



LAU Compliance Plan

Revised Summer 2023

Nashua School District LAU Compliance Plan

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Section 1: Legal Foundation for Providing Effective Educational Services To English Learner

Justice Douglas, in the opinion which he delivered for the United States Supreme Court in the landmark case of *Lau vs. Nichols*, 414 U.S.563 (1974) stated:

"There is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum – for students who do not understand English are effectively foreclosed from any meaningful education."

"Where inability to speak and understand the English language excludes national-origin minority groups from effective participation in the educational programs offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students."

"Basic English skills are at the very core of what the schools teach."

"Imposition of a requirement that before a child can effectively participate in the educational program, he/she must have already acquired those basic skills (referring to English skills) is to make mockery of public education."

This opinion reaffirmed the May 25th, 1970, United States Department of Health, Education, and Welfare's memorandum which required all school districts subject to Title VI of the Civil Rights Act of 1964 to take affirmative steps to open their instructional program to national origin minority children (34 CFR Part 100).

The following federal legislation and Supreme Court Cases establish the legal basis for providing English learners with effective instruction and programming:

A. Federal Legislation

- **Title VI of the Civil Rights Act (1964)** prohibits discrimination on the basis of national origin (and other civil rights).
<http://www.usdoj.gov/crt/cor/coord/titlevistat.htm> (full text)
- **Equal Education Opportunities Act (1974)** requires schools to "take appropriate steps" to assure equal access as stipulated in the *Lau* opinion below.
<http://www.law.cornell.edu/topics/education.html>

- **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. <http://www.ed.gov/policy/elsec/leg/esea02/index.html> (full text) <https://www2.ed.gov/policy/elsec/leg/essa/index.html> (U.S. Department of Education's official ESSA website)

B. Supreme Court Decisions

- *Lau vs. Nichols* (1974) ruled 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:
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
- *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>

Nashua School District Vision

The goal of Nashua School District's (NSD) English Learner program is to support the English Learner (EL) in the acquisition of language skills necessary to access curriculum in the mainstream classroom. Students in the English Learner program are expected to perform at the same academic level as their English proficient peers in preparation for college and career readiness. The goal is for ELs to attain English proficiency within five (5) school years.

Progress is measured by the students' proficiency levels on the ACCESS for ELs (ACCESS).

The EL Program is available to all active English Learners. Students who are receiving EL service receive instruction during the school day that is appropriate to their linguistic needs. Instructional methods are rooted in best practice and research-driven instruction. Like their English proficient peers, English Learners have access to all academic opportunities, including access to rigorous content. Should an EL student struggle academically, EL teachers will work with both the student and classroom/content teacher(s) to ensure that appropriate accommodations and scaffolds are put in place to ensure the EL's success.

NSD English Learner Population

Nashua School District has a diverse English Learner population. Our current students come from numerous countries and speak over 40 different languages. Of these students, 90% speak either Spanish (74%) or Brazilian Portuguese (16%). Nearly 40% of our English Learners were born in the United States but are growing up in homes where languages other than English are spoken. Determining the preferred language of each parent/guardian is vital to effective home-school communication.

Nashua's English Learner population varies not only linguistically, but also in educational experience and first language proficiency. At the elementary, middle, and high school levels there are English Learners with limited formal education. Many of these students are not literate in their home languages. This impacts how quickly English Learners will acquire English and the amount of support needed to be successful. Any student who arrives with limited or no formal schooling may be placed one grade level below what is age appropriate. This provides the student with an extra year of instruction and language acquisition.

Over the past decade, the number of refugees enrolled in Nashua schools has fluctuated. Refugees are currently resettled through one of two NH agencies: Ascentria and the International Institute of New England. An annual estimate of incoming refugees is given to the city of Nashua. The resettlement agencies assist families in registering school-age children by bringing the family to their neighborhood school and providing an interpreter. At this time, release of information forms must be signed allowing schools to communicate with agency case managers. Once enrolled, Nashua School District provides interpreters to support students and families.

Section 2: English Learner Identification

NSD follows consistent, reliable, and timely procedures for identifying and assessing the progress of culturally and linguistically diverse students in accordance with state and federal regulations.

