

Lau Plan



English Learners

FAYETTE COUNTY PUBLIC SCHOOLS

Fayette County Public Schools shall provide an English language program to assist English learners, including immigrant children and youth, to attain English proficiency, develop high levels of academic achievement in English, and achieve the same high standards in the same challenging state academic standards that all students in the district are expected to meet.

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Section 1 Guiding Principles

Federal Legislation

The [Every Student Succeeds Act \(ESSA\) \(2015\)](#) provides for strong accountability for the education of all children and provisions specific to limited English proficient students, especially under Titles I and III of the Act. **No Child Left Behind** (NCLB) also provides funds to states and local schools and universities to carry out the intent of the Act.

The **Equal Education Opportunities Act of 1974** requires schools to "take appropriate steps" to assure equal access as stipulated in the [Lau opinion](#).

[Title VI of the Civil Rights Act of 1964](#) prohibits discrimination on the basis of national origin and other civil rights.

Supreme Court Decisions

[Castañeda v. Pickard \(1981\) case precedent](#) requires schools to use a three-pronged approach to assure that they are following the spirit of the above laws 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.

[Plyler v. Doe \(1982\)](#) held that all students in public schools must be appropriately served, including any students who may not be documented as legal immigrants.

[Lau v. Nichols \(1974\)](#) held that providing the same access to curriculum, instruction, and materials for students of limited English proficiency as is provided to English dominant students is not in effect equitable.

Title 3 Requirements

School districts must:

- identify EL students in a timely, valid, and reliable manner
- offer all EL students an educationally sound language assistance program
- provide qualified staff and sufficient resources to instruct EL students
- ensure EL students have equitable access to school programs, activities, and services
- avoid unnecessary segregation of EL students from other students
- monitor the progress of EL students in learning English and doing grade-level classwork
- remedy any academic deficits EL students incur while in a language assistance program
- move EL students out of language assistance programs when they are proficient in English and monitor them to ensure they were not prematurely exited

- evaluate the effectiveness of EL programs.

**State
Regulations**

Procedures for the inclusion of special populations in the state required assessment and accountability programs.

[703 KAR 005:070](#)

Minimum requirements for high school graduation.

[704 KAR 003:305](#)

District Policy

[08.13452](#) Curriculum and Instruction: English as a Second Language

Section 2 English Learner Enrollment, Identification, and Placement

1. At the time of initial enrollment, the parent/guardian of every student in the school (whether potential English Learners or not) shall be asked to complete a home language survey. Translation and interpretation services shall be provided to parents/guardians when needed for communication of enrollment procedures.
2. Students whose primary or home language is other than English shall be administered an initial English Learners proficiency assessment to determine whether they are English Learners according to the federal definition in ESSA, Title III. The English language proficiency assessment will evaluate listening, speaking, reading, and writing.

Level	Proficiency Assessment	Assessment Administrator	Proficiency Score
Kindergarten	WIDA Screener for Kindergarten	EL Teacher	All Kindergarten students qualify for EL services
1 st -5 th grades	WIDA Online Screener	EL Teacher	Composite 4.5
6 th -12 th grades	WIDA Online Screener	District	Composite 4.5

Identification of English learners must occur within 30 calendar days of enrollment from the first day of school or within 14 calendar days of enrolling during the school year.

(Please note: The WIDA Screener for Kindergarten will be administered prior to Kentucky's common kindergarten early screener, the Brigance Early Childhood Kindergarten Screen III. The WIDA Screener results are used to determine eligibility for an interpreter to assist in administration of the Brigance.)

3. Assessment, placement, and the design of an individual Program Services Plan for English Learners shall be made in compliance with appropriate state and federal education requirements.
4. Instructional and related services shall be designed to meet the English language and academic needs of students while supporting participation in the general education curriculum and to overcome language barriers to grade promotion or high school graduation. Students identified as English Learners shall be provided the opportunity to participate in the school's English language instructional program.

Section 3 | Program Description

**Program
Service Plan
Development**

1. After a student is identified as an English Learner (EL), a Program Service Plan (PSP) shall be completed within 30 calendar days if the student enrolls on the first day of school, or within 14 calendar days if the student enrolls any day after the first day of a school year.
2. The EL teacher shall organize a Language Assessment Committee (LAC) meeting inviting all stakeholders, including families, to determine the appropriate instructional and assessment accommodations to appear on the EL's Program Service Plan (PSP).
3. At the LAC, the committee members shall review the EL student's data and discuss appropriate Limited English Proficient (LEP) services, instructional and assessment accommodations. Each EL student will have at minimum: one LEP service and one instructional or assessment accommodation.
4. The EL teacher shall enter the selected LEP services, instructional and assessment accommodations into the EL Module in Infinite Campus and ELlevation.
5. The EL teacher shall generate and print a paper copy of the PSP from ELlevation.
6. All stakeholders present at the LAC meeting shall sign the PSP.
7. The principal shall sign the PSP.
8. A copy of the PSP shall be made available to all stakeholders.
9. As required by ESSA 1112 (e)(3)(A), the District shall send written notification to parents of English Learners addressing the following:

**Notification for
Families**

- a. the process by which the child was identified
- b. the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement standards
- c. the programs offered by the district designed for English learners
- d. how the programs will meet the educational strengths and needs of the child
- e. how the programs will specifically help their child learn English and meet age appropriate academic achievement standards
- f. specific exit requirements of the programs
- g. how the program meets the objectives of the individualized education program of the child, in the case of a child with a disability
- h. notifications must be understandable and to the extent practicable, in a language the parent can understand
- i. information pertaining to parental rights that include written guidance of (1) the right to waive EL services for their child upon request (2) the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available, by the school and (3) assist parents in selection among various programs

and methods of instruction if more than one program is offered.

10. This notification shall be sent as follows:

- a. for students already participating in, or identified for participation in, a program for English Learners, parents shall be notified no later than 30 calendar days after the first day of school
- b. for students identified after the first day of school, parents shall be notified no later than 14 calendar days following the student's placement in the program.

11. Parents shall receive annual notification of their child's progress on the state's English proficiency objectives and required state assessments.

Once a parent/guardian of an English Learner has received notification, English Learners shall be provided services consistent with effective language instruction educational programs and curricula for teaching English Learners, in conjunction with guidelines set out in Kentucky Academic Standards, and by the national, state, and local standards for English language proficiency and academic performance.

Waiver of EL Services

Families can opt to waive EL services. When a parent declines participation, the school district retains a responsibility to ensure that the student has an equal opportunity to have his or her English language and academic needs met through a PSP, an LEP service, and instructional and/or assessment accommodations. Students will participate in the annual ACCESS test until meeting the state exit criteria.

Language Instruction Educational Program

To determine which EL services and programs are best suited for a student identified as an EL, the LAC shall consider the student's

- a. English proficiency level
- b. Grade level
- c. Educational background
- d. Language background for bilingual programs
- e. Other assessment data

Other child-centered factors the LAC may consider include:

- f. Student's native language literacy
- g. Acculturation into U.S. society
- h. Length of time in U.S. schools

The WIDA English Language Development (ELD) Standards serve as Kentucky's required English Language Proficiency (ELP) standards. These standards act as a companion document to the Kentucky Academic Standards (KAS) in guiding instruction for EL students. The WIDA ELD standards do not replace the KAS. Instead, these standards represent the social, instructional, and academic language that students need to engage with peers, educators, and the curriculum in schools.

The following chart provides a brief overview of EL programs offered in Fayette County Public Schools. Each program requires English Learner teachers with specialized training in meeting the needs of ELs (e.g., an ESL or bilingual teaching endorsement). Program service models may be combined to best meet the unique needs of an English Learner.

Program Service Option	Characteristics and Description
ELD: English Language Development	<ul style="list-style-type: none"> • English language skills and content are the focus of instruction. • Program of techniques, methodology, and special curriculum designed to teach ELs explicitly about the English language, including academic vocabulary needed to access content instruction. • Taught by an EL certified teacher, in preparation for or to support grade-level content instruction in English.
SEI: Sheltered English Instruction	<ul style="list-style-type: none"> • Instruction focuses on the academic language necessary to access the content. • The English language used for instruction is adapted to the proficiency level of the students with sheltered instructional strategies. • ELs are taught academic content in English by a content certified teacher.
CBE: Content Based ESL	<ul style="list-style-type: none"> • Instruction focuses on both the academic content and developing English proficiency. • The English language used for instruction is adapted to the proficiency level of the student with curriculum modified to meet language development needs. • ELs are taught by dual certified teacher in both EL and the content area.
SEN: Structured English Immersion	<ul style="list-style-type: none"> • Instruction focuses on academic language necessary to access the content. • The English language used for instruction is adapted to the proficiency level of the students

	<p>with sheltered instructional strategies.</p> <ul style="list-style-type: none"> • ELs are taught academic content in English by a content certified teacher. EL teachers collaborate with content teachers to ensure language needs are met.
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Program Services Plan and Required Student Records

Students receiving EL services require maintenance of records for each student. Fayette County Public Schools maintains EL records in the ELlevation platform and/or the cumulative record including:

- Copy of the Home Language Survey
- Initial English Language Proficiency (WIDA Screener for Kindergarten/WIDA Online Screener)
- Copy of parent notification letter containing the required information in ESSA 1112(e)(3)(A)
- Level of academic achievement (e.g., report cards, midterms)
- Annual ELP assessment results (ACCESS for ELLs 2.0)
- The Program Service Plan which includes the following essential elements required by 703 KAR 5:070:
 - Name and date of the English Language Proficiency (ELP) assessment administered to determine a student's EL status
 - Specific accommodations to be implemented in instruction and/or assessment
 - A list of the names of the LAC/PSP committee members who reviewed the documentation and made the decisions
 - Signature of the principal of the appropriate school as an indication of approval for the described accommodations.

