DISTRICT LAU PLAN

AUGUSTA PUBLIC SCHOOLS

40 Pierce Drive, Suite 3
Augusta, Maine 04330
Phone: (207) 626-2468 ~ Fax: (207) 626-2444
www.augustaschools.org
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1. INTRODUCTION

English Language Learners (ELLs) are a richly heterogeneous group of students who bring a wide variety of life situations and a wide range of educational experiences to the Augusta School Department. The paths they take to acquire a new language and to adjust to their new cultural environment are varied and in keeping with their unique needs and experiences. Within the safe and welcoming school environment, administrators and teachers are given rare opportunities to tap the rich resource of knowledge and perspectives that ELLs bring to school, and which, in turn, enrich the learning of all students in the classroom. The role of the school and teachers is critical in supporting students’ identity development as learners, and in helping students shape a vision of the future in which they will take their place in a global economy. The Augusta School Department is committed to providing appropriate placement, along with curricular, instructional and other related services to ensure that ELLs are able to participate effectively in the schools’ educational program.

To accomplish this, the Augusta School’s LAU Plan, details the procedural requirements and services provided to ELLs, including identification, assessment, placement, and exit from English Language Development (ELD) programming, and pre-referral procedures to ensure appropriate identification of ELLs requiring special education and gifted and talented services.

a. Responsibility for Lau Plan Implementation

The Superintendent has designated the Assistant Superintendent of Schools as having overall responsibility for the district’s compliance with federal and state laws, regarding the education of ELLs by:

- Overseeing the implementation of the district’s Lau Plan
- Developing appropriate programming to assist ELLs in acquiring English language skills, meeting the Common Core State Standards (CCSS) and the Maine Learning Results content standards
- Overseeing initial school registration, health screening, language assessment, and placement for all students with limited English language proficiency
- Providing professional development programs focused on educating linguistically and culturally diverse students
- Coordinating the delivery of federal and state assessments to determine ELLs’ progress
- Monitoring program effectiveness with the Lau Advisory Committee
- Overseeing compliance with recordkeeping requirements
- Providing translation and interpretation services for school related activities
2. IDENTIFICATION AND INITIAL PLACEMENT OF ELLS
   a. General Procedures for Registration and Screening

   An English Language Learner (ELL) is a student whose primary or home
language is other than English and who lacks the necessary academic English
language skills to perform at grade level in one or more of the skill areas of
listening, speaking, reading, or writing. Schools are required to identify students
who have limited English proficiency and develop appropriate programming for
them.

   i. Parents registering their children at neighborhood schools are also asked to
complete a Home Language Survey (See Appendix A). This survey
identifies students whose first language is not English. If the answer to any
of the questions on the survey indicates a language other than English, the
school contacts Farrington Elementary School.

   ii. Trained personnel use multi-criteria assessments to identify a student’s
eligibility for English Language Development (ELD) programming.
Objective, standardized measures of English proficiency and achievement
testing are used as well as information from less formal assessments, as
follows:
   
   - W-APT
   - Language Assessment Scales (LAS)
   - Home Language Survey
   - Parent and/or student interviews
   - Review of academic performance, student educational record

   iii. Following registration and assessment, parents are notified of ELD
programming eligibility within 30 days as required by the No Child Left
Behind Act using the ELD Initial Program Eligibility Form (See
Appendix B). Decisions regarding ELD programming implementation are
made by the school.

   iv. If at any point the parents decline program recommendations, the parent
must sign a Decline ELD Program Form (See Appendix C). Notifications
are translated into major languages.

   v. A language minority student who has not been previously identified as
eligible for ELD programming but who is experiencing difficulties in a
classroom in any Augusta school, may be tested at any time to determine
eligibility. Requests may be made by parents or school staff using the *Multilingual Evaluation Team (MET) Referral Form* (See Appendix D).

b. Grade Placement Guidelines

The student ages listed below guide placement of all students in the Augusta School Department in conjunction with other relevant factors including English proficiency level and prior education.

| Kindergarten          | 5 years old by October 15 of that year  
                         | (This is the minimum age requirement established by Maine law.) |
|-----------------------|----------------------------------------|
| Grade 1               | 6 or 7 years old                      
                         | (Developmental readiness and prior schooling experiences are considered in the placement decision.) |
| Grade 6, Middle School| 11 or 12 years old                    |
| Grade 9, High School  | 14 or 15 years old                    
                         | A student who has reached the age of 20 before July 1 may not enroll in high school in accordance with Maine law. Any request for an exception to the age limit must be made by the Superintendent on a case-by-case basis to the Commissioner of Education. |

3. Defining and Measuring English Language Proficiency

The English language proficiency and academic achievement of ELLs are monitored using multi-criteria assessments. One of these assessments is the ACCESS for ELLs®, an English language proficiency test administered annually in Maine to all ELLs from kindergarten through grade 12. ACCESS for ELLs® meets the federal requirements of assessing ELLs’ proficiency levels and provides reliable, valid, and useful information on the proficiency levels and progress of ELLs in acquiring academic English. ACCESS for ELLs® English language proficiency standards are aligned with Maine’s Learning Results academic content standards and are a requirement in Maine Comprehensive Assessment System (McCAS).
a. State law requires that ACCESS for ELLS® only be administered by an individual trained in its administration.

b. This test was developed based on the English Language Proficiency Standards as developed by WIDA (World-Class Instructional Design and Assessment) within five grade clusters. They are:

   Kindergarten
   Grades 1
   Grade 2-3
   Grades 4-5
   Grades 6-8
   Grades 9-12

c. ACCESS for ELLS® assesses the domains of Speaking, Listening, Reading, Writing and Comprehension skills of English language learners in Math, Language Arts, Social Studies, Science and Social and Instructional language. It identifies five levels of English language proficiency (See Appendix H):

