

April 20, 2021

Maine Virtual Academy (MEVA) Lau Plan

It is the policy of Maine Virtual Academy (MEVA) to provide equitable access for English learners. 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 English language learner 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. MEVA will strive to provide a linguistically and culturally rich learning and teaching environment. It is the policy of MEVA 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 (LAC)

The LAC will consist of an administrator, classroom teacher, ESL (English as a Second Language) teacher and/or director, and a parent or guardian when appropriate to support ELL (English Language Learner) students. Appropriate support staff, such as the academic advisor, will be included when they are involved in the student's program.

The responsibilities of the LAC and/or ESL Director include:

- 1.** Identify English Language Learner (ELL) students using the WIDA Screener Online (grades 7-12).
- 2.** Develop an appropriate and effective language support program that assures ELL students will achieve the Learning Results and Proficiency Level Expectations.
- 3.** Monitor the ELL student's progress on an on-going basis.
- 4.** Notify parent or guardian of all decisions (in a language they comprehend) and their right to appeal ESL Services for their child. If a parent refuses ESOL services this must be documented, but parental refusal does not release the school or SAU from its responsibility to provide meaningful education to an English learner. If an English learner cannot make academic progress without ESOL services, the student has a right to ESOL services even if a parent refuses. Parental consent is not required to administer an English language proficiency screener or ACCESS for ELLs. Under state law SAUs are responsible for administering ACCESS for ELLs to all English learners, regardless of parental consent (20-A M.R.S. 6209(1-A)).

5. Determine when the ELL student meets the exit or reclassification standards through WIDA Assessment.
6. Monitor ELL students for two years after exiting ESL Services.
7. Make recommendations for programming for next school year.

In the event of conflict, the LAC has the final authority in decision making.

II. Screening

All newly enrolled students (including transfers from other districts) will be initially screened for subsequent assessment through the Home Language Survey (see page 8 & 9) <http://www.maine.gov/doe/el/laws/survey.html> and possibly the WIDA Screener Online (grades 7-12) during the enrollment process.

If a student has been previously identified as an English Language Learner (ELL) within the district, screening is not required upon transferring schools within the district, although English proficiency assessment is required annually in all communicative skills domains.

III. Assessment of English Language Proficiency and Academic Skills

Within thirty school days of enrolling at the beginning of the school year, or within two weeks of enrolling mid-year, and initial screening by the **Home Language Survey**, possible ELL students will be assessed for a level of English Language Proficiency via the following:

1. WIDA Screener Online (grades 7-12)
2. Consultation with (mainstream) classroom teacher where appropriate
3. Anecdotal information from student, family and/or sponsors
4. Assessment of academic proficiency in First Language (optional)
 - a. Interview
 - b. Writing Sample
 - c. Anecdotal Records
 - d. School Records

IV. Grade Level Placement

Before making a permanent grade-level placement decision for an ELL student, the LAC and/or ESL Director will need to have pertinent background information about the child. That information would include, as a minimum:

1. the child's chronological age
2. the child's educational background
3. the child's English language proficiency level through WIDA assessments
4. 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 an ELL 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 LAC is obligated to provide a structured language support program that meets the ELL as well as content area needs of the student consistent with state and federal statute and case law precedent.

In the event of conflict, the LAC has the final authority in decision making.

Regarding the issue of grade-level retention

On the whole, retention is only advisable when an ELL student is lagging behind peers socially and emotionally (and even that may not be appropriate). It stands to reason that an ELL 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 an ELL solely for the reason of limited English proficiency. The child has unique needs and must be given ample time from grade level to grade level to acquire English proficiency. The LAC accepts the research findings that the acquisition of another language for cognitive/academic language proficiency (CALP) can take anywhere 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 ELL in the mainstream classroom and to maintain a close collaborative relationship between mainstream and ESL Services. If an ELL 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.

V. Programs

Each student will be enrolled in a mainstream program to the extent possible and integrated into regular activities. The regular mainstream classroom teacher will share the responsibility of programming with a qualified ESL teacher at the weekly MTSS meetings and department meetings; appropriate instructional materials will support modifications and accommodations to the regular curriculum. ESL Services will be provided to maximize language support to maintain access to the Learning Results.

Some of the programs used in MEVA:

Pull Out: An approach that utilizes the simplification of the English language to teach English language proficiency and subject area content simultaneously in a one-on-one or small group setting on top of mainstream instruction. Although the actual content is the same as that taught to non-ELL students, key concepts and vocabulary are targeted to fit the ELL's English language proficiency level. The ESL teacher will invite the students into breakout rooms, as well as small group and one-on-one sessions.

Push In: An approach that extends support and instruction into the classroom while maintaining the ELL's mainstream involvement. The ESL teacher will embed within the regular education classroom.

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

1. Instruction will be provided during the regular school hours.
2. ELL student's grade placement will be age appropriate.
3. The ESL teacher and mainstream classroom teacher will coordinate efforts to support the ELL student's acquisition of English and the Learning Results.
4. Instructional space will be provided to ELL students comparably with the space provided to non-ELL students.
5. The amount of time spent with the ESL teacher and/or one-on-one teacher assistance, will be determined on an individual basis, which is based on the ELL's WIDA ACCESS scores from the previous year.

In the event of conflict, the LAC has the final authority in decision making.

VI. ESL Director Requirements

1. Hold State of Maine Certification with ESL endorsement
2. Make modifications or revisions to the LAU Plan.
3. Reclassification or exiting of an ELL based on attaining proficiency.
4. Maintain a language development file on each student that receives ESL Services.
5. Be a part of all Language Assessment Committees (LAC).
6. Supervise ESL Services for MEVA.

