



**Oldham**  
COUNTY SCHOOLS

## Oldham County Schools

### Lau Plan

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#### I. Guiding Principles

Oldham County Schools (OCS) is committed to ensuring the learning of all students. As Pauline Gibbons wrote in *Scaffolding Language, Scaffolding Learning: Teaching Second Language Learners in the Mainstream Classroom* (2015), “[T]he potential for learning in school should not be restricted by a student’s lack of knowledge of the language of instruction, because in this case...ESL learners are denied

their right to be full members of the school community.” OCS shares this belief, and is committed to helping our ELs meet the expectations of the Kentucky Academic Standards and the Kentucky English Language Proficiency Standards, also known as the WIDA English Language Development Standards (ESSA 1111(b)(1)(F)). This Lau Plan (Lau v. Nichols, 1974) for OCS is designed to meet the instructional needs of English Learners (ELs) and the district obligations to ELs under Title VI of the Civil Rights Act and the Equal Educational Opportunities Act (EEOA).

#### **a. Legal Foundations**

Underpinning our belief that all students—including ELs—can and do learn, and our commitment to preparing our graduates for academic and professional opportunities in the future, is strong legal precedent and an expectation that schools ensure access and success.

##### **i. Federal Legislation**

- Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of national origin
- Equal Education Opportunities Act of 1974 requires schools to "take appropriate steps" to assure equal access as stipulated in the Lau decision (below)

##### **ii. Court Decisions**

- Lau vs. Nichols (1974) ruled that simply 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
- 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
- Castañeda vs. Pickard (1981) 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 program evaluation and subsequent modification to meet this requirement

##### **iii. OCR Guidance**

- May 25, 1970 Memorandum places responsibility on school districts to “take affirmative steps to rectify the language deficiency in order to open its instructional program to” students whose “inability to speak and understand English” excludes them from effective participation in the district’s educational program

##### **iv. Additional Guidance**

- Kentucky Department of Education—[District Guide for the English Learners Program](#)
- US Department of Education—[Developing Programs for English Language Learners: Plan Outline](#)

## **II. Enrollment, Identification and Placement of ELs in a Language Instruction Educational Program (LIEP)**

### **a. Enrollment and Identification**

- i. Initial enrollment for all students in OCS is completed through Infinite Campus Online Registration (OLR). The entire process is available in English or Spanish (reflecting the majority of OCS non-English

language background families are Spanish speaking). OLR for all students new to Kindergarten, and any student new to OCS at a grade above Kindergarten, presents the parent or guardian with the Home Language Survey (HLS) ([703 KAR 5:070 December 2016](#), p. 20), which consists of the following four (4) questions:

- What is the language most frequently spoken at home?
- Which language did your child learn when he/she first began to talk?
- What language does your child most frequently speak at home?
- What language do you most frequently speak at home?
  1. If all responses on the HLS are English, no additional action is required, and enrollment continues as normal. The student is not an EL.
  2. If any of the answers on the HLS is a language other than English, the student is a “potential EL” and must be assessed for English language proficiency using a screener assessment. (See also, [Kentucky English Language Learner Identification and Placement Guidance Document](#), on the WIDA KY member [page](#))
    - a. Kindergarten students are administered the [WIDA Screener for Kindergarten](#) (K Screener). A Kindergarten student who has taken the K Screener must be enrolled as an EL student. Regardless of K Screener results, Kindergarten students’ first opportunity to exit EL status is after taking the Kindergarten [ACCESS for ELLs](#). (See section VII, Exit Criteria)
    - b. Students in grades 1 through 12, take the [WIDA Screener Online](#)
      - i. A student in grades 1 through 12 who scores below a 4.5 overall composite is identified as an English learner (EL)
      - ii. A student in grades 1 through 12 who scores a 4.5 (or higher) overall composite, the student does not qualify as EL and is identified as “Not EL” in Infinite Campus (IC) (see also [Data Standard English Learners](#), p. 11)
    - c. Students identified as EL in another KY district or another WIDA consortium state prior to enrolling in OCS do not require a Screener assessment, and are identified as EL unless they have also previously met the EL exit criteria (section VII)
  3. All qualifying ELs will participate in the annual English Language Proficiency assessment. ACCESS for ELLs. This includes PR students. (see [Kentucky English Language Learner Identification and Placement Guidance Document](#), p. 6)
  4. For any EL qualifying student, a Program Services Plan (PSP) must be created in the first 30 days of school if enrolling at the start of the school year. For mid-year qualifying ELs, a PSP must be created within the first two (2) weeks of enrollment (as required by ESSA 1112(e)(3)(A-B) and 703 KAR 5:070)
    - a. PSPs are created through PSP meeting process, documented in [ELlevation](#), and a copy of the PSP should be included in the student’s cum folder
    - b. In combination with the accept/decline letter, the PSP meeting fulfills the required annual parental notification of EL Program Placement or Continuation (see Section III (c), below)

