

# LAU Plan Framework and Resources

This Lau Plan Template is developed by the Maine Department of Education as a resource to support districts in creating or refining their own Lau Plans. This template provides a structured foundation, yet it is essential that each district customizes its Lau Plan to reflect its specific programming, resources, and the needs of its multilingual learners, ensuring full compliance with federal civil rights laws.

A well-developed Lau Plan serves as a clear and actionable guide, detailing how districts provide meaningful language support services that protect each student’s right to equitable educational access.

- Section1: Legal Foundation for Providing Effective Educational Services to Multilingual learners
- Section 2: Multilingual learner Identification
- Section 3: Development of Individualized Language Acquisition Programs
- Section 4: Meaningful and Equitable Access to Academic and Extracurricular Programs
- Section 5: Equitable Personnel, Facilities and Materials
- Section 6: Annual English Language Proficiency Test Administration
- Section 7: Exit and Monitoring Guidance
- Section 8: Ongoing Program Evaluation
- Section 9: Meaningful Communication with Parents/Guardians

## Resources

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| <ul style="list-style-type: none"><li>• <a href="#">SAU Multilingual Program Self-Assessment</a></li><li>• <a href="#">Language Use Survey</a></li><li>• <a href="#">Maine Identification and Placement</a></li><li>• <a href="#">NEO Maine Primary Contact: ML Director/Coordinator</a></li><li>• <a href="#">Maine Multilingual Learners Resources</a></li><li>• <a href="#">Administrative Letter 27</a></li><li>• <a href="#">Maine Multilingual Learner Dashboard</a></li></ul> | <ul style="list-style-type: none"><li>• <a href="#">Identifying and Serving Students who are Multilingual Learners with Disabilities: Policy and Resource Guide</a></li><li>• <a href="#">US DOJ &amp; US DOE Dear Colleague Letter</a></li><li>• <a href="#">English Learner Toolkit, full text (individual chapters linked within the framework and resources</a></li><li>• <a href="#">US DOE English Learner Family Toolkit</a></li><li>• <a href="#">National Clearinghouse for English Language Acquisition Newcomer Toolkit</a></li></ul> |
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## Section 1 Guidance: Legal Foundation for Providing Effective Educational Services to Multilingual Learners

- ☐ SAU responsibility is to review the Lau Plan to ensure it meets the continued and growing needs of your district. The Maine DOE recommends that Lau Plans are updated at least every five years. Who is responsible?
  - School Board
  - Superintendent
  - ML Director/Coordinator
- ☐ Resources:
  - [US DOJ & US DOE Dear Colleague Letter](#)
  - [Administrative Letter 27](#)
- ☐ Legal Basis:
  - Federal Law
    - *Every Student Succeeds Act (2015):*
      - Title I, Part A, Section 1111(b)(2)(G)
      - Title I, Part A, Section 1111(b)(1)(F)
      - Title I, Part A, Section 1116(f)
      - Title I, Part A, Section 1111(c)(4)(B)
    - *Title VI of the Civil Rights Act of 1964*
    - *Equal Education Opportunities Act of 1974*
  - Supreme Court Decisions
    - *Lau vs. Nichols (1974)*
    - *Plyler vs. Doe (1981)*
    - *Castañeda vs. Pickard (1981)*
- ☐ 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/legalprovisions-education-english-language-learners>

***The Maine Department of Education is providing this sample LAU Plan as a resource for districts. Each district should tailor the plan to meet its specific needs while emphasizing the importance of upholding civil rights and ensuring equitable access to education for all families. The shaded blue areas serve as examples of how sections of the plan could be written. The LAU Plan must include each topic or section outlined in the provided framework.***

Sample for this section is below

Sample Lau Plan

{Date of Revision}

{Maine SAU}

## Section I. 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.

It is the policy of {Maine SAU} to provide effective language and content acquisition programming to students who are identified as multilingual learners. According to the following federal legislation and Supreme Court decisions, we are aware that we must provide equitable access to education for all students, including students who are identified as multilingual learners:

### Federal Laws

- **Every Student Succeeds Act (2015)** provides for strong accountability for the education of all children and for certain provisions specific to limited English proficient students, especially under Titles I and III of the Act. NCLB also provides funds to states and local schools and universities to carry out the intent of the Act. <https://www.ed.gov/laws-and-policy/laws-preschool-grade-12-education/every-student-succeeds-act-essa> (U.S. Department of Education's official ESSA website)
  - Title I, Part A, Section 1111(b)(2)(G)
  - Title I, Part A, Section 1111(b)(1)(F)
  - Title I, Part A, Section 1116(f)
  - Title I, Part A, Section 1111(c)(4)(B)
- **Title VI of the Civil Rights Act of 1964** prohibits discrimination on the basis of national origin (and other civil rights). <https://www.ed.gov/laws-and-policy/civil-rights-laws/civil-rights-act-of-1964/education-and-title-vi> (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. <https://www.congress.gov/bill/93rd-congress/housebill/40#:~:text=Equal%20Educational%20Opportunities%20Act%20%2D%20Declares,basis%20for%20determining%20public%20school>

### 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](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](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 Guidance: Multilingual Learner Identification

- ❑ Properly identifying a multilingual learner is crucial for ensuring equitable access to educational opportunities and resources. Accurate identification allows the district to tailor language support services to meet each student's unique needs, facilitating effective language acquisition and academic success. It also ensures compliance with federal and state regulations, promoting a learning environment that values diversity and inclusivity. By identifying multilingual learners accurately, the district can track progress, monitor outcomes, and provide the necessary interventions to support their educational journey, ultimately fostering a sense of belonging and empowering students to thrive in their academic pursuits.
- ❑ Roles and Responsibilities
  - Student Registration: Administration of the Language Use Survey
  - Language Access Plan (Lau Plan, Section IX) for parents/guardians to provide meaningful engagement.
  - WIDA Screener Administrator: Participate in the required WIDA training and scoring modules
  - Language Access Committee (LAC) to develop program of services for identified multilingual learners. Is the LAC representative for all responsible parties?
- ❑ Resources:
  - [Maine Multilingual Learner Identification](#)
  - [Maine 2024/2025 Identification and Placement Guide](#)
  - [Maine Language Use Survey in English and 26 other languages](#)
  - [Multilingual Learner Data Upload and Reporting Checklist](#)
  - [Administrative Letter 27](#)
  - [Chapter 1: Tools and resources for Identifying All English Learners](#)
  - [Chapter 7: Tools and Resources for Serving English Learners who Opt Out of EL Programs](#)
- ❑ Legal Basis: Section 3111, Elementary and Secondary Education Act of 1965
  - Title I, Part A, Section 1111(b)(2)(G)
- ❑ In this section, Local Education Agencies (LEAs) must demonstrate their compliance with federal and state requirements for identifying Multilingual learners. By completing the chart below, LEAs will address all necessary points. The second chart, which must also be included in the LEA's Lau Plan, outlines the required screening assessments for each grade level. Please note that Maine policy permits only these specified screening assessments.
  - Language Use Survey
  - Language Access Plan
  - WIDA Screener, students K-12
    - PreK English Language Development Screener, purchased by the district
  - Timelines: MLs enrolling at the start of the school year must be identified and parents/guardians notified within thirty calendar days. Students enrolling after the start of the school year must be identified within thirty calendar days, and parents/guardians must be notified within 30 days of the beginning of the school year, or within two weeks of their child's identification and placement in English language development (ELD) programming.
  - Individualized Language Access Plan

Sample for this section is below

## Section II: Multilingual Learner Identification

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

#### Title I, Part A, Section 1111(b)(2)(G)

In accordance with ESSA requirements, all MLs must be identified within 30 days of enrolling in school. For students enrolling at the start of the school year, parents/guardians must be notified of ML identification within that 30-day period. For students enrolling after the start of the school year, parents/guardians must be notified within two weeks of ML identification. Pine RUS follows the monitoring and reidentification guidelines as stated in [Maine DOE Administrative Letter 27](#).