VII. ESL Teacher Requirements

1. Hold State of Maine Certification with ESL endorsement
2. Administer evaluations to ELL students annually.
3. Communicate each trimester/quarter with parents regarding progress of students in a language they understand.
4. Reclassification or exiting of an ELL based on attaining proficiency.
5. Provide meaningful cultural and language information to student, teachers, and classmates.
6. Insure that ELL high school students receive appropriate career and educational information and that all post graduate opportunities are made equitably accessible to them.
7. Monitor students who have exited ESL Services for a period of two years.

VIII. Reclassification or Exit Criteria

An assessment will be made when determining if an ELL student will be classified as a Fluent English Proficient (FEP) student. This will consist of the following: In order to exit from ESOL services, a student must demonstrate English language proficiency. The Maine Department of Education defines English language proficiency as a composite proficiency level of 5.0 on ACCESS for ELLs. No other measure qualifies.

IX. 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. 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. The ESL Director/Specialist must be involved throughout the process.

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

When the ELL student experiences continued, serious academic/social behavioral difficulty:

Examine systematic efforts to identify the source of difficulty.

1. Curriculum: continuity of exposure, scope and sequence, ELL student's entry level skills, cognitive demands, mastery criteria, amount of practice exhibited in the native language.
2. Instruction: sequencing of content, language use, effective teaching behaviors, coordination with other teachers.
3. Teacher: qualifications, experience with ELL students, teaching style, expectations, perceptions, instructional management, behavior management.
4. ELL student: Experiential background, native language proficiency, cultural characteristics, cognitive learning style, locus of control/attribution, self-concept, motivation.
5. Assessment: learning standards, data collection procedures, modifications.

Examine the ELL student's individual and group behavior, parental perceptions, work samples, and teacher perceptions.

1. Cultural differences: country of origin, length of residence in US, age at arrival.
2. Language differences: first language characteristics, rate of progress in English, opportunities to use English outside of school, literacy skills in first language.

3. Environmental factors: background factors, attitudes on schooling, interruptions/traumas, frequency of school moves, family separation, family support for schooling, home environment factors.
4. Medical/physical factors: history, present conditions.
5. Achievement/performance factors: listening comprehension, oral expression, basic reading skills, reading comprehension, written expression.
6. Learning/behavior factors: visual discrimination, auditory discrimination, visual memory, auditory memory, visual motor coordination, attention/coordination, a social perception, problem solving, activity level, speech.

Parents, teachers, and support staff can initiate referral to Special Education through the Language Assessment Committee (LAC). Parents will be provided an interpreter if they cannot speak and comprehend English fluently. The Language Assessment Committee can refer a student to special education services for continued diagnosis and testing if systematic efforts to identify the source of the difficulty are unsuccessful. The Language Assessment Committee will gather the information and process the referral observing Special Education regulation timelines.

Depending upon the student's disability and Individual Education Plan (IEP), universal testing tools or accommodations may be needed in order to measure English language proficiency. When evaluating an English learner for learning disabilities, screening must be linguistically and culturally appropriate. It is advisable to measure a student's skills in the student's primary language in order to clarify whether challenges are due to a learning disability or English language development.

X. Program Evaluation

In order to ensure the most effective and appropriate structured language support programming for English language learning 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 ELL 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.

XI. Caveats

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

1. English language learner students may be eligible for ESEA Title I and Title III services under the same criteria as other children and may receive those services. However, Title I and Title III 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.
3. If a parent refuses ESOL services this must be documented, but parental refusal does not release the school or SAU from its responsibility to provide meaningful education to an English learner. If an English learner cannot make academic progress without ESOL services, the student has a right to ESOL services even if a parent refuses. Parental consent is not required to administer an English language proficiency screener or ACCESS for ELLs. Under state law SAUs are responsible for administering ACCESS for ELLs to all English learners, regardless of parental consent (20-A M.R.S. 6209(1-A)).
4. ELL students (not including transfers) in their first year of student enrollment may be exempted from the ELA portion of the MEA, however, not from ESL based mandated tests.

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 25th memorandum even if they have only a single Limited English Proficient (LEP) Student."

Office of Civil Rights Memorandum, 1990

Requalified teachers

<http://www.maine.gov/doe/el/laws/survey.html>

Parent Letter & Language Use Survey (English)

Dear Parent/Guardian:

Maine welcomes families of all cultural and linguistic backgrounds. Speaking more than one language is a valuable asset, and we encourage families to maintain their languages while learning English. Students who speak or understand another language may be entitled to support to improve their English in order to meet Maine’s challenging academic standards. The following questions, required for all students from pre-kindergarten through grade 12, will help your school determine whether your child may benefit from English language support services. If a language other than English is indicated, your child will be administered an English language screener. Depending on your child’s score, your child may be classified as an English Learner and eligible for English language support. If you would like this letter and the survey below to be provided in another language, or if you would like an interpreter, your school will fulfill those requests. If you have questions about this survey, please contact your school principal.

Be assured that your answers will be used only for educational purposes. The completed survey will be kept in your student’s permanent file, and only school staff will have access to it. No school employee may inquire about the immigration status of any member of your family.

Thank you for providing this information, and I wish your student great academic success.

Sincerely,

Nancy Mullins

Director of ESOL and Bilingual Programs, Maine Department of Education

Language Use Survey

Student's Name: Date of Birth:

School: Anticipated Grade:

Please do not leave any question unanswered.

1. What language(s) did your child **first** speak or understand?
2. What language(s) does your child **most easily** speak or understand?
3. What language(s) do those who interact with your child **frequently** (daily or at least several times per week) use with your child?

Parent/Guardian Signature: Date: School Use Only