- c. The PSP documents instructional and assessment accommodations for the specific student to gain access to, and demonstrate knowledge of, the learning happening in the classroom

**b. Placement**

- i. Upon completion of a screener assessment, parents are notified of the results and they are given the option to accept or decline English Language Learner (ELL) program (also known as the Language Instruction Educational Plan, or LIEP) participation. Parents make this decision through completing an ELL Program Participation Accept/Decline letter. This same document may be used subsequently by the parent to add (remove) their student to (from) LIEP participation. If the parent/guardian declines participation in the LIEP (indicated in IC as parent refusal, or PR), the student receives all instruction in general population classrooms, from general population teachers. If the parent/guardian accepts LIEP participation, the student participates fully in general population classrooms, with additional supports that may include:
  - Specially designed instruction provided directly by an ELL teacher
  - Resources specifically for English Language Learners
  - Support with classwork from Bilingual Instructional Aides
- ii. Locations
  1. Elementary School—Cluster program, with one elementary school per geographic region offering additional ELL supports (Centerfield, Crestwood, Goshen, La Grange)
  2. Middle School and High School—Students attend “resides” middle and high schools, unless they qualify for the Newcomer Center
  3. Newcomer Center—MS and HS students in their first one – two years of education in a US English language school **and** at the Entering or Beginning proficiency levels, as determined by the WIDA Online Screener; Students at the ELL Newcomer Center receive English Language Development (ELD) instruction as well as instruction in English/Language Arts. These students are also enrolled at OCMS or OCHS, where they complete other subject coursework, with bilingual support for Spanish
- iii. Grade Placement
  1. Entering students should be placed in their age-appropriate grade level, based on current OCS age guidelines for grade placement. At the high school level, students should be placed according to verifiable credits, school records, or placement assessments.
  2. No student shall be placed in a lower grade due to his/her level of English language proficiency
- iv. Students with special needs
  1. EL students suspected of having a disability shall be evaluated in a timely fashion ([January 2015 Dear Colleague Letter](#)), using carefully selected materials and procedures to measure the extent to which they may (or may not) have a disability (rather than measuring their English language skills).

- a. [ELL/ECS processes](#)
- 2. EL students with disabilities receive both special education and language learning services, coordinated through consultation between ELL and ECS staff members. This coordination should be present throughout the identification, placement, and instructional processes.
  - a. In such cases, the IEP and PSP should document the types of supports and how services are coordinated

### III. Description of the LIEP

#### a. LIEP Goals

- i. EL students will attain English language proficiency
- ii. EL students will show an overall gain on the annual ACCESS for ELLs assessment of at least one proficiency level
- iii. EL students will receive instruction, in all content areas, that promotes their participation in, and demonstration of, learning through English.
  - 1. The [WIDA English Language Development \(ELD\) Standards](#) serve as Kentucky’s required (ESSA 1111(b)(1)(F)) English Language Proficiency (ELP) standards. These standards act as a companion document to the Kentucky Academic Standards (KAS) in guiding instruction for Kentucky’s ELs. The WIDA ELD Standards do not replace the KAS. The WIDA ELD Standards, represent the social, instructional, and academic language students need to engage with peers, educators, and the curriculum in schools.

#### b. Description of LIEP Models (<https://www2.ed.gov/about/offices/list/ocr/ell/services.html> and p. 13 of <https://education.ky.gov/districts/tech/sis/Documents/Standard-LEP.pdf> )

OCS provides services and supports to ELs using program models aligned to best practices for second language acquisition and English language development, academic and ELP backgrounds of students, and school and district demographics. Types and frequency of services are provided to students based on multiple data points including English proficiency level, literacy needs, and EL teacher recommendation.