   Level 1 – Entering
   Level 2 – Beginning
   Level 3 – Developing
   Level 4 – Expanding
   Level 5 – Bridging
   Level 6 – Reaching

d. In the state of Maine a student whose composite score (35% reading, 35% writing, 15% speaking and 15% listening) is below Level 6.0 is classified as an English Language Learner (LEP is the federal term) and is eligible for ELD programming.

e. A student receiving a composite level of 6.0 will be exited from ELD Programming, be classified as FLEP (Former Limited English Proficient), and will no longer take ACCESS for ELLS®. The Multilingual Evaluation Team will monitor a student's academic progress for two years to ensure that he/she is continuing to be successful without ELD programming.
f. Under Title III the district is responsible for meeting three **Annual Measurable Achievement Objectives** (AMAOs) based on a student’s composite score (35% reading, 35% writing, 15% speaking and 15% listening). (See Appendix I)

- AMAO I: Making progress in proficiency
- AMAO II: Attaining proficiency
- AMAO III: Adequate Yearly Progress (AYP) for ELLs

4. English Language Development Programming K-12

a. Monitoring student progress and responding to student needs

Learning a new language for school (academic language proficiency) involves taking many steps along the language acquisition continuum. The length of time to develop the level of proficiency in English that supports academic success will vary from student to student. Because the district is held accountable for how long a student requires ELD programming, all teachers share the responsibility for supporting the English language proficiency of ELLs and for communicating with parents about academic achievement. The overall focus of ELD programming is for ELLs to reach equivalency with native English-speaking peers. Because students spend a portion or all of their day in general education classrooms, ESL teachers work together with general education teachers under the guidance of a Multilingual Evaluation Team (MET) to develop and implement Structured English Immersion (SEI) instructional strategies that facilitate the development of English language proficiency.

i. Each school has a MET process. Membership on the team is fluid and its composition depends on the activities that must be accomplished by the team. The MET will include an ESL endorsed teacher and may include a representation of the following: classroom/content-area teacher, literacy specialist, parent, school counselor, and administrator or designee. A school-based Response to Intervention (RTI) Team may share some of the responsibility of the MET as long as a **certified teacher/administrator/specialist with ESL endorsement** is a member of that team. A designated person should have the overall responsibility for the MET. The MET responsibilities include:

- Making ELD programming decisions for newly registered ELL students
- Monitoring individual student academic language acquisition and academic achievement, and recommending interventions and ELD programming
- Discussing student achievement patterns and the overall effectiveness of ELD programming
- Tracking progress of students whose parents have declined ELD programming
- Discussing transition of students from grade 6 to 7 and grade 8 to 9
ii. Once a student is identified as eligible for ELD programming, the MET makes ELD programming recommendations within 30 days in compliance with parent notification and involvement requirements using the **ELD Program Form** (See Appendix E).

iii. For students currently enrolled in school, parents shall be notified of their child’s ELD programming annually using the **ELD Program Form** (See Appendix E) and **Continued ELD Program Eligibility Form** (See Appendix F) as required by the No Child Left Behind Act. School MET teams are responsible for notifying parents of continued ELD program eligibility.

iv. Parents shall be invited to attend and participate in all MET meetings pertaining to their child. Parents have a right to decline any program changes. If a parent declines ELD programming, the school still must provide meaningful education (See Appendices J & K: *Administrative Letters 56 & 11*). Parent notices and information will be provided in the major languages. In addition, an interpreter will be provided to assist parents in communicating with school staff and at MET meetings to discuss the student’s programming and progress in attaining English proficiency. Any staff member who works with an ELL, a parent, or the student may request a MET meeting at any time to assess student progress by completing a **MET Referral Form** (see Appendix D).

v. Individual student instruction is modified or accommodated as necessary, and the supports to be provided change as language proficiency increases. The kinds of support required for one subject may be different from the kinds of support required for other subjects. Additionally, students may not require support in all subject areas at any given time. When making program decisions the MET uses current and historical qualitative and quantitative data including:

- ACCESS for ELLS®
- District-approved curriculum-based measurements
- Assessments of general and emotional readiness, as measured by daily classroom performance, attendance, behavior, and mastery of basic learning strategies
- Standardized district writing prompts
- Common Performance Indicators (WIDA English Language Proficiency Standards)
- Educational background
- Classroom grades and academic performance
• Assessments in Maine’s Comprehensive Assessment System (McCAS)

b. All MET meetings about individual student programming must be documented using appropriate forms and documentation placed in the student’s cumulative file.

c. A language minority student who is experiencing classroom difficulties may be tested for English language proficiency at any time during the school year. Test results will be reviewed by the MET and recommendations will be made.

5. English Language Development (ELD) Program

ELD programming provides ELLs with access to the general education curriculum through a continuum of instructional options. Information gathered from parents, academic records, and assessments informs programming placement in age-appropriate classrooms and determines the amount and type of language instruction and/or programming. Program oversight is provided by a certified teacher with ESL endorsement as required by state and federal laws. A specialist or an administrator with teacher certification and ESL endorsement can provide program oversight. Program delivery is provided by a team of educators which may include an ESL teacher, a general education teacher, a native language facilitator, an educational technician, or a volunteer, depending on individual student needs as determined by a Multilingual Evaluation Team (See Appendix H: WIDA Performance Definitions and Appendix I: Annual Measureable Achievement Objectives (AMAOs) Summary).

