

Maine DOE Lau Plan Template and Guidance

Section 1: Legal Foundation for Providing Effective Educational Services to Multilingual Learners*

*In Maine, students with a primary/home language other than English who are not yet proficient in English are referred to as multilingual learners. The US Department of Education refers to such students as English learners.

Guidance on Completing this Section

In this section, LEAs demonstrate that they are aware of the Supreme Court decisions and laws that establish the legal requirements for providing multilingual learners with effective language and content acquisition programming. The following list, compiled by Brown University, achieves the purpose of Section 1 and can be used as is in any LEA's Lau Plan. Additional court cases and laws may be added as desired.

(Retrieved and adapted from: <https://www.brown.edu/academics/education-alliance/teaching-diverse-learners/legal-provisions-education-english-language-learners>)

Federal Legislation

- **Every Student Succeeds Act (ESSA) (2015)** provides for strong accountability for the education of all children and for certain provisions specific to multilingual learners, especially under Titles I and III of the Act. ESSA also provides funds to states and local schools and universities to carry out the intent of the Act.
<http://www.ed.gov/policy/elsec/leg/esea02/index.html> (full text)
<https://www2.ed.gov/policy/elsec/leg/essa/index.html> (U.S. Department of Education's official ESSA website)
- **Title VI of the Civil Rights Act of 1964** prohibits discrimination on the basis of national origin (and other civil rights).
<http://www.usdoj.gov/crt/cor/coord/titlevistat.htm> (full text)
- **Equal Education Opportunities Act of 1974** requires schools to "take appropriate steps" to assure equal access as stipulated in the Lau opinion below.
<http://www.law.cornell.edu/topics/education.html>

Supreme Court Decisions

- **Lau vs. Nichols (1974)** ruled that providing the same access to curriculum, instruction, and materials for multilingual learners as is provided to English dominant students is not, in effect, equitable:
http://www.law.cornell.edu/supct/html/historics/USSC_CR_0414_0563_ZS.html
- **Plyler vs. Doe (1981)** ruled that all students in public schools must be appropriately served, including any students who may not be documented as legal immigrants:
http://www.law.cornell.edu/supct/html/historics/USSC_CR_0457_0202_ZO.html
- **Castañeda vs. Pickard (1981)** case precedent requires schools to use a three-pronged approach to assure that they are following the spirit of the above decisions vis-à-vis: a practice grounded in sound educational theory; effective implementation of an appropriate program; assurance that the program is working through an evaluation and subsequent program modification to meet this requirement.
<https://web.stanford.edu/~hakuta/www/LAU/IAPolicy/IA1bCastanedaFullText.htm>

Section 2: Multilingual Learner Identification

Guidance on Completing this Section

LEAs must demonstrate that they are identifying multilingual learners in accordance with federal and state requirements. By completing the following chart, LEAs will have addressed all the necessary points. The second chart, which should also be present in an LEA's Lau Plan, lists the required screening assessments to be used for each grade level. Note that no other screening assessments are permitted in Maine policy.

Legal Basis: Section 3111, Elementary and Secondary Education Act of 1965

Action Required by Federal Law and/or State Policy	In specific detail, when and how is this action accomplished in the SAU? Include the job title of the person responsible for ensuring that each action is completed.
Administration of the Maine DOE Language Use Survey	
Translation/Interpretation Services Provided to Parents/Guardians	
Referral of all Potential Multilingual Learners for Screening	
Administration of English Language Proficiency Screener	
Language Acquisition Committee Meeting to Develop Program of Services for Identified Multilingual Learners*	

* Identification of multilingual learners must occur within 30 days of enrollment.

English Language Proficiency Screening Assessment Requirements

Grade	Screening Assessment	Minimum Score Required to be Non-EL
Pre-k	ELP screener of the SAU's choice	at the discretion of the SAU
1 st semester K	WIDA Screener for Kindergarten	oral language proficiency level 4.5
2 nd semester K/1 st semester 1 st grade	WIDA Screener for Kindergarten	composite proficiency level 4.5
2 nd semester 1 st grade-12 th grade	WIDA Screener Online	composite proficiency level 4.5

Section 3: Development of Individualized Language Acquisition Programs

Guidance on Completing this Section

All multilingual learners must have an individualized educational program to meet their English language acquisition and academic content learning needs. There is no prescribed program model that all LEAs must use; rather, LEAs must design an effective, evidence-based program relative to each student's current level of English proficiency, primary/home language proficiency, educational background, disability status, and other factors.

Legal Basis: Title VI of the Civil Rights Act of 1964; Castañeda, 648 F.2d at 1009-10; Cf. 34 C.F.R. § 100.3(b)(1), (2); see also 20 U.S.C. §§ 6312(g)(1)(A)(viii) (Title I), 7012(a)(8) (Title III)

In this section, an LEA provides specific details as to:

- How a student's program is developed
- The program options offered to multilingual learners

- The typical amount and frequency of services provided to multilingual learners by proficiency level/grade
- How the LEA meets the needs of multilingual learners whose parent/guardian declines services
- Policies and procedures for updating a multilingual learner’s program annually (at minimum)
- Record-keeping procedures

Section 4: Meaningful and Equitable Access to Academic and Extracurricular Programs

Guidance on Completing this Section

Multilingual 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.