- i. CAT: Content area tutoring—Programs that provide one-on-one or small group tutoring/assistance to ELs during school hours in the content areas, including English language arts, mathematics, science and social studies. Tutoring is generally provided by teachers other than bilingual or EL teachers and may be provided by an aide under the direction of a teacher
- ii. CBE: Content-based EL—Programs in which English is taught through the content areas of mathematics, English language arts, science and social studies
  - 1. Instructional staff: Content-area teachers, or EL teachers who are qualified for the content area, use instructional materials, learning tasks, and classroom techniques to develop language and content
  - 2. Frequency and Duration: Daily; 45 - 90 minutes
  - 3. Schools/Grade Level: MS/HS

- iii. NEW: Newcomer Program—MS and HS students in their first one – two years of education in a US English language school **and** at the Entering or Beginning proficiency levels, as determined by the WIDA Online Screener
  - 1. Instructional staff: EL/ELA certified teacher
  - 2. Frequency and Duration: Daily, 3 class periods/day
  - 3. Schools/Grade Level: MS/HS
- iv. POE: Pull-Out EL/Resource—Programs remove ELs from general education classes to pre-teach, teach or re-teach English language skills and/or academic content covered by the general education classroom teacher
  - 1. Instructional staff: EL teachers, EL bilingual staff
  - 2. Frequency and Duration: 3 - 5 times week; 30 - 60 minutes
  - 3. Schools/Grade Level: All
- v. PR: Parent/Guardian refusal for EL services (If PR is checked, SEI must also be checked ([EL Data Standard 10/26/21](#), p. 12))
- vi. SEI: Sheltered English Instruction—Programs often serve ELs from more than one language background. Instruction is in English and adapted to the student’s English proficiency levels and provides modified curriculum-based content
  - 1. Instructional staff: General population teachers
  - 2. Frequency and Duration: Daily, all day
  - 3. Schools/Grade Level: All
- vii. SEN: Structured English Immersion—Programs provide linguistic and academic support to ELs in the general education classrooms. This is indicated for students still receiving Oral Native Language Support (ONLS) in content classrooms
  - 1. Instructional staff: EL teachers or bilingual instructional aides
  - 2. Frequency and Duration: 3 - 5 times/week; 20 - 60 minutes
  - 3. Schools/Grade Level: All

**c. Annual parent notification**

- i. Annual parent notification (ESSA 1112(e)(3)(A-B)) is completed as part of the Program Services Plan (PSP) meeting at the beginning of each school year. During this meeting, parents must be informed of the following seven (7) things. The OCS PSP is structured around these topics, so each topic may be addressed by talking through each section of the PSP during the PSP meeting (documented in ELLevation).
  - 1. The reason for identification of the child as an EL;
  - 2. The child’s level of English language proficiency, how the level was assessed, and the status of the child’s academic achievement;
  - 3. Methods of instruction used in the program in which the child is, or will be, participating, and the methods of instruction used in other available programs, including how the programs differ;
  - 4. How the program will meet the educational strengths and needs of the child and help the child achieve English language proficiency, and meet academic standards;
  - 5. Exit requirements for the program, expected rate of transition to a classroom not tailored for EL students, and expected rate of high school graduation;

6. In the case of a child with a disability, how the program meets the annual goals in the child's individualized education program (IEP); and
  7. Information regarding parents' right to withdraw the child from a program upon their request, and to decline enrollment or choose another program or method of instruction, if available
- ii. Notice of continuation is provided to parents/guardians using the *OCS ACCESS results ELL Continuation Letter*, in a language the parent can understand. Parents/guardians of these students receive additional information in the following year's PSP meeting
  - iii. Notice of exiting ELL is sent to parents using the *OCS ELL Exit Letter* when a student attains the state benchmark for English proficiency (equal or greater than 4.5 on the ACCESS for ELLs assessment)

#### **IV. Process to Provide Meaningful Access to all Co-curricular and Extracurricular Programs and Activities**

The academic success of ELs is the responsibility of all staff. EL teachers, general population teachers, and administrators meet regularly to discuss the academic progress and participation of ELs. Teachers and administrators meet as part of the PSP committee and as members of school Professional Learning Communities (PLCs). The WIDA English Language Development Standards and Can-do Descriptors, along with Kentucky Academic Standards, provide a foundation for discussion of each student's progress, and all teachers working with a particular student receive a copy of that student's PSP and Can-do descriptors reflecting the student's current proficiency levels. The district's majority Spanish-speaking EL population receives additional support in academic and special programs from Spanish-speaking bilingual staff members. To enhance access to co-curricular and extracurricular programs, the district's Bilingual Community Coordinator communicates with families to ensure they are aware of opportunities such as band, orchestra, or course offerings at the Arvin Career Center or the OCS Arts Center. District communication is translated by ELL staff to share with families. Schools are also responsible for ensuring communication regarding co- and extracurricular programs is shared in a language that can be understood by all parents. ELL bilingual staff in buildings, as well as technological aids, such as Google Translate and telephonic interpreters, help in this effort.

