## LAU Plan

It is the policy of the Vinalhaven School to provide equitable access for limited English proficient students. According to the Equal Education Opportunities Act (1974), this district must make an effort to do whatever is educationally appropriate to address the English and educational needs of the limited English proficient student so that he/she can compete with his/her same age English background peers. Qualifying students will be identified and placed in programs and services in accordance with statutory guidelines. The Vinalhaven School will strive to provide a linguistically and culturally rich learning and teaching environment. It is the policy of the Vinalhaven School to comply with all federal and state laws prohibiting discrimination against students on the basis of all civil rights categories.

- I. Establish a *Language Assessment Committee* that will consist of an administrator, classroom teacher, ELA teacher, and a parent or guardian if possible. Appropriate support staff, such as a guidance counselor, will be included when they are involved in the student's program.

The responsibilities of the Language Assessment Committee include:

- a. Identify Limited English Proficient (LEP) students using the \*WIDA "Access" assessment tool.
  - b. Develop an appropriate and effective language support program that assures LEP students will achieve the Learning Results and Grade Level Expectations.
  - c. Monitor the student's progress on an on-going basis.
  - d. Notify parent or guardian of all decisions (in a language they comprehend) and their right to appeal their child's participation in ESL.
  - e. Determine when the LEP student meets the exit or reclassification standards through WIDA Assessment.
  - f. Monitor students for two years after exit from ESL.
  - g. Make recommendations for programming for next school year.
- II. *Screening:* All newly enrolled students (including transfers) will be initially screened for subsequent assessment through the Home Language Survey during the enrollment process.

If a student has been previously identified as Limited English Proficient, screening is not required, although English proficiency assessment is required annually in all communicative skills domains.

\*WIDA=Wisconsin, Delaware, Arkansas Assessment Consortium for which Maine is a partner among eight states.

*Assessment of English Language Proficiency and Academic Skills*

Within ten school days of initial screening by the Home Language Survey, possible LEP students will be assessed for level of English Language Proficiency:

1. Consultation with classroom teacher where appropriate
2. Anecdotal information from student, family and/or sponsors
3. Testing for proficiency in the Academic English of content areas.
4. Oral and written assessment of English
5. One or more of the following: \*
  - a. Pre LAS
  - b. Interview
  - c. Informal Reading Inventory
  - d. Writing Sample
  - e. IPT

\*To be discontinued once the WIDA "Access" tool is introduced in 2005
6. Assessment of academic proficiency in First Language (optional)
  - a. Interview
  - b. Writing Sample
  - c. Anecdotal Records
  - d. School Records

Grade Level Placement

Before making a permanent grade-level placement decision for a language minority student, the LAC will need to have pertinent background information about the child. That information would include, as a minimum:

- the child's chronological age
- the child's educational background
- the child's English language proficiency level through WIDA assessments
- the child's academic performance

With this information, which should have been collected as expeditiously as possible, the LAC will decide at what grade level the student should be placed. Under no circumstances will a student be placed in a grade level that is more than one year below his/her chronological age. Although it may seem logical to place a language minority child at a grade level that matches the kind of English skills he/she needs to acquire, it would be a great disservice to the child both socially and cognitively to do so. The school committee is obligated to provide a structured language support program that meets the ESL as well as content area needs of the student consistent with state and federal statute and case law precedent.

Regarding the issue of grade-level retention, on the whole, retention is only advisable when a language minority student is lagging behind peers socially and emotionally (and even that may not be appropriate). It stands to reason that a language minority – LEP child will not be on grade level academically until he/she has had the opportunity to acquire the English skills and content necessary for success.

It is not appropriate to retain a LEP child solely for the reason of limited English proficiency because the child has unique needs and must be given ample time from grade level to grade level to acquire English proficiency. The school committee accepts the research findings that the acquisition of a second language for cognitive/academic proficiency can take from five to seven years under optimal circumstances of academic and ELP (English Language Proficiency) support.

