

## **District EL (Lau) Plan – Edmonson County Schools**

### Lau Plan Team

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All English learners will participate in a quality instructional program that supports the development of a positive self-concept as well as fosters pride and intercultural understanding. The district's implemented instructional program is designed to meet the grade level academic standards as identified in Kentucky's approved Program of Studies and Core Content for Assessment. Emphasis will be placed on providing students with the greatest possible access to core curriculum and afford students access to appropriate English language instruction that will ensure progress from limited English proficiency to fluent English proficiency. This plan is meant to complement and be used in conjunction with Edmonson County Board of Education policy 08.13452; also, it is designed to help satisfy federal requirements.

### Other Guiding Principles

P.L. 114-95 (Every Student Succeeds Act of 2015)  
Title VI of the Civil Rights Act of 1964; Equal Educational Opportunities  
Act of 1974  
Title VII of Improving America's Schools Act of 1994  
703 KAR 005:070; 704 Kar 003:305; Kentucky Academic Standards  
*Lau v. Nichols*, 414 U.S. 563, 94 S. Ct. 786, 39 L.Ed.2d 1 (1974)  
20 U.S.C. § 6318

The purpose of the District Plan for English learners is to:

- ensure the delivery of quality instructional programs for all English learners throughout the district;

- identify the program options and instructional programs which guarantee quality programs that meet the academic and linguistic needs of English learners; and
- provide English learners with the educational opportunities which will enable them to succeed.

The District English Language Learner Program purpose is to ensure that:

- students are successful in English academic programs designed for native speakers of English; and
- students are successful in the progression through Kentucky's English Language Proficiency Standards as appropriate for age, ability, and experience.

## **I. EDUCATIONAL THEORY AND APPROACH:**

The program for English learners is designed to help students acquire fluency in English, to provide students with equal access to the academic core curriculum, and to help students maintain a positive self-concept. The district acknowledges that there are a variety of strategies and pedagogical approaches that may be used to accomplish these goals. The choice and combination of instructional strategies used are aligned to the individual student needs, State and Federal mandates, as well as parent request.

The district will accommodate Limited English Proficient students' language level in the classroom and in some cases provide specific language instruction to help the student attain English language proficiency. To determine which educational approach(es) will be used for individual students, multiple factors are considered. These factors include, but are not limited to, English language proficiency data, other evaluation data that may be available, previous school records, teacher recommendations, district EL coordinator input, as well as consultation with EL consultants from the Kentucky Department of Education or from the Green River Regional Educational Consortium (GRREC), if available.

The district is committed to ensuring a quality education for all students. In order to fulfill this mission and provide equal access to all core curricular areas, English learners may receive one or more of the Language Instruction Educational Program (LIEP) services listed below. Each student's Program Services Plan (PSP) lists the instructional approach or approaches to be implemented by the school. The typical scenario at an Edmonson County School involves immersion (almost total immersion into a mainstream

classroom, with assistances from pull-out and various other modifications/differentiation by classroom teacher).

Structured English Immersion – LEP students participate in mainstream/content classrooms where teachers differentiate instruction to address the linguistic needs and backgrounds of the LEP students. The goal is the acquisition of English while learning academic content.

Sheltered English Instruction – LEP students from one or more language background are grouped to receive specifically designed content area instruction that focuses on modifying the delivery of academic content so that the linguistic demand of the materials is appropriate for the English proficiency levels of the students. The goal is the achievement of academic content and skills.

Pull-out English Instruction – LEP Students are pulled from their mainstream classrooms for a portion of the day to receive instruction in English language development either individually or in small groups.

Collaborative Services (type 1) – The EL teacher/aide/tutor/assistant (if available) goes into the mainstream classroom to assist LEP students with academic content and English language skills.

Collaborative Services (type 2) – The mainstream teacher and EL consultant/teacher/tutor/aide/assistant (if available) work together to determine accommodations, modifications, and appropriate instructional strategies for LEP students.

Native language support – An EL teacher/tutor/aide/assistant (if available) may use the native language to clarify information that was presented in English. This is used as a support system when needed not a bilingual approach.