Legal Basis: 34 C.F.R. § 100.1-.2; 20 U.S.C. § 1703(f)

In this section, an LEA provides specific details as to:

- How it ensures that each program/activity that its schools offer is accessible to multilingual learners
- Multilingual learners’ access to rigorous, grade-level-appropriate coursework
- Its equitable identification policies and procedures for special educational opportunities (such as Gifted and Talented, Advanced Placement, etc.)

Section 5: Equitable Personnel, Facilities, and Materials

Guidance on Completing this Section

Multilingual learners must be provided with sufficient, qualified teaching staff to meet their language learning and academic content acquisition needs, as well as facilities and materials of comparable quality to those of their peers.

Legal Basis: Title VI of the Civil Rights Act of 1964; 20 U.S.C. § 6826(c); Castañeda, 648 F.2d at 1013

In this section, an LEA provides specific details as to:

- Its assurance that paraprofessionals, aides, or tutors will not be used to provide long-term support to multilingual learners in place of qualified teachers
- How it ensures that the caseload of its teachers serving multilingual learners allows for effectively meeting all multilingual learners’ needs
- Training provided to mainstream/content area teachers on strategies for meeting the needs of multilingual learners in the mainstream
- The equitable facilities and materials provided for the education of multilingual learners as compared to their non-multilingual learner peers

- How it ensures that multilingual learners are not unnecessarily segregated from their non-multilingual learner peers

Section 6: Annual English Language Proficiency Test Administration

Guidance on Completing this Section

All multilingual learners in Maine public schools, as well as publicly-funded multilingual learners in non-public schools, must be administered ACCESS for ELLs (or Alternate ACCESS, as applicable) annually.

Legal Basis: 20 U.S.C. §§ 6311(b)(7) (Title I), 6823(b)(3)(C), (D) (Title III)

In this section, an LEA provides specific details as to:

- How it ensures that all multilingual learners will be administered ACCESS for ELLs/Alternate ACCESS annually
- Policies and procedures for addressing parents/guardians who wish to opt out of required testing

Section 7: Exit and Monitoring

Guidance on Completing this Section

When a multilingual learner meets Maine's definition of English language proficiency on ACCESS for ELLs/Alternate ACCESS (currently an overall composite proficiency level of 4.5, or level P2 on Alternate ACCESS), the student is exited from the ESOL program. Note that no other criteria may substitute for a score of proficient on ACCESS for ELLs/Alternate ACCESS. LEAs must monitor the academic performance of all exited multilingual learners to ensure that ESOL services are no longer needed. If educators suspect that a student is no longer proficient in English, the WIDA Screener Online may be re-administered to determine multilingual learner status. A student who scores below an overall composite score of 4.5 must be reentered into multilingual learner status, provided ESOL services, and administered ACCESS for ELLs/Alternate ACCESS annually until exiting again.

Legal Basis: 20 U.S.C. §§ 6311(b)(7) (Title I), 6823(b)(3)(C), (D) (Title III)

In this section, an LEA provides specific details as to:

- Policies and procedures for monitoring the academic performance of exited multilingual learners
- How it ensures that students who were screened for multilingual learner status upon enrollment but did not qualify are provided an opportunity for rescreening and entered into multilingual learner status when necessary

Section 8: Ongoing Program Evaluation

Guidance on Completing this Section

LEAs must regularly evaluate the effectiveness of their programs for multilingual learners and make modifications if the desired outcomes, both academic and linguistic, are not being achieved.

Legal Basis: Castañeda, 648 F.2d at 1014-15

In this section, an LEA provides specific details as to:

- The general goals of its programs for multilingual learners
- Its process for evaluation of academic and language acquisition programming provided to multilingual learners
- Longitudinal data collection and analysis methods, including data on exited multilingual learners, as part of ensuring that long-term outcomes are comparable to those of students who were never multilingual learners
- The individuals (job titles) responsible for completing ongoing program evaluation

Section 9: Meaningful Communication with Parents/Guardians

Guidance on Completing this Section

LEAs have an obligation to ensure meaningful communication with parents with a primary/home language other than English in a language they can understand, as well as to adequately notify multilingual parents of information about any program, service, or activity of a school district or SEA that is called to the attention of other parents. At the school and district levels, this essential information 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/guardian permission for student participation in district or school activities, parent/guardian-teacher conferences, parent/guardian handbooks, gifted and talented programs, magnet and charter schools, and any other school and program choice options.

Legal Basis: Title VI of the Civil Rights Act of 1964; Titles I and III of the Elementary and Secondary Education Act of 1965

In this section, an LEA provides specific details as to:

- How it determines which parents/guardians need translation/interpretation services
- Its language access policy/plan
- Its staff training on when and how to provide translation/interpretation services for families