| 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 <a href="#">Language Use Survey</a>  | The Language Use Survey is included with every registration packet given to all parents/guardians when they register a child for school in {Maine SAU}. Each building administrator is responsible for ensuring that registration packets include the most recent version of the Language Use Survey.   |
| Translation/Interpretation Services Provided to Parents/Guardians<br><br><a href="#">Maine DOE Website</a> | Translations of the Language Use Survey (provided by Maine DOE in 26 languages) are provided to parents/guardians as needed. Any parent/guardian that requires interpreting services is provided a qualified interpreter to complete registration materials, including the Language Use Survey.<br>School staff will have access to a phone interpreting service when in-person interpreters are not readily available. Front office staff are responsible for ensuring that parents/guardians are provided the necessary translation/interpretation. |
| Referral of all Potential Multilingual Learners for Screening  | If a Language Use Survey indicates that the student has a primary/home language other than English, then the building administrator will immediately contact the ESOL teacher.  |
| Administration of English Language Proficiency Screener  | If the child enrolls prior to the start of the school year, the ESOL teacher will contact the parent/guardian to schedule the screening. If the child enrolls after the start of the school year, the ESOL teacher will contact the parent/guardian to notify him/her when the screening will occur. The screener will be administered by the ESOL teacher.   |
| Development of individualized program of services  | Upon first enrollment in a US school, a thorough <a href="#">enrollment interview</a> is administered to the student and family to inform the student's placement and services. A Language Acquisition Committee reviews the student's Individual Acquisition Plan (ILAP) at least annually.  |

### English Language Proficiency (ELP) Screeners

{Maine SAU} follows the [Maine Multilingual Learner Identification and Placement Guidance](#) which requires\* the following screeners:

| English Language Proficiency Screening Assessment Requirements            |   |   |
|---|---|---|
| Grade   | Screening Assessment  | Minimum Score Required to be Non-EL   |
| Pre-k   | English Language Proficiency (ELP) screener of the SAU's choice * | *Reference <a href="#">Maine's ML Identification and Placement Guidance document</a> for specific information to include here |
| 1 <sup>st</sup> semester K  | WIDA Screener for Kindergarten                                    | Oral Language Level 4.5   |
| 2 <sup>nd</sup> semester K/1 <sup>st</sup> semester 1 <sup>st</sup> grade | WIDA Screener for Kindergarten                                    | Overall Composite Proficiency Level 4.5   |
| 2 <sup>nd</sup> semester 1 <sup>st</sup> grade-12 <sup>th</sup> grade     | WIDA Screener Online  | Overall Composite Proficiency Level 4.5   |

### Parent/Guardian Notification and Rights

If a student is identified as in need of ESOL services, the parents/guardians should be notified no later than 30 days after the beginning of the school year or within 30 days of the child's placement in the program, in accordance with the requirements of ESEA. Parents/guardians should be invited to attend and participate in all meetings pertaining to their child and should be notified of all school activities called to the attention of other families.

Parents/guardians have the right to refuse ESOL services for their child. A parent who does not want their child to have ESOL services is required to sign a [Notice for Parent/Guardian Wishing to Decline ESOL Services](#), which is then placed in the student's permanent record. However, if a parent/guardian refuses ESOL services, meaningful education must still be provided. When a parent/guardian refuses ESOL services, the refusal of ESOL services must be documented, but it does not release the school from its responsibility for providing meaningful education to the ML. If refusal of ESOL services denies an ML access to a meaningful education, this violates the student's rights. A parent/guardian cannot refuse "education" and if a student cannot access education without ESOL services, then the school must support the academic learning of the student. If an ESOL program is necessary to ensure academic progress, then ESOL services must be provided. Further, even if parents refuse services, all identified MLs must still participate in the annual ACCESS for ELLs assessment. Students and families who refuse services or assessment must have a conversation with a building administrator and ESOL teacher or coordinator to review the student's rights and the responsibilities of the school to educate and assess the student.

### Section 3 Guidance: Development of Individualized Language Acquisition Programs

- ❑ 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, native language proficiency, educational background, disability status, and other factors.
- ❑ Roles and Responsibilities:
  - ML Director/Coordinator
  - ML Educator 660 Certified
  - Principal(s)
  - Superintendent
  - Language Access Committee
- ❑ Resources:
  - [Maine Multilingual Learners Resources](#)
  - [Maine DOE ILAP Template](#)
  - [Identifying and Serving Students who are Multilingual Learners with Disabilities: Policy and Resource Guide](#)
  - [Administrative Letter 27](#)
  - [Chapter 2: Tools and Resources for Providing English Learners with a Language Assistance Program](#)
  - [Chapter 3: Tools and Resources for Staffing and Supporting an English Learner Program](#)
  - [Chapter 5: Tools and Resources for Creating an Inclusive Environment for and Avoiding the Unnecessary Segregation of English Learners](#)
  - [Chapter 7: Tools and Resources for Serving English Learners who Opt Out of EL Programs](#)
- ❑ 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)
  - ESSA Reference: Title I, Part A, Section 1111(b)(1)(F)
  - ESSA Reference: Title I, Part A, Section 1116(f)
  - ESSA Reference: Title I, Part A, Section 1113(c)(3)(B)(C)
  - ESSA Reference: Title I, Part A, Section 1111(c)(4)(B)
- ❑ In this section, an LEA provides specific details as to:
  - Process for developing a student's individualized program.
  - Program options available for Multilingual learners.
  - Typical service amount and frequency provided to Multilingual learners, based on proficiency level and grade.
  - Dually Identified student programming: Multilingual Learners and Special Education
  - Approach for supporting Multilingual learners whose parents or guardians decline services.
  - Policies and procedures for annually updating a Multilingual learner's program.
  - Record-keeping procedures.
  - International Students