Level 1 – Entering

Recommended ELD Placement K-12

• 3-4 hours per day
• Language programming may include:
  ▪ Intensive English Language Development
  ▪ In class academic language support

Level 2 – Emerging

Recommended ELD Placement K-12

• 3-4 hours per day
• Language programming may include:
  ▪ Intensive English Language Development instruction
  ▪ In class academic language support
Level 3 – Developing

Recommended ELD Placement K-12

- 1-2 hours per day
- Language programming may be a combination of Level 2 – 4 services based on student need

Level 4 – Expanding

Recommended ELD Placement K-12

- 2-3 hours per week
- Language programming may include:
  - Specialized Cognitive Academic Language Support for areas of need (reading, writing, vocabulary development, etc.)
  - In class academic language support
  - Academic tutoring as needed

Level 5 – Bridging

Recommended ELD Placement K-12

- Language programming may include:
  - Specialized Cognitive Academic Language Support for areas of need (reading, writing, vocabulary development, etc.)
  - In class academic language support
  - Academic tutoring as needed

Level 6 – Reaching

- No longer assessed on ACCESS for ELLS®
- Academic progress monitored for two years by MET

6. Accommodations for Assessment in MeCAS

The district adheres to the NCLB requirement that all students with limited English language proficiency participate in Maine Comprehensive Assessment System (MeCAS); however, test scores of ELLs who have lived in the United States for less than one year prior to taking these assessments are not counted for performance on Annual Yearly Progress (AYP). The district also observes the use of Maine Department of Education-approved accommodations for ELLs taking these statewide mandated assessments and national assessments.
7. Record-Keeping and Parent Notification

a. The following documents will be placed in a student’s cumulative file;
   i. *Home Language Survey* (See Appendix A)
   ii. Parental notification of *Initial ELD Program Eligibility* (See Appendix B) completed and sent to parents by the school
   iii. Annual ACCESS testing results
   iv. Annual letter of *Continued ELD Program Eligibility* (See Appendix F) and *ELD Program Form* (See Appendix E)
   v. *Decline ELD Program* form (See Appendix C)
   vi. *MET Referral Form* (See Appendix D)
   vii. *MET Minutes Form* (See Appendix G)

b. In accordance with federal guidelines, parents are notified of ACCESS test results and eligibility for ELD Programming on an annual basis. Notifications are translated into major languages and sent to parents. Parents also receive translated notification in major languages of educational programs and activities provided to other parents. The district, in agreement with the Office of Civil Rights, translates important documents such as report cards and student handbooks, in a language other than English spoken by at least 50 students.

8. Periodic Program Evaluation

Using the English Language Learners (ELL) *District Self-Study Guide* (See Appendix L), a review of district ELD programming and services is completed every three years in context of current law (See Appendix M). Results are used to improve programming so that the needs of ELLs are met. The Assistant Superintendent of Schools will oversee the district’s ELD Program Evaluation with input and guidance from the district’s Lau Advisory Committee. The Lau Advisory Committee includes a representative from each school with ESL programs. Membership on the committee will represent school staff in various roles such as ELL teachers, content-area teachers, general education teachers, special education teachers, and administrators. The committee will meet two times a year. Reports on the program are made to the Superintendent and School Board.

9. Special Needs Placement

ELLs may be intellectually gifted, have a learning disability or a behavioral disorder, or multiple exceptionalities like any other student. Determining special needs programming is a complex process. The screening and diagnosing of at-risk ELL students is part of the Augusta schools’ RTI Process. The ELD Program includes a number of pre-referral steps to determine whether there exist temporary learning and behavior characteristics shared by students with disabilities and ELL students, or whether referral to special education is warranted.
Limited English proficiency is not a disability and is not covered by IDEA or Maine special education regulations. ELLs should not be placed in any special education program unless exceptionality is well-documented (including assessment of a student’s native language skills). To assist in determining the appropriateness of a referral to special education or gifted and talented programs, the district’s established pre-referral process and interventions will be followed, independent of the ELL identification. The process documents approaches utilized to provide positive supports for a student’s learning.
APPENDIX A

HOME LANGUAGE SURVEY
AUGUSTA SCHOOL DEPARTMENT

<table>
<thead>
<tr>
<th>Name of Student:</th>
<th>Date of Birth: If born outside the U.S., date of entry into the U.S.:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>City, State, and Country of Birth: Date student began kindergarten (or higher grade) in any U.S. school:</td>
</tr>
</tbody>
</table>

1. What is the native language of each parent/guardian?

2. What languages are spoken in your home?

3. What language did your child learn first?

4. What languages does your child speak to the adults in your home?

5. What languages does your child speak to other children in your home?

6. What languages do the adults at home speak to your child?

7. What languages do the adults speak to the other adults in your home?

8. What languages does your child speak or understand?
English Language Development Program for English Language Learners (ELLs)
Initial Eligibility Parental Notification

To the parents of ______________________________ Date: __________

School ____________________________ Grade ____ Date of Birth __________

The Augusta School Department provides English Language Development (ELD) programming for English Language Learners to support their access to the general education curriculum. The curriculum is designed to meet age-appropriate state and local academic standards for grade promotion and graduation.

Based on English language fluency test scores and a review of school records, we have determined your child's eligibility.

_____ Your child is eligible for participation in English Language Development programming.
_____ English Language Development programming is not recommended for your child at this time.