Transition/Monitor Status – After a student's evaluation data is determined to be above the necessary scores for exit the LEP student will be monitored for a period of time (see section X). The student's PSP should indicate details related to the monitoring timeline.

The classroom teacher(s) will be the primary means of content area instruction and are required to accommodate the language needs of LEP students using one or more accommodations recommended by an EL

Consultant or certified EL teacher (if available). In addition, it is recommended that teachers modify lesson plans, classroom structure, and assignments to allow for the most favorable learning environment for LEP students, based on the current PSPs. See section V for information regarding accommodations and modifications. Bilingual books, first language support and cultural sensitivity will be encouraged in all learning environments.

It is understood that English learners may master the district's core curriculum at a different rate than their native English peers, and all students are held to the same high academic standards. Alternative measures may be used to assess the progress of English learners who are learning English in addition to or until the student is able to be assessed using mainstream English measures. Multiple measures are used to monitor student progress toward meeting grade level standards.

## **II. PROGRAM GOALS:**

Goal 1 – an annual increase in the number or percentage of students making progress in learning English (as measured by an appropriate English language proficiency assessment).

Goal 2 – an annual increase in the number or percentage of students attaining English language proficiency (as measured by an appropriate English language proficiency assessment).

Goal 3 – to make adequate yearly progress for the district's LEP and immigrant students (as measured by academic assessments included in the Kentucky Performance Rating for Educational Progress [K-PREP] in the areas of mathematics, reading or language arts, and science).

## **PROGRAM COMPONENTS:**

### **III. INITIAL IDENTIFICATION**

Pursuant to 703 KAR 5:070 (March 2004, p12), all students will be asked four questions (Home Language Survey) which shall be used to determine if a student is referred to the EL program for language proficiency testing. Administration at individual schools will be responsible for distributing and collecting these surveys, and the completed Home Language Surveys will be filed in individual cumulative student folders. Students whose first or home

language is a language other than English or whose native language is a language other than English will be given an appropriate proficiency screening tool upon referral to determine language proficiency. Eligible proficiency scores are defined in section IV below.

Students transferring from other school districts within the U.S. whose home or native language is a language other than English will be tested for language proficiency if no EL records from the transferring school have been received.

Student eligibility for services is not based on immigration status and districts are in fact prohibited from inquiring about the immigration status of a student or family. The U.S. Supreme Court has ruled in *Plyler v. Doe* [457 U.S. 202 (1982)] that public schools may not require social security numbers from all students as this may expose undocumented status. Students are also not required to show an original birth certificate for enrollment; “other reliable proof” such as a baptismal certificate, family bible with dutiful records, or an affidavit would suffice in place of the birth certificate.

Edmonson County Schools will conduct outreach to inform parents of limited English proficient children of how the parents can be involved in their children’s education and be active participants in helping their children attain English proficiency, high achievement levels, and meet state standards. The district will maintain this outreach effort via the bimonthly “Empowered Families” meetings sponsored as a joint effort by the local FRYSC and Community Education Offices and held at the Edmonson County Public Library. These events are publicized and open to the public.

#### **IV. ELIGIBILITY REQUIREMENTS, ASSESSMENT AND PLACEMENT**

All enrolling students in the district are required to complete a Home Language Survey, which determines whether or not a student is referred for testing. Students who are referred to the EL staff and/or school administration are screened for language proficiency using an appropriate proficiency screening tool.

Students who do not attain a proficiency level of 3 (competent literate) in reading and writing skills or levels 4 or 5 (fluent) in oral skills are placed in the EL Program as “Limited English Proficient”. It is possible for students to exhibit proficiency in two or three of the skills and be limited in only one. Such students are still classified as LEP until proficiency in all four skills is attained.

Once a student is identified as LEP, a Program Services Plan (PSP) that includes the reasons for identification, level of English proficiency, service delivery/instruction model(s), appropriate accommodations and/or

modifications for instruction and assessment will be designed. The district is required to notify and provide the PSP to the parents within 30 days if the student was enrolled at the beginning of the school year and within 2 weeks if the student enrolled after the start of the school year. A PSP Committee (comprised of a school administrator, appropriate teachers/staff, and parents/guardians) will be convened for this purpose. Parental consent for participation must be obtained for each student. This is acquired when the PSP is signed by the parent or guardian. See section XI for parental rights.