Sample for this section is below:



### Section III: Development of Individualized Language Acquisition Programs

**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)

- ESSA Reference: Title I, Part A, Section 1111(b)(1)(F)
- ESSA Reference: Title I, Part A, Section 1116(f)
- ESSA Reference: Title I, Part A, Section 1113(c)(3)(B)(C)
- ESSA Reference: Title I, Part A, Section 1111(c)(4)(B)

Appropriate placement and programming are determined by the Language Acquisition Committee (LAC) in the development of an Individualized Language Acquisition Plan (ILAP).

#### General Service Provision Guidelines

| Proficiency                               | Recommended English Language Development Services (ELD) | Recommended time for ELD Services (Provided by a certified ESOL teacher) |
|---|---|--|
| Level 1 - Beginning<br>Level 2 - Entering | Intensive ELD Support                                   | Minimum 2 class periods/day  |
| Level 3 - Developing                      | Cognitive Academic Language Support                     | Minimum of 1 class period/day  |
| Level 4-4.5 - Expanding                   | Cognitive Academic Language Support                     | Minimum of 1 class period/day  |

\*Class period is equivalent to a grade-level class period

| Support Structures Available for Students who are Multilingual Learners                    |
|--|
| Grade level/content instruction with linguistic accommodations and strategies incorporated |
| Collaborative co-planning between ESOL teacher and general education teacher               |
| In-class and/or designated English language development instruction with an ESOL teacher   |
| Supplemental supports through a paraprofessional   |

**Overview of Programming:** Programming is designed by ESOL staff, in collaboration with other staff, to meet the needs of each individual student, taking into consideration all aspects of their learner profile. The general service provision amount/frequency above are used as a guideline, but amount/frequency of service varies to meet individual student needs. The ESOL staff will collaborate with grade-level content teachers and other service providers to determine the instructional combination of services deemed most appropriate for each learner. All MLs must be provided with ESOL services that enable them to meaningfully access the curriculum to meet grade-level standards. English language development and content area knowledge are to be acquired simultaneously rather than consecutively. MLs are entitled to ELD services until exiting by demonstrating English language proficiency on ACCESS for ELLs/Alternate ACCESS for ELLs.

ESOL services are to be provided in a way that minimizes the isolation of MLs from the general student population and encourages MLs to participate in all aspects of the school program, including advanced coursework, career and technical education, gifted and talented programs, and extracurricular activities.

If a parent/guardian declines services for their student(s), academic and family support is still provided through consultation with classroom teachers and interpreter/translation services as needed. Students whose parents/guardians have declined services will still be required to participate in the annual assessment of English language proficiency, ACCESS for ELLs/Alternate ACCESS. ESOL teachers will maintain a file on each student with copies of all relevant documents (state and local assessment scores, Language Acquisition Committee meeting minutes, ILAPs, progress reports) in their cumulative files.

**Individual Language Acquisition Plan (ILAP):** Each student's ILAP will outline a personalized action plan for language development. The ILAP is created by the student's team of educators and is updated annually. Each year, the ILAP is shared



with individual students, parents/guardians, and staff directly working with the student. The ILAP is a useful resource which assists all teachers with understanding and effectively meeting the individual student's needs in terms of: English proficiency levels, Can Do Descriptors, language goals, modifications, and accommodations.

**Multilingual Learners and Special Education:** {Maine SAU} is committed to providing equity for all students, from early intervention, response to intervention, referral and identification of services. Through a robust Multi-Tiered System of Support (MTSS), we strive to provide linguistically and culturally responsive core instruction, monitor academic progress, and respond to students' linguistic, academic, and behavioral needs through consistent and continuous support. When a referral to special education is appropriate, we ensure that cultural, linguistic, and experiential factors are considered through a collaborative process involving special education, ESOL, and general educators, as well as families.