Section 4 Meaningful Access

EL students must be provided meaningful access to all curricular and extra-curricular programs. Meaningful access includes, but is not limited to:

- Grade-appropriate curricula so promotion and graduation requirements are achieved
- Equal opportunity to participate in all programs, including pre-school, full-day kindergarten, magnet, gifted and talented, career and technical education, arts, and athletic programs, Advanced Placement (AP), International Baccalaureate (IB) courses, clubs, and honor societies.

EL students may not be segregated based on national origin or EL status. Although EL program service options may require that EL

Avoiding unnecessary segregation

students receive separate instruction for a limited portion of the day, the chosen program must be carried out in the least segregated manner consistent with achieving the program’s educational goals.

Evaluating EL students for Special Education and Providing Dual Services

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.
- To avoid inappropriately identifying EL students as students with disabilities based on limited English proficiency, EL students shall be evaluated in an appropriate language, based on the student’s needs and language skills.
- 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.

Professional Learning

Section 5
Qualified teachers

EL students receive language instruction and access to the general education curriculum by English Learner teachers who are certified and/or endorsed to teach limited English proficient students.

Caseload

The Fayette County Public Schools’ Standard Operating Procedure for English Learners Staffing Formula shall be used to determine annual staffing allocations based on EL student enrollments and complexities. Student enrollment data shall be extracted from Infinite Campus on February 1 annually to project enrollments for the following school year.

General Education Teacher Training for EL Support

Certified general education teachers shall receive annual training and support for the implementation of accommodations to provide equitable access to the general education curriculum for English Learners. EL teachers or district staff shall provide professional learning experiences.

District Instructional Specialists

English Learner Instructional Specialists shall provide professional learning and ongoing support for EL and general education teachers. Instructional Specialists shall engage in WIDA professional learning opportunities provided by the Kentucky Department of Education.

Section 6
English Language Proficiency Assessment

English Learners, who have not attained English language proficiency, shall be assessed during statewide testing in a valid, reliable manner and provided appropriate accommodations to

yield accurate data regarding student knowledge and ability in academic content areas.

**English
Language
Proficiency
Screener**

Kentucky uses the WIDA screener assessments to determine the English Language Proficiency (ELP) of students who have been identified as potential EL students based on the HLS. Kindergarten students are screened using the WIDA Screener for Kindergarten and students in grades 1-12 are screened using the WIDA Online Screener.

**Annual
Assessment**

ESSA 1111 (2) (G) requires districts to assess the ELP of all EL students on an annual basis. In Kentucky, Kindergarten ACCESS for ELLs and ACCESS for ELLs 2.0 (grades 1-12) is given to all ELs during the annual testing window. ACCESS assesses the student's language in four domains: listening, speaking, reading, and writing.

Any student with an EL identification must take the ACCESS test. An EL student will participate in the annual ACCESS test until meeting the state exit criteria.

The Alternate ACCESS is a paper-based test individually administered to ELs in grades 1-12 with significant cognitive disabilities. Each student's IEP team determines which assessment the student should take, and each student's IEP or 504 team determines if accommodations are required.

Exit Criteria and Procedures

The program guidelines shall include an evaluation process that includes objective exit criteria to indicate when students:

- a. have developed the required proficiency in using English to speak, listen, read, and write with comprehension
- b. can enter and successfully participate in classrooms not tailored for English learners
- c. can expect to graduate from high school

In order to exit from an EL program in the state of Kentucky, a student must achieve a score of 4.5 or higher Overall Composite Proficiency Level on Kindergarten ACCESS for ELLs or a score of 4.5 or higher Overall Composite Proficiency Level Tier B/C on ACCESS for ELLs 2.0 for grades 1-12. Students taking the Alternate ACCESS for ELLs must score a P2 or higher Overall Composite in order to exit EL status. The Program Exit Date will be June 30 of the school year in which the student exited services.

If a student transfers to Fayette County Public Schools from a non-WIDA state and is monitor and/or exit status in that state, the

**Section 7
Exiting the
English Learner
Program**

monitor and/or exit status will be honored, and the student will continue with the monitor and/or exit status.

Section 8

Monitoring Procedures

The academic progress of EL students who have been Re-designated Fully English Proficient (RFEP) shall be monitored for four years. Content teachers shall document information regarding an RFEP student's performance bi-annually in ELlevation.