EL Program participants will be reevaluated yearly for language proficiency gain. Adjustments to LEP students' plans and/or re-designation will be made by the PSP Committee as necessary based on said yearly assessment. See section X for program exit requirements.

LEP students' level of academic achievement for grade placement is ascertained by reviewing the following documents in addition to the recommendation of the EL staff and/or administration and an interview with the school's counselor.

- Transcripts from previous educational institutions
- Certificates/statements of achievement from educationally related programs (vocational school, technical college, etc.)

## **V. INCLUSION OF EL/LEP STUDENTS IN STATE ASSESSMENTS, ACCOMMODATIONS & MODIFICATIONS**

Participation: Each school shall assess all students with limited English proficiency enrolled on the first day of the testing window in all parts of the state-required assessments and their scores shall be included in accountability calculations consistent with state law, unless the students are in their first year of enrollment in a United States school.

703 KAR 5:070, March 2004, pages 10-11

### **Accommodations/Modifications:**

Accommodations or modifications or both, when consistent with the normal on-going delivery of instructional services and implementing best practices for teaching ELs in all classes may include:

- Adapt pace of instruction
- Adapted materials/technology
- Assistive technology
- Bilingual or English dictionary
- Bilingual or English glossary

- Build background knowledge
- Engage in academic conversations
- Extended time
- Interaction opportunities
- Link instruction to prior learning
- Meta-cognitive strategies
- Model language/task completion
- Oral native language support
- Prompting/cueing
- Provide content objectives
- Provide language objectives
- Provide visuals/organizers
- Read text in English
- Read text in primary language
- Reader
- Scaffold responses
- Scribe responses
- Simplified language
- Small group/single form test
- Use computer/software
- Use spellcheck
- Other programming accommodations to address individual strengths and needs.

Appropriate accommodation and modifications for students with limited English proficiency will be written into each student's Program Services Plan. This plan will be revised annually (or as necessary) using a process that includes appropriate stakeholders for each student.

## **VI. PROGRAM AND STAFF GUIDELINES**

The district State and Federal Programs Coordinator will be the contact for questions concerning the Annual Performance Report (APR). The district Professional Development Coordinator will insure that school administrators are provided notices and information concerning relevant professional learning opportunities for staff who serve LEP students. Professional development or access to professional development for classroom teachers, principals, administrators, and other school or community-based personnel will be provided annually on an as-needed basis. To assist with these requirements, the district employs the support of the Green River Regional

Educational Cooperative and their EL Consultants. The EL Consultants provide staff meeting trainings, professional development opportunities, and on-site consultation available to all district staff. These opportunities explain and detail methodology, instructional strategies, legal responsibilities, second language acquisition reasons for student difficulties, accommodations and modifications, discussion of resource materials, and much more. Each school may choose to allocate SBDM Council funds to provide materials, resources, and any specialized books and/or equipment necessary to meet student needs. Edmonson County's Community Education and Adult Education programs may also help to provide support networks for LEP students and families in the district.

## **VII. ADEQUATE YEARLY PROGRESS**

The District Assessment Coordinator will reevaluate LEP students yearly for language proficiency and re-designation will be made based on the results of said reevaluation and consultation with school personnel. According to Jim Cummins (1994), EL students will average anywhere from 5-7 years of language instruction to be academically "caught up" with their peers. Therefore, the EL Program will strive to improve the language proficiency of its participating students within 5-7 years of placement. For those with limited formal schooling this period increases to 7-10 years. This is influenced by several factors including:

- the amount of English language instruction LEP students have received prior to enrolling in our school system
- students' individual differences/personality
- environment of acceptance and cooperation

LEP students are held to the same academic standards as all students enrolled in Kentucky's public schools. Classroom teachers will monitor and measure LEP students' academic achievement and utilize accommodations and modifications listed in the student's PSP in the classroom to ensure academic growth. See section V for information on inclusion in Kentucky's accountability system.