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. Depending on a student's learning disability and Individual Education Plan (IEP), universal testing tools or accommodations may be needed to measure English language proficiency. When evaluating an ML for learning disabilities, screening must be linguistically and culturally appropriate.

For MLs with IEP teams, the United States Department of Education has provided the following [guidance](#): "It is important that IEP Teams for ELs with disabilities include persons with expertise in second language acquisition and other professionals, such as speech-language pathologists, who understand how to differentiate between limited English proficiency and a disability. The participation of these individuals on the IEP Team is essential to develop appropriate academic and functional goals for the child and provide specially designed instruction and the necessary related services to meet these goals." {Maine SAU} will continue to follow state and national guidelines as they are developed.

**Immigrants and International Students:** Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin, among other factors, by public schools. SAUs are required under federal law to enroll children regardless of citizenship or immigration status ([Plyler v. Doe](#)). This applies equally to immigrant students and international students attending a Maine public school as an exchange student or tuition-paying student. All students, including immigrant and international students, must be screened for ML status. Any student who is identified as an ML, regardless of citizenship or immigration status, is entitled to ELD services and must be administered ACCESS for ELLs® annually. International students are not exempt from Title I required state academic assessments. In Maine, recently arrived MLs who have been enrolled in a U.S. school for less than 12 months are exempt from one administration of the state's English language arts assessment only.

SAUs cannot discourage the enrollment of undocumented immigrant children by inquiring about immigration status, denying enrollment due to foreign birth certificates, or if parents decline to provide social security numbers or race/ethnicity information. While schools may request social security numbers for identification, they must inform parents that this is voluntary. Enrollment cannot be denied if a parent refuses. SAUs may require proof of residency, such as lease agreements or utility bills, but cannot ask about immigration status to establish it. Proof of age may be required, but enrollment cannot be barred due to a foreign birth certificate or lack thereof. This [fact sheet](#) from the Departments of Justice and Education outlines acceptable documentation requests

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

- ❑ 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.
- ❑ Roles and Responsibilities:
  - ML Director/Coordinator
  - ML Educator 660 Certified
- ❑ Resources:
  - [Chapter 4: US DOE Tools and resources for providing English Learners Equal Access](#)
  - [Chapter 5: Tools and Resources for Creating an Inclusive Environment for and Avoiding the Unnecessary Segregation of English Learners](#)
  - [Chapter 6: Tools and Resources for Addressing English Learners with Disabilities](#)
  - [Chapter 7: Tools and Resources for Serving English Learners who Opt Out of EL Programs](#)
  - [Providing English Learners Meaningful Access to Core Curricular and Extracurricular Programs on NCELA](#)
  - [WIDA Article: What do we mean when we say opportunity to learn and equity for multilingual learners?](#)
- ❑ Legal Basis: 34 C.F.R. § 100.1-.2; 20 U.S.C. § 1703(f)
  - ESSA Reference: Title I, Part A, Section 1111(b)(1)(F)
  - ESSA Reference: Title I, Part A, Section 1116(f)
  - ESSA Reference: Title I, Part A, Section 1113(c)(3)(B)(C)
  - ESSA Reference: Title I, Part A, Section 1111(c)(4)(B)
- ❑ In this section, an LEA provides specific details as to:
  - Assurance that all programs and activities offered by schools are accessible to Multilingual learners.
  - Access for Multilingual learners to rigorous, grade-level appropriate coursework.
  - Equitable identification policies and procedures for special educational opportunities

Sample for this section is below:

#### Section IV: Meaningful and Equitable Access to Academic and Extracurricular Programs

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

- ESSA Reference: Title I, Part A, Section 1111(b)(1)(F)
- ESSA Reference: Title I, Part A, Section 1116(f)
- ESSA Reference: Title I, Part A, Section 1113(c)(3)(B)(C)
- ESSA Reference: Title I, Part A, Section 1111(c)(4)(B)

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, athletics, academic/career counseling, performing and visual arts, clubs, honor societies, and others.