This recommendation is based on the following criteria, as marked below:

1. _____ WIDA ACCESS Placement Test (W-APT) Score __________
2. _____ Prior education and social experience
3. _____ Other tests
   a. Test: __________________________ Score: __________

If you have any questions please contact:

Robin Wilkinson, ESL Teacher for English Language Learners, Farrington Elementary School 626-2480 or at rwilkinson@augustaschools.org

Eric Shenk, ESL Teacher at Cony High School 626-2460 or eric.shenk@augustaschools.org

Cc: Student Cumulative Folder
APPENDIX C

DECLINE ENGLISH LANGUAGE DEVELOPMENT PROGRAM FORM

I, __________________________, decline English Language Development (ELD)
(Parent/Guardian)

programming for my son/daughter ____________________________.
(Student)

Although I understand that his/her English language proficiency test scores indicate that he/she would benefit from this program. I understand that I can, at any time, request a review of this decision.

Parent Signature ____________________________ Date ______________

__________________________________________________________

COMMENTS:

Cc: Student Cumulative File
MULTILINGUAL EVALUATION TEAM (MET) REFERRAL FORM

STUDENT: ____________________________  GRADE: ______________

SCHOOL: ____________________________  DATE: ______________

Team Members Present (Names & Titles):

_________________________________________________________________

_________________________________________________________________

_________________________________________________________________

REASON FOR REFERRAL:

_________________________________________________________________

_________________________________________________________________

SUMMARY OF DISCUSSION:

_________________________________________________________________

_________________________________________________________________

DECISION AND FOLLOW-UP:

_________________________________________________________________

Parent participation and notification of referral:
In Person _____  Phone call _____  Written Summary _____

Cc: Student Cumulative File
ENGLISH LANGUAGE DEVELOPMENT PROGRAM (ELD) FORM

Date: ____________  Initial Placement____  Continuing Placement____

Student: ____________________________________________________________

School: __________________________________________  Grade: _____________

Dear Parent/Guardian,

We are pleased to inform you that your child is eligible to receive instruction in our ELD program for the _______ school year. Children are identified as needing services based upon your response to the Home Language Survey, teacher recommendation, and a test of English proficiency.

Overall English Proficiency Level

<table>
<thead>
<tr>
<th>Low Beginner (Entering) 1</th>
<th>High Beginner (Emerging) 2</th>
<th>Low Intermediate (Developing) 3</th>
<th>High Intermediate (Expanding) 4</th>
<th>Advance (Bridging) 5</th>
</tr>
</thead>
</table>

The method of instruction used in your child’s ESL program will be as indicated below:

___ Pullout program: Student is excused from grade-level classes for specialized English instruction several times a week.

___ In-class support: Student receives specialized English language support within the grade-level classroom.

___ Sheltered English: Student receives content-based English language instruction in the following checked areas: Social Studies ___  English ___  Mathematics ___  Science ___

___ Other (Specify): ____________________________________________________________

You have the right to request that your child be placed in a different method of instruction if available.

Cc: Parent, Student Cumulative File
ENGLISH LANGUAGE DEVELOPMENT PROGRAM (ELD) FOR ENGLISH LANGUAGE LEARNERS (ELLS) CONTINUED ELIGIBILITY PARENTAL NOTIFICATION

To the parents of ____________________________ Date: __________________
School: ____________________________ Grade: __________________

The Augusta School Department provides English Language Development (ELD) programming for English Language Learners to support their access to the general education curriculum. The curriculum is designed to meet age-appropriate state and local academic standards for grade promotion and graduation.

Your child’s English academic language proficiency is assessed annually on the ACCESS for ELLS® to determine his/her continued eligibility for the school department’s ELD program. Parents have the right to decline ELD programming at any time during the school year by signing a “Decline ELD Program For” available at the student’s school.

The following decision was made based on your child’s ACCESS for ELLS® score. Please refer to the attached parent report for test score details. (A student is exited from the program when he/she attains a composite score of 6.0).

____ Continued participation in English Language Development (ELD) programming
____ Exit from English Language Development (ELD) programming
____ Monitoring of your child’s progress for two years after exit from the program

If you have any questions, please contact:

Robin Wilkinson, ESL Teacher at Farrington Elementary School, 626-2480 or rwilkinson@augustaschools.org

Eric Shenk, ESL Teacher at Cony High School, 626-2460 or eric.shenk@augustaschools.org

Cc: Student Cumulative File
MULTILINGUAL EDUCATION TEAM (MET) MINUTES FORM

Student: ___________________________ Date: ________________

School: ___________________________ Grade: ________________

Team Members Present (Name & Title):

____________________________________

____________________________________

____________________________________

Reason for Meeting:

Summary of Discussion:

Recommendations:

____________________________________

Parental participation and notification of meeting:

In person _____ Phone call _____ Written summary _______

Cc: Student Cumulative File
## WIDA Performance Definitions

At the given level of English language proficiency, English language learners will process, understand, produce, or use:

<table>
<thead>
<tr>
<th>Level</th>
<th>Description</th>
</tr>
</thead>
</table>
| **6-Reaching** | * specialized or technical language reflective of the content areas at grade level  
* a variety of sentence lengths of varying linguistic complexity in extended oral or written discourse as required by the specific grade level  
* oral or written communication in English comparable to English-proficient peers |
| **5-Bridging** | * specialized or technical language of the content areas  
* a variety of sentence lengths of varying linguistic complexity in extended oral or written discourse, including stories, essays or reports  
* oral or written language approaching comparability to that of English-proficient peers when presented with grade level material |
| **4-Expanding** | * specific and some technical language of the content areas  
* a variety of sentence lengths of varying linguistic complexity in oral discourse or multiple, related sentences or paragraphs  
* oral or written language with minimal phonological, syntactic or semantic errors that do not impede the overall meaning of the communication when presented with oral or written connected discourse with sensory, graphic or interactive support |
| **3-Developing** | * general and some specific language of the content areas  
* expanded sentences in oral interaction or written paragraphs  
* oral or written language with phonological, syntactic or semantic errors that may impede the communication, but retain much of its meaning when presented with oral or written, narrative or expository descriptions with sensory, graphic or interactive support |
| **2-Beginning** | * general language related to the content areas  
* phrases or short sentences  
* oral or written language with phonological, syntactic, or semantic errors that often impede the meaning of the communication when presented with one-to multiple-step commands, directions, questions, or a series of statements with sensory, graphic or interactive support |
| **1-Entering** | * pictorial or graphic representation of the language of the content areas  
* words, phrases or chunks of language when presented with one-step commands directions, WH-, choice or yes/no questions, or statements with sensory, graphic or interactive support  
* oral language with phonological, syntactic, or semantic errors that often impede meaning when presented with basic oral commands, direct questions, or simple statements with sensory, graphic or interactive support |
APPENDIX I