## **VIII. SPECIAL POPULATIONS (Gifted, talented, extracurricular, and special education)**

LEP students may exhibit academic strengths that warrant a recommendation of gifted/talented by classroom teachers, counselor, or the District Assessment Coordinator. In such an event, students will be referred to the district's gifted/talented coordinator for review. The EL staff and/or

school administration should be informed of any placement in order to lend support to the teachers involved.

Should LEP students display weakness in a skill area, academic ability, or be suspected of having a learning disability, the Director of Special Education should be notified immediately. EL staff and/or administration will then follow the procedures for special education referrals.

### Meaningful Access

EL students must be provided meaningful access to all curricular and extracurricular programs. Meaningful access includes, but is not limited to the following: grade-appropriate curricula so promotion and graduation requirements are achieved; equal opportunity to participate in all programs including pre-school, gifted and talented, career and technical education, arts, athletic programs, Advanced Placement (AP), clubs, and honor societies. EL students may not be segregated based on national origin or EL status.

EL students with disabilities must be provided with both the language assistance and disability-related services to which they are entitled under federal law. EL students who may have a disability must be located, identified, and evaluated for special education and disability related services in a timely manner. The team developing an Individualized Education Plan (IEP) must include participants knowledgeable about the student's language needs in order to provide services that address the language-related needs of an EL student.

## **IX. PRE-K and FOREIGN EXCHANGE STUDENTS**

A district is not required to test pre-K students who may be considered LEP. Formal Program Services Plans (PSP) will not be developed for pre-K students although EL staff and/or administrators will work closely with pre-K teachers to ensure the students are gaining proficiency in the English language as well as academic issues such as letters, numbers, shapes, and colors. Once pre-K students are enrolled in the first grade they will be tested using the W-APT and a conference with the pre-K teacher, parent, and EL staff and/or administration will be recommended. If the student is found to be limited English proficient they will receive a formal PSP and will be officially enrolled in LEP services.

A district is also not required by law to test the language proficiency of foreign exchange students. If a student, whose first language is not English, is struggling in school, however, the district may request consultative assistance for classroom teachers and administrators who instruct this

student. This will not exclude a foreign language student from participating in other academic programs or extracurricular activities.

## **X. TRANSITION, EXIT REQUIREMENTS & FOLLOW-UP**

LEP students who do attain a proficiency level of 3 (competent literate) in reading and writing skills or levels 4 or 5 in oral skills are deemed “proficient English speakers” (as assessed by ACCESS for ELLs) and are able to be successful in academic classes without EL accommodations or modifications. In consultation with classroom teachers and school counselors, the EL staff and/or administration will “transition” EL students from active EL instruction and begin the follow-up process as outlined below.

Upon transitioning a student from the EL Program, the EL staff and/or administration will monitor students’ academic performance utilizing progress and grade reports, conferences with classroom teachers and counselors, and interviews with students. Students exiting from EL status must be monitored for at least four years, to ensure that (1) they have not been prematurely exited; (2) any academic deficits incurred as a result of participating in the EL program have been remedied; and (3) they are meaningfully participating in the standard program of instruction comparable to their never-EL peers. In addition, the ESEA now requires LEAs to report on the number and percentage of former ELs meeting state academic standards for four years. Should a student exhibit difficulty that is language related, the EL staff and/or administration may recommend further action such as accommodations and modifications for both teachers and students or additional specialized instructional services, including active participation in Extended School Services. This is defined on a case-by-case basis and documented in the student’s permanent record.

Should a student’s academic and language performance be relegated as successful, the PSP Committee will convene to fully exit the student from the program at the conclusion of the monitoring period or anticipated graduation date or withdrawal, whichever shall come first.

## **XI. PARENTAL RIGHTS & NOTIFICATION**

Parents (guardians) will be notified within 30 days of the date identified as LEP if a student is enrolled at the beginning of the school year and within 10 days thereafter.

Provision will be made for parents (guardians) to have input into students’ initial Program Services Plan if they desire.

Parents (guardians) will also be notified in writing within 30 days if the district has failed to meet the objectives outlined to the parent at initial placement/re-designation or upon failure to meet appropriate proficiency gains. Measures will be taken to correct the matter such as selection of new instructional materials, a new instructional method or approach, acquisition of a new/different teacher/tutor/aide/assistant, redefinition of classroom accommodations and modifications, etc.