Students have equal access to academic and extracurricular activities, including summer programming. Language proficiency levels will not determine a student's eligibility for such programming and activities. Information about these programs is provided through individual school communication from teachers, district leadership, and other staff and community members. All communications will be provided in a language that is understandable to each family, in written and/or oral formats

## Section 5 Guidance: Equitable Personnel, Facilities and Materials

- ☐ English 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.
- ☐ Roles and Responsibilities:
  - ML Director/Coordinator
  - ML Educator 660 Certified
  - Language Access Committee
- ☐ Resources:
  - [NEO Maine Primary Contact: ML Director/Coordinator](#)
  - [Maine Multilingual Learners English Language Acquisition Service Provision and Staffing Guidance](#)
  - [Administrative Letter 27](#)
- ☐ Legal Basis: Title VI of the Civil Rights Act of 1964; 20 U.S.C. § 6826(c); Castañeda, 648 F.2d at 1013
  - ESSA Reference: Title I, Part A, Section 1111(b)(1)(F)
  - ESSA Reference: Title I, Part A, Section 1112(e)(3)(A)
  - ESSA Reference: Title I, Part A, Section 1111(c)(4)(B)
- ☐ In this section, an LEA provides specific details as to:
  - Assurance that English learners receive long-term support from qualified teachers, not paraprofessionals or aides.
  - Commitment to manageable teacher caseloads to effectively address all English learners' needs.
  - Training for mainstream teachers on strategies to support English learners in content areas.
  - Equitable facilities and materials for English learners, comparable to those for non-English learner peers.

Sample for this section is below:

### Section V: Equitable Personnel, Facilities, and Materials

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

- ESSA Reference: Title I, Part A, Section 1111(b)(1)(F)
- ESSA Reference: Title I, Part A, Section 1112(e)(3)(A)
- ESSA Reference: Title I, Part A, Section 1111(c)(4)(B)

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.

ESOL services are provided through qualified ESOL teachers, who are certified through the State of Maine 660 ESOL endorsement. Staffing is adjusted according to need and number of students on teacher caseloads. ESOL teachers are available to consult with mainstream teachers and may also provide professional development to staff when possible. ESOL services may be provided by an educational technician who is supervised by an ESOL teacher as long as those services do not supplant the standard curriculum or replace direct services from an ESOL teacher.

ESOL teachers maintain a classroom/office space in each building where students who are MLs attend. An ESOL program budget line is used to provide MLs with equitable educational materials, comparable to those of their non-ML peers. Students who are MLs have full access to all educational opportunities and materials provided by {Maine SAU}.

## Section 6 Guidance: Annual English Language Proficiency Test Administration

- ☐ In this section all English learners in Maine public schools, as well as publicly funded English learners in non-public schools, must be administered ACCESS for ELLs (or Alternate ACCESS, if applicable) annually.
- ☐ Roles and Responsibilities
  - ML Director/Coordinator
  - WIDA trained ACCESS and Alternate ACCESS Test Administrator
- ☐ Resources:
  - [Administrative Letter 27](#)
  - [WIDA: Maine](#)
- ☐ Legal Basis: 20 U.S.C. §§ 6311(b)(7) (Title I), 6823(b)(3)(C), (D) (Title III)
  - ESSA Reference: Title I, Part A, Section 1111(c)(4)(B)
- ☐ In this section, an LEA provides specific details as to:
  - Assurance that all English learners are administered ACCESS for ELLs or Alternate ACCESS each year.
  - Policies and procedures for handling parent or guardian requests to opt out of mandatory testing.

Sample for this section is below:

### Section VI: Annual English Language Proficiency Test Administration

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

- ESSA Reference: Title I, Part A, Section 1111(c)(4)(B)

Federal and state laws require that the English language proficiency of all MLs be measured annually as a component of accountability under the Elementary and Secondary Education Act (ESEA). If a student is identified as an ML, that student must be administered ACCESS for ELLs/Alternate ACCESS for ELLs annually until the student demonstrates English language proficiency. The Maine Department of Education defines English language proficiency as an overall composite proficiency level of 4.5 on ACCESS for ELLs. Alternate Access proficiency levels are currently being determined based on the new Alternate ACCESS 2.0 (operational beginning in 2024). Alternate Access proficiency levels and exit criteria will be updated by June 2025.

State law requires that ACCESS for ELLs/Alternate ACCESS for ELLs be administered only by an individual trained in its administration. It is not required that the individual be an ESOL endorsed teacher.