Annual Measurable Achievement Objectives (AMAO's) Summary

AMAO I: Making progress in proficiency - *AMAO that evaluates annual increase in the number of percentage of children making progress learning English (P.L. 107-110, Title III, Part A, Subpart 2)*

- Are ELLs progressing toward proficiency?
- Targets set by the state to determine whether students make adequate progress
- Weighted system that accounts for progress an ELL makes over time
- Missing or invalid data has negative impact

<table>
<thead>
<tr>
<th>Code Used for AMAO I calculation</th>
<th>Length of Time as ELL (years administered ACCESS)</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>0-2 years</td>
<td>Short-term</td>
</tr>
<tr>
<td>1</td>
<td>3-4 years</td>
<td>Typical</td>
</tr>
<tr>
<td>2</td>
<td>5 or more years</td>
<td>Long-term</td>
</tr>
<tr>
<td>3</td>
<td>Data missing or invalid</td>
<td>Unknown</td>
</tr>
</tbody>
</table>

AMAO II: Attaining proficiency – *AMAO that evaluates annual increase in the number or percentage of children attaining English proficiency by the end of each school year, as determined by a valid and reliable assessment of English proficiency consistent with Section 1111(b)(7) of NCLB (P.L. 107-110, Title III, Part A, Subpart 2)*

- Are ELLs attaining proficiency?
- Number of ELLs with composite score level (5-6)
- Threshold targets established for baseline year, which is percentage of students attaining a composite score of 6.0, and each subsequent year.

AMAO III: Adequate Yearly Progress (AYP) for ELLs - *AMAO that measures adequate yearly progress for limited English proficient children (LEP/ELL) as described in the Section 1111 (b)(2)(B) of NCLB (P.L. 107-110, Title III, Part A, subpart 2)*

- Are ELLs making AYP?
- AYP data for reading and mathematics used to determine if district made AYP in ELL subgroup (participation and proficiency)
- AMAO III is not met if the ELL subgroup does not make AYP
Legal Requirements to Provide English as a Second Language Services to English Learners

Posted on September 7, 2011 by Maine Department of Education

ADMINISTRATIVE LETTER: 56
POLICY CODE: IH

The purpose of this letter is to clarify the legal requirements for providing English as a Second Language (ESL) services to an English Learner.

Identification of English Learners

Each School Administrative Unit (SAU) must have, as part of its enrollment packet, a Home Language Survey to be given to all newly enrolled students, including pre-K students, to aid in the identification of possible English Learners.

http://www.maine.gov/education/esl/HomeLanguageSurveyforParents_000.html

Federal law requires an English Learner to receive ESL services

When a student has been identified as a possible English Learner, that student must be administered the W-APT™ (WIDA-ACCESS Placement Test™) or MODEL™ (WIDA Measure of Developing English Language) in order to place the student in appropriate ESL services. Maine requires the education program of an English Learner to be overseen by a Maine ESL endorsed teacher. Federal law further requires the education of all English Learners to be designed, overseen and implemented by an ESL endorsed teacher. Only an ESL-endorsed teacher meets the legal requirement to provide ESL services to English learners.


Exit Criteria from ESL Services

Board-adopted SAU Lau Plans, which have been a State requirement since 2003, must stipulate the exit criterion for its ESL program as a Level 6 Composite Score on the ACCESS for ELLS®. Federal law requires that states define English language proficiency and that all English Learners who do not meet that definition be provided ESL services. Maine defines English language proficiency as attaining a Level 6 composite score on the State’s English language proficiency assessment ACCESS for ELLS®. Federal
law further requires that any English Learner who has met proficiency must be monitored for 2 years in order to ensure the academic success of that student.

Annual Assessment of English Learners' English Language Proficiency

The ACCESS for ELLS® is a federally and state-required annual assessment for all English Learners and participation is a component of No Child Left Behind (NCLB) accountability. Failure of all English Learners to participate in the annual administration of the ACCESS for ELLS® may affect NCLB Title IA funding. If a student is identified as an English Learner, then that student must be administered the ACCESS for ELLS® annually until that student attains the State’s definition of English language proficient, which is defined as a Level 6 Composite score on the ACCESS for ELLS®.

http://www.maine.gov/education/esl/accessforells.html

Administration of the ACCESS for ELLS®

State law requires that the ACCESS for ELLS® only be administered by an individual trained in its administration. The current State policy is to allow educators other than ESL-endorsed teachers to administer the ACCESS for ELLS®, so long as those educators are trained and certified to administer the ACCESS for ELLS®. However, the allowance of educators other than ESL-endorsed teachers to administer the ACCESS for ELLS® must not be interpreted to mean that educators other than ESL-endorsed teachers are also allowed to develop or be responsible for the development, oversight and administration of an ESL program for any English Learner. Funds under No Child Left Behind Act of 2001, Title III (20 U.S.C. 6801 et seq.) are not allowed to be used for the administration of the ACCESS for ELLS®.