The most advantageous way to avoid grade-level retention is to make accommodations for the LEP child in the mainstream classroom and to maintain a close collaborative relationship between the mainstream and ESL programs. If a LEP child is referred for retention, the LAC should be included in that process to ensure that language proficiency is not the sole reason for the referral.

### III. *Programs*

Each student will be enrolled in mainstream program to the extent possible and integrated into regular activities. The regular classroom teacher will share the responsibility of programming with a qualified ESL teacher. Modifications to the regular curriculum will be supported by appropriate instructional materials. An ESL program will be provided at a specified school at each level in order to maximize language support services with sheltered content instruction to support access to the Learning Results.

Some of the programs that might be used in the Vinalhaven School include:

Sheltered Instruction: An approach that utilizes the simplification of the English language to teach ESL and subject area content simultaneously (sometimes called “content ESL”). Although the actual content is the same as that taught to non-LEP students, key concepts and vocabulary are targeted to fit the ESL student’s English language proficiency level.

Structured Immersion: Instruction for LEP student is conducted in English in a setting wherein the teacher understands the students non-English home language. The student uses the non-English native language with the content teacher who usually responds in English.

The following guidelines will be followed for the development of a student's program:

1. Instruction will be provided during the regular school hours.
2. Student's grade placement will be age appropriate.
3. The ESL teacher or (ELA teacher if no ESL teacher is available) and classroom teacher will coordinate efforts to support the students acquisition of English and the Learning Results.
4. The ESL teacher will extend instruction into the classroom providing support to the LEP student and will share the cultural diversity and the new language with other students.
5. Instructional space will be provided to LEP students that is comparably provided to non-LEP students.
6. The amount of time spent with the ESL teacher will be determined by the Language Assessment Committee based on age and need of the student.
7. Home visits will be conducted as part of an outreach effort to parents of ESL student with support to those parents in their language.

III. *ESL Teacher Requirements*

1. Hold State of Maine Certification with ESL endorsement or be a certified ELA teacher.
2. Administer multi-criteria evaluations used to determine eligibility.
3. Communicate at least quarterly or each tri-mester with parents regarding progress of students in a language they understand.
4. Recommend modifications or revisions to the LAU Plan.
5. Recommend reclassification or exiting of student based on WIDA assessments.
6. Provide meaningful cultural and language information to student, teachers and classmates.
7. Insure that high school students receive appropriate career and educational information and that all post graduate opportunities are made equitably accessible to them.
8. Monitor students who have exited the ESL program for a period of two years.
9. Maintain a language development file on each student served by the ESL program.

### *Reclassification or Exit Criteria*

A multi-criteria assessment will be made when determining if an LEP student will be classified as a Fluent English Proficient (FEP) student. This will consist of the following:

1. Teacher evaluation of general language proficiency by observing the student's oral performance in both formal and informal settings.
2. The ESL Teacher will evaluate the progress of the student in reference to ESL skills and objectives at least annually.
3. An objective evaluation will be made as to how the student is functioning in the four skill areas of listening, speaking, reading, and writing compared to their English speaking classmates. This evaluation will be made jointly by the ESL teacher and the classroom teacher(s). Exist thresholds will include
4. WIDA Access Assessment (beginning 2005)

### Special Needs Placement:

Determining special needs placement for students who are receiving ESL Services is a complex process. There may be a number of individual or combined factors determining why language and cultural minority students are achieving little academic progress over time; the normal process of second language acquisition, the acculturation process, different learning styles, motivation to learn, or the student's lack of prior schooling are a number of potential factors instead of intrinsic learning problems. Screening and diagnosing at-risk students receiving ESL Services include a number of pre-referral steps to determine whether there exist temporary learning and behavior characteristics shared by learning disabled students and students of English as a second language, or whether referral to special education is warranted. The ESL Specialist must be involved throughout the process.

The following pre-referral process will be followed to determine the necessity for referral to special education:

1. When the student experiences continued, serious academic/social behavioral difficulty:
  - Examine systematic efforts to identify the source of difficulty:
    - a. Curriculum: continuity of exposure; scope and sequence; student's entry level skills; cognitive demands; mastery criteria; amount of practice exhibited in the native language.
    - b. Instruction: sequencing of content; language use; effective teaching behaviors; coordination with other teachers.