Parents (guardians) of EL students who are designated LEP can deny inclusion in the district's EL program. Such a desire must be documented by the district and included in the student's permanent record.

Parents (guardians) also may choose to withdraw their child from the EL program at any time. Every effort will be utilized, however, to explain the necessity of such instruction and effort will be made to alleviate any concerns or modify the students' Program Services Plan in order for the child to remain in the program. Should withdrawal be made, it must be documented and included in the student's permanent record.

Every effort will be made to encourage parent involvement in district activities and to ensure that parents of LEP students are included and active participants in their child's education.

## **XII. PROGRAM EVALUATION**

Each year the EL staff and/or administration will compile language proficiency test scores and compare them to previous language proficiency scores to determine if progress is being made in the area of language proficiency. This data will be submitted to the district EL Coordinator by June 30.

The district will also analyze K-PREP data provided by KDE to determine if students are meeting adequate yearly progress.

Other data that can be used by the district to determine program effectiveness are: retention rate, drop-out rate, and graduation rate.

The school district will notify parents/guardians in writing within 30 days of the evaluation if the district has failed to meet the objectives outlined to the parent at initial or continuing placement notification or upon failure to meet appropriate proficiency gains.

## **XIII. LOCAL EDUCATION AGENCY PLAN AND ASSURANCES**

**TITLE III: LANGUAGE INSTRUCTION FOR LIMITED ENGLISH PROFICIENT AND IMMIGRANT STUDENTS**

1. The LEA/local school district assures that it has developed a district plan for educating all Limited English Proficient (LEP) students within its jurisdiction. It also assures that a copy of the district LEP plan will be provided to all schools receiving Title III funds\* and that the plan and its contents will be made available to LEP families and the public in compliance with open records laws.
2. The LEA/local school district assures that it will provide equal educational opportunities to all LEP students and uphold such rights regardless of citizenship or nationality status, as provided under Title VI of the Civil Rights Act of 1964, the Equal Educational Opportunity Act of 1974, Sec. 204(f), and as affirmed in the Supreme Court ruling in Plyer v. Doe, 1982, and any other civil rights guaranteed by federal law.
3. The LEA/local school district assures that it will expend all Title III funds\* to improve the education of limited English proficient (LEP) children by assisting the children to speak, read, write and comprehend the English language and to meet challenging state content and performance standards.
4. The LEA/local school district assures that its proposed plan is based on approaches and methodologies consistent with scientifically based research on teaching LEP and immigrant students.
5. The LEA/local school district assures that its proposed plan describes how language instruction programs will ensure that LEP students develop English proficiency.
6. The LEA/local school district assures that all teachers in its LEP programs are fluent in English and any other language used for instruction, including written and oral communication skills.
7. The LEA/local school district assures that it will use Title III funds\* in ways that will build district and school capacity to continue to offer high-quality language instruction educational programs for LEP students.
8. The LEA/local school district with substantial increases in immigrant students assures that it will use Title III emergency immigrant funds\* in a manner consistent with activities under Sec. 3115 (e) of Title III.

9. The LEA/local school district assures that its LEP programs, strategies and funding allocations are aligned and integrated with the Comprehensive District Improvement Plan (CDIP) and Comprehensive School Improvement Plans (CSIP).
10. The LEA/local school district assures that it has developed program goals, objectives and specific activities towards meeting the state's annual measurable achievement objectives for LEP and immigrant students to include, at a minimum,
  - a. Annual increases in the number or percentage of students making progress in learning English (as measured by an approved English language proficiency assessment for Kentucky);
  - b. Annual increases in the number or percentage of students attaining English language proficiency (as measured by an approved English language proficiency assessment for Kentucky);
  - c. Making adequate yearly progress for the district's LEP and immigrant students (as measured by academic assessments included in the Kentucky Performance Rating for Education Progress (K-PREP) in the areas of mathematics, reading or language arts and science).
11. The LEA/local school district assures that it will hold accountable all elementary, middle and high schools receiving Title III funds\* in meeting the district's annual measurable achievement objectives (as stated in the previous assurance statement) through a program evaluation submitted to the district at the end of the fiscal year.
12. The LEA/local school district assures that it will annually assess the English language proficiency (in reading, writing, listening, speaking and understanding) of all identified LEP and immigrant students in the district using the ACCESS for ELLs.
13. The LEA/local school district assures that it will disaggregate cognitive and non-cognitive student data from all components of K-PREP and set biennial measurable goals for closing the gap between LEP and non-LEP students if sub-group data is available.
14. The LEA/local school district assures that a Program Services Plan will be developed for each LEP and immigrant student in the