Rights of ELLs

The Civil Rights Act of 1964 remains the foundation of the legal rights of English Language Learners (ELLs).

“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 subjected to discrimination under any program or activity receiving federal financial assistance.” (42 U.S.C. 2000d)

This has been interpreted by courts as requiring a qualified ESL teacher to be provided to English Learners to ensure they are not excluded from participation in meaningful education.

In addition, an Office for Civil Rights Memorandum of 1991 requires a qualified ESL-endorsed teacher for English Learners, in order that they are not relegated to second-class status by allowing a teacher without
formal qualifications to teach them while requiring teachers of non-English Learners to meet formal qualifications (See 34 Code of Federal Regulations C.F.R. Section 100.3 (b)(ii)).

If you have any questions, would like further information or need technical assistance in crafting a Lau Plan, please contact Nancy Mullins, Director of ESL/Bilingual Programs, at 207-624-6788 or nancy.mullins@maine.gov
Clarification: When Parents Decline English as a Second Language (ESL) Services for English Learners

Posted on September 13, 2010 by Jennifer Pooler

ADMINISTRATIVE LETTER: 11
POLICY CODE: IHBE

TO: Superintendents of Schools
FROM: Angela Faherty, Ph.D., Commissioner of Education
DATE: September 13, 2010
RE: Clarification: When Parents Decline English as a Second Language (ESL) Services for English Learners

The purpose of this letter is to clarify the requirements for serving an English Learner, even if parents decline ESL services.

Federal law requires that an English Learner receive ESL services. Federal law requires that states define English language proficiency and provide ESL services to all who do not meet that definition. Maine defines English language proficiency as attaining a Level 6 Composite score on the State's English language proficiency assessment ACCESS for ELLS®. If a parent refuses ESL services, meaningful education must still be provided. When a parent refuses ESL services, the parent's refusal of ESL services must be documented, but it does not release the school or School Administrative Unit (SAU) from its responsibility for providing meaningful education to the English Learner. If parental refusal of ESL services denies an English Learner access to a meaningful education, this violates the English Learner's rights. A parent cannot refuse "education" and if an English Learner cannot access education without ESL services, then the school/SAU must support the academic learning of the English Learner. If an ESL program is necessary in order to ensure academic progress for the English Learner, then ESL services must be provided.

The Civil Rights Act of 1964 remains the foundation of the legal rights of an English Learner.

"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 subjected to discrimination under any program or activity receiving federal financial assistance." (42 U.S.C. 2000d)
Rights of English learners

This has been interpreted by courts as requiring a qualified ESL teacher to be provided to English Learners to ensure that they are not excluded from participation in meaningful education.

In addition, an Office for Civil Rights Memorandum of 1991 requires a qualified ESL endorsed teacher for English Learners, in order that they are not relegated to second-class status by allowing a teacher without formal qualifications to teach them while requiring teachers of non-English Learners to meet formal qualifications (See 34 Code of Federal Regulations C.F.R. Section 100.3 (b)(ii)).

Schools/SAUs do not need parental permission to test a student.

If a parent refuses to allow a student to participate in a State assessment, refer to the superintendent’s/SAU’s/school’s policy on procedures to follow when a parent refuses to allow a child to participate in a State assessment. The ACCESS for ELLS® is a federally and state-required annual assessment and participation is a component of No Child Left Behind (NCLB) accountability. Failure of English Learners to participate in the annual administration of the ACCESS for ELLS® may affect NCLB Title IA funding. Even if a parent has refused ESL services, if that student has been identified as an English Learner, then that student must be administered the ACCESS for ELLS® annually until that student attains the State’s definition of English language proficient, which is defined as a Level 6 Composite score on the ACCESS for ELLS®.

If you have any questions or would like further information, please contact Nancy Mullins, Director of ESL/Bilingual Programs, at 207-624-6788 or nancy.mullins@maine.gov
## ENGLISH LANGUAGE LEARNERS (ELL) DISTRICT SELF-STUDY GUIDE

This Guide is designed to provide the district/building with a comprehensive overview of its practices and procedures. Please mark the answer by each statement that best describes your school district. In this district self-study guide, the term English Language Learners (ELLs) will be used instead of Limited English Proficiency (LEP). For definitions of terms please see attachments.

### IDENTIFICATION

<p>| | |</p>
<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>1. The district has a procedure to identify all students who have a primary or home language other than English. Please attach a copy of the procedures.</td>
<td>Yes</td>
</tr>
<tr>
<td>2. District staff is knowledgeable of the procedures for identifying students who have a primary language other than English.</td>
<td>Yes</td>
</tr>
<tr>
<td>3. School/district staff that works directly with parents and students in the identification of students, who have a primary of home language other than English, speak and understand the appropriate language(s).</td>
<td>Yes</td>
</tr>
<tr>
<td>4. Documentation regarding each student's primary or home language is maintained in student's file.</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### ASSESSMENT AND EVALUATION

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>5. The district assesses on a yearly basis the English language proficiency of all students identified as having a primary or home language other than English in the four language areas (oral/speaking, reading, writing, and listening).</td>
<td>Yes</td>
</tr>
<tr>
<td>6. The district conducts language proficiency assessments for students who have a primary or home language other than English, using:</td>
<td>Yes</td>
</tr>
<tr>
<td>6a. Formal assessments (e.g., tests). Name of test(s) used:</td>
<td></td>
</tr>
<tr>
<td>6b. Informal assessments (e.g., teacher interviews, observations).</td>
<td>Yes</td>
</tr>
<tr>
<td>7. Students who have a primary or home language other than English are assessed for language proficiency in their primary or home language.</td>
<td>Yes</td>
</tr>
<tr>
<td>8. The district has developed procedures to determine the effectiveness of its informal assessment procedures. Please attach a copy of it.</td>
<td>Yes</td>
</tr>
<tr>
<td>9. The district has determined the level of English-language proficiency at which students are considered English proficient. Please attach a copy of description.</td>
<td>Yes</td>
</tr>
<tr>
<td>10. The district assesses ELLs academic skills in relation to their grade or age level. Name(s) of instrument(s) used to assess ELLs academic skills:</td>
<td>Yes</td>
</tr>
</tbody>
</table>
11. ELLs who have been in the U.S. for 2 consecutive years are tested in English in reading/language arts. | Yes | No |

