

CRAFTING A LAU PLAN



Missouri Migrant Education and English Language Learning

Supplement local services

The U.S. Department of Education assumes supplanting exists if –

- A local educational agency uses Title III funds to provide services that it is required to make available under State or other Federal laws.
 1. What is the instructional program/service provided to all students?
 2. What does the LEA do to meet *Lau* requirements?
 3. What services is the LEA required by other Federal, State, and local laws or regulations to provide?
 4. Was the program/service previously provided with State, local, and Federal funds?

What is a Lau Plan?

A Lau plan, named after the **Lau vs. Nichols Supreme Court Decision of 1974**, describes what a school district will do:

- to identify its ELLs,
- to design an effective program reflective of their needs,
- to employ appropriate English-as-a-second-language or bilingual personnel (or both),
- to align the instruction of ELLs to state and local content standards, and
- to provide ongoing assessments to ascertain their growth in English language proficiency and in the comprehension of academic content.

Present a rationale

Cite the legal foundation for the Lau Plan as established in law.

Federal Legislation

- No Child Left Behind (NCLB) Act of 2001
- Title VI of the Civil Rights Act of 1964
- Equal Education Opportunities Act of 1974

Court Decisions

- Lau vs. Nichols (1974)
- Plyler vs. Doe (1981)
- Castañeda vs. Pickard (1981)
- Office of Civil Rights Policy Update on Schools' Obligations Toward National Origin Minority Students With Limited English Proficiency (1991)
- Executive Order 13166: Improving Access to Services for Persons With Limited English Proficiency (2000)

State Requirements

- MSIP

Create a committee

Establish a Language Assessment Committee to advise on identifying, serving, assessing, and eventually exiting an English language learner from a language support system. The committee may also meet with the entire school staff to inform them of their observations and recommendations for meeting the ELL needs.

The committee should consist of an administrator, guidance counselor, academic content teachers, and ESL teachers.

Create and assessment system

Assessments for entry into a language support system should be based on several criteria rather than a single test or survey. In general, the following considerations should apply:

- Establish the presence of a student's non-English language background. This may be done through the use of a home language survey or through questions asked during enrollment.
- Conduct an assessment of the language background of the ELL student by using a language proficiency instrument.
- Review multiple sources to assure authentic assessment information; sources may include student writing samples, portfolios, exhibitions, demonstrations, oral interviews, and other assessment formats solicited from teachers and colleagues.

Create a plan for Service Delivery

A description of an ESL program would include:

- a schedule of ESL instruction developed with the student's ESL and regular content teacher
- integrative materials used to support that instruction
- extracurricular activities
- a line item budget dedicated to supporting the ESL program, and ancillary services (e.g., interpreter services, speech pathology, computer literacy, special needs, gifted/talented) as appropriate.

Establish a Transition Criteria

Document the results of all assessments used to determine student transition from the ESL program. Multiple measures are needed that include language proficiency tests, psychometric tests, portfolios, and a comprehensive review of all aspects of ELL student performance including MAP results.

Engage qualified personnel

As with other instructional personnel, ESL staff must be qualified with academic preparation in English-as-a-second-language, as stipulated in the 1991 Office of Civil Rights Memorandum. Typically, ESL support services that do not supplant the standard curriculum may be provided by an education aide who is supervised by an ESL teacher in collaboration with the student's regular classroom teacher(s).

Set guidelines for monitoring

- When reclassifying an ELL as fluent, teachers in the student's new setting (with coordinated support of the ESL teacher) will assess the student's academic performance with a view to observing English mastery (reading, writing, speaking, and listening).
- Language assessment committee members should follow up on the placement's impact within two weeks of the transfer and continue periodic monitoring for two years after the exit from ESL. Sometimes, it becomes necessary for an ELL to return to a partial ESL intervention.

Program Evaluation

- The Language Assessment Committee may be used to evaluate ESL services and recordkeeping procedures.
- The annual program evaluation should include, but not be limited, to the following: English language acquisition success of enrolled students; parental involvement; degree of collaboration with mainstream teachers; and compliance with the district's Lau Plan.
- Appropriate members of each school meet at the end of the school year to determine classroom placement and services needed for the next school year; at the entry of a new ELL; and/or at the request of any member.
- Data collection is the key to effective evaluation

Districts with Title III Funds

Title III funds must be used to supplement the level of Federal, State, and local funds that, in the absence of Title III funds, would have been expended for programs for LEP children and immigrant children and youth.

For more information

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