district. The Program Services Plan will, at a minimum, include all essential elements required by Title III of No Child Left Behind (NCLB) and Kentucky's Regulations on Inclusion of Special Populations in State Assessment and Accountability (703 KAR 5:070, revised August 2002).

15. The LEA/local school district assures that all LEP and immigrant students enrolled in the school district on the first day of the K-PREP testing window, who are not in their first year of enrollment in a US school, and who have been in the same district/school for a full academic year will participate in all components of the state-required assessment and accountability programs.
16. The LEA/local school district assures that parents/legal guardians of all LEP and immigrant students in the district will be notified within 30 days of their child's identification as LEP, program instructional services, and parental rights to opt out of services or to seek alternative services as outlined in Sec. 3302 of Title III.
17. The LEA/local school district assures that it will promote parental and community participation in programs for LEP students.
18. The LEA/local school district assures that it will determine primary or home languages spoken by students on an annual basis through such strategies as the student enrollment form, a home language survey or interviews with parents/legal guardians. This information will be used for identification of LEP and immigrant students.
19. The LEA/local school district assures that it will submit to the Kentucky Department of Education all demographic and programmatic information, including the requirements of Sec. 3123 of Title III, pertinent to the implementation of the Title III program\* and the provision of services to LEP and immigrant students (through the Survey of State's Limited English Proficient Students and Available Educational Programs and Services).
20. The LEA/local school district assures that it developed its proposed plan in consultation with teachers, school administrators, parents, researchers, and if appropriate, with education-related community groups and nonprofit organizations, and institutions of higher education.

21. The LEA/local school district assures that it has consulted with non-public schools within its area of service in the development of the district LEP plan, and that it will administer and provide on an equitable basis educational services to LEP students in non-public schools through a public agency or a contractual entity independent of the non-public schools or religious organizations.
22. The LEA/local school district assures that all Title III funds\* will supplement, but in no case supplant, federal, state and local public funds for programs for LEP and immigrant students.
23. The LEA/local school district assures that at the end of the fiscal year it will submit to KDE a Title III program evaluation to include a description of programs and activities and of the progress made by LEP students towards attaining English language proficiency and meeting state academic achievement standards as set forth in Sec. 3121 of Title III\*.

**\*The Edmonson County School District does not receive Title III funds, so some information may not be applicable.**

#### **XIV. REFERENCES**

##### Federal Regulations:

Williams, Michael L. (9/27/1991) *Memorandum*. U.S. Department of Education: Washington. [www.ed.gov/offices/OCR/ELL/september27.html](http://www.ed.gov/offices/OCR/ELL/september27.html)

“Title III: Language Instruction for Limited English Proficient and Immigrant Students” in *No Child Left Behind Act*. (2001) U.S. Department of Education: Washington. <http://www.ed.gov/legislation/ESEA02/>

##### State Regulations:

703 KAR 5:070 *Inclusion of Special Populations in the State Required Assessment and Accountability Programs*. (March 2004) Kentucky Department of Education: Frankfurt. [www.kde.state.ky.us/oaa/implement/dac\\_index.asp](http://www.kde.state.ky.us/oaa/implement/dac_index.asp)

##### Research:

Cummins, Jim. (1994, 2<sup>nd</sup> edition) “Primary Language Instruction and the Education of Language Minority Students” in *Schooling and Language Minority Students: A Theoretical Framework*. Evaluation, Dissemination and Assessment Center: Los Angeles.

De Avila, Edward. (1997) *Setting Expected Gains for Non and Limited English Proficient Students*. National Clearinghouse for Bilingual Education: Washington, DC.