12. The district assesses ELLs in the language and form most likely to yield accurate and reliable results. Language(s) used: ________________________________

13. The district uses the "Guidelines for the Inclusion of English Language Learners in Your District-wide Assessment Program" or similar documents to guide decision-making. | Yes | No |

13a. Total number of ELL included in your district wide assessment

13b. Number of ELLs included in the district wide assessment with

- No accommodations
- With accommodations

Please attach documentation on accommodations used.

13c. Number of ELL NOT included in your district-wide assessment.

14. The district has established qualifications for individuals who administer language or academic assessments to ELLs. | Yes | No |

---

**PROGRAM (e.g., ESL, Bilingual, etc.)**

15. Programs are available for ELLs at each grade level. | Yes | No |

16. There are no substantial delays (e.g., more than 30 days) in placing ELL into an appropriate educational program.

17. There is coordination of curriculum between teachers for ELLs and teachers in the regular program.

18. ELLs in the high school program earn credits toward graduation.

19. Instructional materials are adequate to meet the English language and academic needs of ELLs.

20. Parents are involved in the process of placing ELLs in appropriate educational program.

21. The district has a system to evaluate the success of their ELL program. Please attach a copy of the description of the evaluation plan.

22. Label the program(s) at each level or attach a copy of description.

<table>
<thead>
<tr>
<th>Level</th>
<th>Program (see definitions)</th>
<th>Teachers with ESL endorsement</th>
<th>Ed. Techs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Middle</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>High</td>
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</tr>
</tbody>
</table>
### STAFF

<table>
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<tr>
<th></th>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>23. The district has established qualifications for teachers who teach ELLs</td>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>24. The district has established qualifications that the teachers and Ed. Techs must meet.</td>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>25. The district has teachers with ESL endorsement to teach ELLs.</td>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>25a. Number of ELLs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25b. Number of teachers with ESL endorsement</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>26. The district provides high-quality professional development to classroom teachers and other district personnel.</td>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>26a. Number of mainstream teachers that participated</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26b. Number of ESL teachers that participated</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26c. Number of Ed. Techs that participated</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>27. The district provides training for interpreters and translators</td>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>28. Professional development activities are designed to improve instruction and assessment of ELLs; enhance teachers’ ability to understand and use curricula, assessment measures, and instructional strategies for ELLs; are based on scientifically based research; and are of sufficient intensity and duration to have a lasting impact on teachers’ performance.</td>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>29. Teachers of ELLs are fluent in English and, when appropriate, in any other language(s) used for instruction, including having written and oral communication skills.</td>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>30. The district has provided training to staff who administer, evaluate, and interpret the results of the assessment methods used.</td>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

### EXIT CRITERIA

<table>
<thead>
<tr>
<th></th>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>31. The district has established an exit criterion. Please attach a description of it.</td>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>How many ELLs exit the program after:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>31a. Less than 1 year</td>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>31b. 1 to 3 years</td>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>31 c. 3 to 5 years</td>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>31d. 5 years or more</td>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>32. The exit criteria ensure that ELLs can:</td>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>32a. Speak English sufficiently well to participate in the district’s general educational program.</td>
<td></td>
<td></td>
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<tr>
<td>32b. Read English sufficiently well to participate in the district’s general educational program.</td>
<td></td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>32c. Write English sufficiently well to participate in the district’s general educational program.</td>
<td></td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>32d. <strong>Comprehend English</strong> sufficiently well to participate in the district’s general educational program</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>33. The district monitors the academic progress of ELLs who have exited the program.</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>33a. Average years of monitoring</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>34. The school district determines whether ELLs are performing at a level comparable to their English-speaking peers.</td>
<td>Yes</td>
<td>No</td>
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*Please attach documentation*

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<tbody>
<tr>
<td>35. The district has established procedures for responding to deficient academic performance of ELLs.</td>
<td>Yes</td>
<td>No</td>
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</table>

*Please attach a copy of procedures.*

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<tbody>
<tr>
<td>36. ELLs re-enter the alternative language program if they experience academic difficulties in the regular program.</td>
<td>Yes</td>
<td>No</td>
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</table>

*Please describe under what conditions.*

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<tbody>
<tr>
<td>37. Honor, award, or other special recognition rates of ELLs are similar to those of their peers.</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>37a. Percent of English-monolingual students in Gifted and Talented programs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>37b. Percent of ELLs in Gifted and Talented programs</td>
<td></td>
<td></td>
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<tr>
<td>37c. Percent of ELLs in district</td>
<td></td>
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**PROGRAM EVALUATION**

<p>| | | | |</p>
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<tbody>
<tr>
<td>38. The district conducts a formal evaluation of its program for ELLs to determine its effectiveness.</td>
<td>Yes</td>
<td>No</td>
<td></td>
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</table>

*Please attach a copy of the report.*

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<tbody>
<tr>
<td>39. The district disaggregates data of ELLs.</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>39a. grade level</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>39b. graduation</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>39c. dropout rates</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>39d. gender</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>39e. English proficiency</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>39f. economically disadvantaged</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>39g. multiple measures of academic achievement</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