For dually identified students that qualify for alternate state academic assessments, WIDA Alternate ACCESS can be considered. {Maine SAU} uses the Maine DOE [Participation Flow Chart](#), as well as LAC Team and IEP team input to determine whether or not students would benefit from and be eligible for the WIDA Alternate ACCESS for ELLs. Only those students who qualify for alternative state academic assessments may be administered Alternate ACCESS

All identified multilingual learners will be administered ACCESS for ELLs/Alternate ACCESS annually according to federal and State of Maine Department of Education policy.

## Section 7 Guidance: Exit and Monitoring Guidance

- ❑ When an English learner meets Maine’s definition of English language proficiency on ACCESS for ELLs , the student is exited from English learner status. Alternate Access exit criteria, based on the new Alternate ACCESS 2.0 (operational beginning in 2024), is currently being determined. Alternate Access exit criteria will be updated by summer of 2025. 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 former English learners to ensure that English language support 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 English learner status. A student who scores below an overall composite score of 4.5 must be reentered into English learner status, provided English language acquisition support services, and administered ACCESS for ELLs/Alternate ACCESS annually until exiting again.
- ❑ Roles and Responsibilities
  - ML Director/Coordinator
  - ML Educator 660 Certified
  - Language Access Committee
- ❑ Resources:
  - [Administrative Letter 27](#)
  - [Chapter 8: Tools and Resources for Monitoring and Exiting English Learners from EL Programs and Services](#)
- ❑ Legal Basis: 20 U.S.C. §§ 6311(b)(7) (Title I), 6823(b)(3)(C), (D) (Title III)
  - ESSA Reference: Title I, Part A, Section 1111(c)(4)(B)
- ❑ In this section, an LEA provides specific details as to:
  - Policies and procedures for tracking the academic performance of former English learners.
  - Assurance that students initially screened but not qualified for English learner status are offered rescreening opportunities and enrolled in English learner support if needed.

Sample for this section is below:

### Section VII: Exit and Monitoring

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

- ESSA Reference: Title I, Part A, Section 1111(c)(4)(B)

When an English learner meets Maine’s definition of English language proficiency on ACCESS for ELLs , the student is exited from English learner status. Alternate Access exit criteria, based on the new Alternate ACCESS 2.0 (operational beginning in 2024), is currently being determined. Alternate Access exit criteria will be updated by summer of 2025. Note that no other criteria may substitute for a proficient score on ACCESS for ELLs/Alternate ACCESS.

{Maine SAU} monitors the academic performance of all exited multilingual learners for two years to ensure that ESOL services are no longer needed. If a student’s academic performance and progress is demonstrating that the student is no longer proficient in English, we will collect information from the student, parent, and staff to determine if there is another reason for a decline in performance (health, attendance, etc.) and make a plan of interventions before rescreening with the WIDA Screener Online. When rescreening is needed, a student who scores below an overall composite proficiency 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.

## Section 8 Guidance: Ongoing Program Evaluation

- ☐ LEAs must regularly evaluate the effectiveness of their programs for English learners and make modifications if the desired outcomes, both academic and linguistic, are not being achieved.
- ☐ Roles and Responsibilities
  - ML Director/Coordinator
  - ML Educator 660 Certified
  - Language Access Committee
- ☐ Resources:
  - [Chapter 9: Tools and Resources for Evaluating the Effectiveness of a District's EL Program](#)
- ☐ Legal Basis: *Castañeda*, 648 F.2d at 1014-15
  - ESSA Reference: Title I, Part A, Section 1111(c)(4)(B)
- ☐ In this section, an LEA provides specific details as to:
  - General goals of programs designed for English learners.
  - Processes for evaluating the academic and language acquisition support provided to English learners.
  - Methods for collecting and analyzing longitudinal data, including on former English learners, to ensure their long-term outcomes align with those of students who were never classified as English learners.
  - Job titles of individuals responsible for continuous program evaluation.