- c. Teacher: qualifications; experience with LEP Students; teaching style; expectations; perceptions; instructional management; behavior management.
  - d. Student: Experiential background; native language proficiency; cultural characteristics; cognitive learning style; locus of control/attribution; self-concept; motivation.
  - e. Assessment: learning standards; data collection procedures; modifications.
- Examine the student's individual and group behavior, parental perceptions, work samples, and teacher perceptions.
    - a. Cultural differences: country of origin; length of residence in US; age at arrival.
    - b. Language differences: first language characteristics; rate of progress in English; opportunities to use English outside of school; literacy skills in first language.
    - c. Environmental factors: background factors; attitudes on schooling; interruptions/traumas; frequency of school moves; family separation; family support for schooling; home environment factors.
    - d. Medical/physical factors: history; present conditions.
    - e. Achievement/performance factors: listening comprehension; oral expression; basic reading skills; reading comprehension; written expression.
    - f. Learning/behavior factors: visual discrimination; auditory discrimination; visual memory, auditory memory; visual motor coordination; attention/coordination; a social perception; problem solving; activity level; speech.
2. Parents, teachers, and support staff can initiate referral to Special Education. Parents will be provided an interpreter. The Language Assessment Committee can also refer a student to special education services for continued diagnosis and testing if: (a) systematic efforts to identify the source of the difficulty are unsuccessful and/or (b) the Intervention Checklist identifies behavioral patterns deemed necessary for continued assessment. The Language Assessment Committee will gather the information and process the referral observing Special Education regulation timelines. The disabling condition must occur in the student's primary language to warrant a referral.

### *Program Evaluation*

In order to ensure the most effective and appropriate structured language support programming for limited English proficient children, a model for overall program evaluation must be developed and utilized consistent with state and federal statute. An annual program evaluation will illustrate: attainment of program outcomes; English language and content acquisition; attainment of learner outcomes; school climate and support for the program and children; the quality of instructional materials, the maintenance of information about students; the effectiveness of staff development activities; the amount and effectiveness of mainstream ESL collaboration; the effectiveness of school and program communication with parents; and, the implementation of the *Lau Plan* itself.

The program accountability and demonstration of outcomes will enhance the program's legitimacy in the school and will consummate the work and methods of the program toward the ultimate goal of continually improving instruction to meet learner instructional needs.

### *Caveats*

The following three circumstances could present themselves. The policy of the school committee is duly noted for each situation.

1. Although language minority-limited English proficient students may be eligible for NCLB Title One and Title Three services under the same criteria as other children, any may receive those services. Title One and Title Three services cannot supplant structured support services, such as ESL.
2. Limited English proficiency is not a disability as defined by the Americans with Disabilities Act of 1994 and state special education regulations. If a language minority child is referred for a special education evaluation, a culturally and linguistically non-biased evaluation must comply with state and federal regulations. An assessment of the child's native language skills as soon after school enrollment as possible is advisable so that any significant problems can be identified and noted for future references. The disability must be determined in the student's primary language.
3. In the event that a parent/guardian refuses ESL services for their child, a signed letter of refusal will be placed in the student's file. These ESL services will be offered yearly and a letter of refusal must be signed annually. The parent may withdraw refusal of services at any time.

*Legal References*

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 receiving federal financial assistance.”

Lau v. Nichols: U.S. 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.”

Memorandum, May 25, 1970 Dept. of HEW

“Where inability to speak and understand the English language excluded national origin-minority 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.

Office of Civil Rights, Fall, 1985 memo on the May 23, 1970 Memorandum

“Title VI rights are for individual rights, thus LEA’s must heed the May 25<sup>th</sup> memorandum even if they have only a single Limited English Proficient (LEP) Student.”

Office of Civil Rights Memorandum, 1990

Requalified teachers

Adopted: November 18, 2015