The following information may be considered:

- records on length of time from entry in a US English speaking school to exit from the EL program
- performance on standardized achievement tests
- grades in content area classes
- Grade Point Average
- parent observations and/or feedback
- teacher observations
- meeting promotion and graduation requirements
- graduation rates

If monitoring shows that a student is struggling in academic performance and/or English language skills, additional supports must be made available to the student. If an exited EL student is not progressing despite these additional supports, the student may be re-evaluated using a valid, reliable, and grade-appropriate assessment (e.g., WIDA MODEL) to determine if the student should be provided additional EL program services. If a student re-enters the EL program, the district shall document the reasons and obtain consent from the student's parent/guardian.

ESSA 3121 (a) (5) requires reporting on the number and percentage of ELs meeting KAS for four years after students are no longer receiving EL program services. Data must include results on content assessments for reading/writing, mathematics, and science and be disaggregated by English Learners with disabilities. Data is also disaggregated by year after exit date (e.g., RFEP Year 1, Year 2) to ensure that academic deficits incurred due to participation in a language assistance program are recouped.

Section 9

English Learners Program Goal

Ongoing Program Evaluation

Fayette County Public Schools shall provide an English language program to assist English Learners in attaining English proficiency, develop high levels of academic achievement in English, and achieve the same high standards in the same challenging state academic standards that all students in the district are expected to meet.

Instructional programs for English Learners shall be evaluated regularly to determine whether progress is being made toward

Program Evaluation

removing language barriers and to identify instructional changes that need to be made.

The District English Learners Program Liaison, English Learners Instructional Specialists, along with the Director of the English Learners Department shall monitor student access to equal educational opportunities, both instructional and extracurricular.

Annually, the following data elements will be used:

- scores on the Kentucky Summative Assessment and MAP (K-8) assessments
- scores on WIDA ACCESS 2.0 for ELLs
- grades in content courses
- reclassification and exit rates
- graduation and dropout rates for grades 9-12
- participation rates in advanced courses (honors, Advanced Placement (AP), International Baccalaureate (IB)) and participation in gifted and talented services.
- enrollment rates in preschool, magnet, and special programs
- enrollment rates in Special Education services
- transience and attendance rates
- participation in extracurricular programs
- suspension rates
- college and career readiness
- professional learning records
- student to EL teacher staffing ratios

Data elements will be utilized to continuously improve the district's EL program by comparing the performance of current ELs, former ELs, and never-ELs. The evaluation shall include an analysis of:

- EL program implementation
 - unnecessary segregation
 - modification of programs when performance data indicates ELs are not reaching proficiency within a reasonable period of time
 - ELs not participating in standards-based grade-appropriate instruction
- Staffing and professional learning
 - walkthrough tool
 - effectiveness of professional learning
- Student performance (English language acquisition)
 - student English language proficiency levels
 - achievement of language proficiency within a reasonable period of time
- Student performance (academic content)
 - comparable access to opportunities that lead to college and career readiness
 - mastery of grade level content
 - longitudinal performance in the content areas
 - graduation, drop-out, and retention rates

Section 10

Meaningful Communication with Parents/Guardians

Multi-lingual families are entitled to meaningful communication in a language they can understand to provide adequate notice of information about any program, service, or activity communicated to English speaking families. These communications include, but are not limited to information regarding:

- language assistance programs
- special education and related services
- IEP meetings
- grievance procedures
- notices of nondiscrimination
- student discipline policies and procedures
- registration and enrollment
- report cards
- requests for parent permission for student participation in district or school activities
- parent-teacher conferences
- parent handbooks
- gifted and talented, magnet and special programs

Fayette County Public Schools' Interpreting and Translation Services Department provides equitable access to multi-lingual families by offering native language interpreting and translations. Interpreting and translating services include:

- onsite interpreting
- Virtual Remote Interpreting (VRI)
- telephonic interpreting
- document translation

Interpreting and translation services are accessed by a school's designees using a digital request system. Assignments are determined by the Interpreting and Translation Services Department Liaison.

ESSA 1112(e)(3)(A-B) requires each district to provide families with notification of their student's identification as an English Learner and placement in a Language Instruction Educational Program (LIEP). Notification must be provided to families no later than 30 days after the first day of school or within 14 days of identification for a student who enrolls after the first day of school.

ESSA 1112(e)(3)(c) requires the district to implement an effective method of outreach to multi-lingual families to inform them of how they can:

- be involved in the education of their student
- be active participants in assisting their student to
 - attain English proficiency
 - achieve at high levels in a well-rounded education

- meet the challenging Kentucky Academic Standards expected of all students.

Outreach shall include sending notice and holding regular meetings to respond to recommendations from families.

ESSA 1112(c) requires the notice and information provided to families under ESSA 1112(e) to be in an understandable and uniform format and provided in a language the family can understand. Providing translation and interpreting services related to core instruction and the English Learners program are requirements of federal civil rights law.