Sample for this section is below:

### Section VIII: Ongoing Program Evaluation

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

- ESSA Reference: Title I, Part A, Section 1111(c)(4)(B)

{Maine SAU} strives to provide an equitable and high-quality educational program for all multilingual learners. The effectiveness of ESOL teachers is assessed annually through the district-wide process of teacher evaluation. Longitudinal data collection and analysis methods are provided as needed via the Comprehensive Needs Assessment to ensure that long-term outcomes are comparable to those of students who were never multilingual learners. The following multilingual learner data will be reviewed annually, and program modifications will be made as necessary:

- State and local academic assessment scores
- Graduation rate
- Multilingual learner status exit rate
- Participation in advanced coursework (college prep, AP)

## Section 9 Guidance: Meaningful Communication and Parents/Guardians

- ❑ LEAs must ensure meaningful communication with parents who have a primary language other than English, providing information in a language they understand. This includes notifying Limited English Proficient Parents (LEP) parents about programs, services, or activities relevant to their children, as detailed in the Dear Colleague Letter: English Learner Students and Limited English Proficient Parents.
- ❑ Resources:
  - [Maine Multilingual Learners Interpretation & Translation](#)
  - [Administrative Letter 27](#)
  - [US DOJ and US DOE Information for Limited English Proficient \(LEP\) Parents and Guardians for Schools and School Districts that Communicate with them](#)
  - [Chapter 10: Tools and Resources for Ensuring Meaningful Communication with Limited English Proficient Parents](#)
- ❑ Legal Basis: Title VI of the Civil Rights Act of 1964; Titles I and III of the Elementary and Secondary Education Act of 1965
  - ESSA Reference: Title I, Part A, Section 1116(f)
- ❑ In this section, an LEA provides specific details as to:
  - How do you identify which parents or guardians require translation and interpretation services?
  - How is staff trained on when and how to provide translation and interpretation services to families?
  - Meaningful engagement and the rights to interpretation and translation include the following provisions for parents or guardians who speak a primary or home language other than English:
    - Language Access Plan: Information on available translation and interpretation services.
    - Special Education and Related Services: Notifications about services provided and eligibility criteria.
    - IEP Meetings: Advance notice of meetings in the appropriate language.
    - Grievance Procedures: Clear explanations of processes for addressing concerns or complaints.
    - Notices of Nondiscrimination: Information regarding rights and protections under civil rights laws.
    - Student Discipline Policies and Procedures: Clear descriptions of behavior expectations and disciplinary actions.
    - Registration and Enrollment: Guidance on enrollment procedures and necessary documentation.
    - Report Cards: Translation of report cards and progress reports for better understanding.
    - Requests for Parent Permission: Clear communication regarding consent forms for participation in activities.
    - Parent-Teacher Conferences: Information on scheduling and conducting conferences in a language parents understand.
    - Parent Handbooks: Translated copies of handbooks outlining school policies and resources.
    - Ongoing Communication: Regular updates through newsletters, meetings, and online platforms, translated as necessary.



Sample for this section is below:

**Section IX: Meaningful Communication with Parents/Guardians**

**Legal Basis: Title VI of the Civil Rights Act of 1964; Titles I and III of the Elementary and Secondary Education Act of 1965 and ESSA Reference: Title I, Part A, Section 1116(f)**

{Maine SAU} ensures meaningful communication with parents/guardians in a language they can understand. Families not only have a right to meaningful communication, but {Maine SAU} recognizes families as an essential partner in the education of their children. Communication must be two-way, asset-based, and culturally responsive to fully engage families. Engaged families are a key to success for individual students and the community.

{Maine SAU} ensures meaningful communication with families in a language they can understand through a variety of means, choices might include on-staff multilingual specialists, on-demand video and phone interpretation, contracted interpretation and translation services, automated translation of school communications through an online platform.

Parents/guardians of students who are MLs are notified about any program, service, or activity of the school district or individual schools. Per the [Dear Colleague Letter](#), under civil rights law schools must identify the interpretation/translation needs of all parents/guardians. {Maine SAU} does this through the intake process in the form of a question on registration paperwork.

The essential communication provided to parents/guardians includes but is not limited to information regarding:

- Federal programs
- ESOL programs
- special education and related services
- IEP meetings
- grievance procedures
- notices of nondiscrimination
- student discipline policies and procedures
- registration and enrollment
- report cards
- permission slips
- parent/guardian-teacher conferences
- parent/guardian handbook
- gifted and talented programs
- magnet and charter schools
- health and wellness information provided by the district
- any other school and program choice options.

School building administrators provide annual training and support to office staff, teachers, school- based health care providers, and any other school- based staff on how to access interpreters and translation services for families.

See the {Maine SAU} **Language Access Plan** for detailed information on communication with multilingual families. (Reference [this resource](#) for more information about a Language Access Plan.