#### **V. EL Professional Development (PD) for Staff who Deliver Instruction or Support the LIEP for ELs**

##### **a. Participation in [KY-CEL](#) learning series and/or summer institute**

- i. EL and general population teachers attend and turn-key share their learning with other teachers.

##### **b. New ELL cluster-teacher training**

- i. New ELL cluster teachers are general population teachers, new to working with ELs. The training will be conducted after-school, over the course of the school year. Intended as support for classroom teachers new to working with ELs, this PD will be based on Staehr-Fenner's *Unlocking ELs' Potential*, and will highlight considerations and strategies for working with ELLs around the following key ideas:
  1. Culture
  2. Scaffolding
  3. Academic Conversations
  4. Vocabulary
  5. Building Background

## 6. Assessment

### **c. ELL Teacher PLC**

i. ELL Teachers engage in professional learning about literacy and ELs. This learning is based on Peregoy and Boyle's book, *Reading, Writing, and Learning in ESL*.

### **d. ELL BIA Google Level 1 training**

i. ELL bilingual Instructional Aides engage in professional learning resulting in Google Level 1 Educator certification. This learning will support bilingual staff members as they support students whose learning is moving more and more onto the Google platform.

## **VI. Annual English Language Proficiency Assessment and Administration**

All active EL students (including PR students) will participate annually in English language proficiency assessment. In Kentucky, this annual assessment is *ACCESS for ELLs 2.0*. Assessment takes place in January and February, with results typically returned to the district in April or May. The results of the assessment are shared with parents by mail, and again during the subsequent school year's PSP meeting.

### **a. Interpreting results and using assessment data to guide instruction and programming**

- i. EL teachers—EL teachers and bilinguals review ACCESS results and use them to group students, evaluate program effectiveness, and prepare students' PSPs
- ii. Classroom teachers—Classroom teachers receive ACCESS results during PSP meetings, along with the WIDA Can-do descriptors and information about the KY ELP standards. This information should be used in planning instruction and appropriate accommodations or instructional supports
- iii. Administrators—The ELL Director shares ACCESS results with building and district administrators, and this information is used as an indicator of program effectiveness

## **VII. LIEP Exit Criteria and Procedures**

EL students in grade K exit EL if they attain a 4.5 or higher overall composite proficiency level on K ACCESS. EL students in grades 1 – 12 exit EL when they attain a 4.5 or higher overall composite proficiency level (PL) on a Tier B/C ACCESS assessment. Students will be exited in Infinite Campus on June 30 of the year in which they attain a PL of 4.5 or higher. Exited students are also referred to as Re-designated Fully English Proficient (RFEP). ACCESS for ELLs results are typically returned to the district in April or May of each year. When students attain a 4.5 or higher on the grade-appropriate assessment, parents are sent an OCS ELL Exit Letter. The student's ELL status will continue until June 30 of the current school year, at which time the student is designated "Exited EL" in Infinite Campus.

## **VIII. Monitoring Procedures after Students Exit the LIEP Program**

English Learners (ELs) should be monitored for four (4) years after achieving exit status (for those students who began monitoring after the 2017-2018 school year). The ELL Director will two times per year use the Early Warning Tool (or similar) in Infinite Campus to identify RFEP Monitoring students who

may be at high risk. For students of concern on this list, a follow-up will be conducted using the OCS Monitoring form. If an exited EL is not progressing academically as expected and monitoring suggests a continuing language issue, the student's ELP should be re-assessed with a valid, reliable, and grade-appropriate ELP assessment (e.g., WIDA MODEL) to see if the student should be provided additional EL services. If reentered into EL services the district ELL Director will document the reason(s) and request parent/guardian consent to re-enter the student into EL services.

#### **IX. EL Program Evaluation**

The [English Learner Toolkit](#) provides guidance on EL Program Evaluation. The primary indicator of a successful EL program is whether EL students attain English proficiency and parity of participation in the standard instructional program within a reasonable period of time. The [QA English Learner \(EL\) and Title III Biennial Reports](#) will be used by the EL Director and district leadership for monitoring and evaluation of the Title III program.

Additionally, the EL Director meets with the Superintendent, Assistant Superintendent for Student Learning, District Assessment Coordinator, Bilingual Community Coordinator, members of the Student Learning Division, and ELL staff members to ensure program elements are appropriate and effectively meeting the needs of the EL population. ACCESS scores, MAP scores, state assessment data, retention rates, dropout rates, parental input, etc., will be reviewed to determine if EL students are making progress in the development of their language skills and in the general education curriculum.