*Please attach copies of disaggregated data*

**EQUITABLE ACCESS**

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<tbody>
<tr>
<td>40. The quality of <strong>facilities and services</strong> available to ELLs are comparable to those available to all other students.</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>41. The quality and quantity of <strong>instructional materials</strong> in the program are comparable to the instructional materials provided to all other students.</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>42. ELLs participate in classes, activities, and assemblies with all the other students.</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>43. ELLs have access to the full school curriculum (both required and elective courses, including vocational education) while they are participating in the language program.</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>44. Counseling services provided to ELLs are comparable to those available to all other students.</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>45. ELLs have opportunities for full participation in special opportunity programs, (e.g., Gifted &amp; Talented, Advanced Classes, Title I, Special Ed., etc.)</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>46. ELLs are not segregated while taking their classes</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>47. In general, ELLs are integrated in classes such as P.E., music, art, etc.</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

**SPECIAL EDUCATION**

48. The district utilizes procedures for identifying ELLs who may be in need of special education services.  
**Please attach a copy**  
Yes | No |

49. The district's procedures for identifying and assessing ELLs for special education takes into account language and cultural differences.  
**Please attach a copy.**  
Yes | No |

50. Testing instruments used to assess ELLs for special education placement are valid and reliable for these specific students.  
Yes | No |

51. Persons who administer special education assessment to ELLs are specially trained in administering the tests.  
Yes | No |

52. Staff who conduct special education assessments to ELLs are fluent in the student's primary language.  
Yes | No |

53. The instructional program for ELLs in special education takes into account the student's language needs.  
Yes | No |

54. The district ensures coordination between the regular and the special education programs in meeting the particular needs of ELL who are in special education.  
Yes | No |

55. The district identifies and places all ELLs who need special education services in a timely manner.  
Yes | No |

56. The parents or guardians of special education ELLs are notified of their rights and responsibilities in a language they can best understand.  
Yes | No |

**NOTICES TO PARENTS**

57. The district communicates with parents/guardians of students with a primary home language other than English in a meaningful way (a form that parents can understand). For example, school forms are translated.  
**Please attach copies of translated forms.**  
Yes | No |

58. Parents of ELLs are notified no later than 30 days after the beginning of the school year of their child's identification, and participation in ELD programming as well as both student and parental rights.  
Yes | No |
<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>59. The district uses interpreters or translators to assist in communicating with parents/guardians who do not speak English.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>60. Parents/guardians of ELLs are well informed of the district’s special educational programs.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

This self-study is based on data from _____________ academic year.

District or Building: ____________________________________________

Address: _______________________________________________________

______________________________________________________________

Administrator: ________________________________________________

Completed by: ________________________________________________ Date: ________

Title: _________________________________________________________

Phone: _______________________________________________________

E-mail: ______________________________________________________

Please add comments as needed.
Immigrants and Foreign Students

Posted on May 26, 2011 by Maine Department of Education

ADMINISTRATIVE LETTER: 39
POLICY CODE: IH

Topics included in this letter:

- Enrollment of immigrants and foreign students
- Determination of English proficiency required
- Program of services to immigrants and foreign students
- State assessments required for immigrants and foreign students

School administrative units (SAUs) are required under federal law to enroll children regardless of citizenship or immigration status. While the federal guidance offered here relates to immigrant students, the Department has confirmed that it applies equally to foreign students attending a Maine public school as either an exchange student or a tuitioned student.

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin, among other factors, by public schools. In addition, Plyler v. Doe, the 1982 decision by the U.S. Supreme Court, held that a state may not deny access to a basic public education to any child, whether that child is present in the country legally or not.

School administrative units are not to discourage the enrollment of undocumented immigrant children by asking about their immigration status, denying enrollment to those with foreign birth certificates, or denying enrollment to children whose parents decline to provide their Social Security numbers or race and ethnicity information. Federal regulations allow schools to ask for children’s Social Security numbers to be used as student identifiers. However, they should inform parents of the purpose and that disclosure of such numbers is voluntary. Schools may not deny enrollment if parents refuse to provide a child’s Social Security number.

The federal Education and Justice Departments stress in a fact sheet and a question-and-answer document that schools may require proof that a child lives within SAU boundaries. This may include lease agreements, utility bills, or other documents, but schools may not ask parents about a child’s immigration status to establish residency.

Schools may also ask for birth certificates to establish that a child falls within minimum and maximum age requirements, but they may not bar enrollment because a child has a foreign birth certificate or no birth
certificate. (To determine age of the child, in lieu of birth certificate for proof of age go to: Resource Guide: Serving Maine’s English Learners)

Moreover, SAUs are responsible for identifying which of its students have limited English proficiency and providing them with an effective program that affords meaningful access to the SAU’s educational program (Office for Civil Rights December 1985 Title VI policy memorandum, Title VI Language Minority Compliance Procedures). This means that the SAU is responsible for administering the home language survey to all students, assessing them on the English language proficiency assessment screener test (W-APT), and, if identified as an English learner, providing them with an effective English language acquisition program. The SAU is required to determine the components of this program, i.e., whether it includes tutoring, additional classroom support, materials, teacher sheltering of instruction, or other strategies.

Under the Elementary and Secondary Education Act (ESEA), as amended, a foreign student would not be exempt from any Title 1 required assessment. Additionally, if the student is identified as an English learner, s/he must also participate in the annual State English language proficiency (ELP) assessment the ACCESS for ELLS®.

If you have questions regarding foreign students, please contact Nancy Mullins at 624-6788 or via email at: nancy.mullins@maine.gov