WIDA (formerly known as World-class Instructional Design and Assessment) was created in 2003 with a mission to “support students, families, educators and administrators with high-quality, research-based tools and resources, dedicated to language development for multilingual learners” (WIDA: University of Madison, 2023).

Currently, 36 states and 5 territories belong to the WIDA Consortium. New Hampshire joined the WIDA Consortium in 2004. WIDA has developed English Language Development Standards, as well as assessment tools. Nashua uses the WIDA Screener in grades K-12 to determine initial eligibility and the ACCESS assessment to measure annual English Language Development (ELD) growth. Prior to screener administration, EL teachers must complete and pass the appropriate WIDA Screener certification annually in compliance with the NH Department of Education (NH DOE).

The NH DOE approved a standardized Home Language Survey (HLS) and procedure for local use (New Hampshire Education: Identification and Placement, p, 2) in compliance with Every Student Succeeds Act (ESSA). The Nashua School District adopted this state-approved HLS. District Home Language Survey Procedures can be found in the NSD digital library.

Administrative assistants provide EL teachers a copy of each incoming student’s completed HLS. The EL teacher determines if the student requires screening based on the HLS. This screening must be completed within 30 days of the beginning of the school year and

within 14 days of registration at all other points in the school year. All screening procedures outlined in the WIDA Test Administration Manual **MUST** be followed. The test administration manual can be found in the WIDA Resource Library. Please refer to the NSD digital library for detailed screening guidance and Frequently Asked Questions.

The WIDA screener is administered in grades K-12. This assessment is given on paper in Kindergarten and the first semester of first grade. Most students in their second semester of first grade, as well as grades 2-12 will take this assessment on computers. In situations where students have had limited formal education or have suspected disabilities, teachers have the option to administer the WIDA paper screener. For further instruction, please refer to the WIDA Test Administration Manual, also available at the above website.

In accordance with NH state guidelines, the WIDA Screener is the initial screening tool and cannot be used to exit an active English Learner from the English Learner Program.

Identification & Screening of English Learners into the NSD EL Program	
<p>A student QUALIFIES for EL services if he/she receives an overall score below 4.5</p> <p>A purple EL Folder must be created and placed in the student's cumulative folder.</p> <p>The Initial Eligibility Form, Screener Score Report, and Performance Descriptors need to be completed & sent home. Upon return, the signed Initial Eligibility Notification will be copied. One copy is placed in the EL folder & the other is returned to the parent/guardian for their records.</p> <p>A copy of the HLS will be stapled to the Screener Score Report and placed in the EL folder.</p> <p>The EL tab in Aspen must be completed per district procedures.</p> <p>Parental/Guardian acceptance or refusal can be amended at any time. However, if a parent wishes to amend the form, a new parent</p>	<p>A student DOES NOT QUALIFY if he/she scores a 4.5 or above</p> <p>The Initial Eligibility Form (DNQ) needs to be completed. One copy is placed in a red folder labeled NOT EL and placed in the cumulative folder. The original is sent home.</p> <p>The Initial Eligibility Form, Screener Score Report, and Performance Descriptors MUST be stapled to the HLS. Write DNQ on top of the HLS and place it in the red NOT EL folder in the cumulative folder.</p> <p>The EL tab in Aspen must be updated per district procedures.</p> <p>This completes the EL screening process.</p>

<p>permission form will need to be completed and Aspen will need to be adjusted.</p> <p>This completes the EL screening process.</p>	
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*If the parent **refuses** placement into the EL Program, this student is annually assessed, but does NOT receive daily EL services.

Section 3: Program Description

In order to meet the needs of our culturally and linguistically diverse population, the Nashua School District provides a research or evidence-based Language Instruction Educational Program (LIEP) for all qualifying EL students.

The NSD’s ELD program is a “program of techniques, methodology, and special curriculum designed to teach ELs explicitly about the English language, including the academic vocabulary needed to access content instruction, and to develop their English language proficiency in all four language domains (i.e., speaking, listening, reading, and writing).” [NH DOE Guidance-Identification and Placement of English Learners](#). The goal of the LIEP is for EL students to reach grade level proficiency in English within five years of entering the EL program. Research has shown that student exposure to grade level materials and content along with high levels of interaction with native speaking peers accelerates English and content acquisition. Students spend the majority of their day in the mainstream classroom and only spend part of the day with a certified EL teacher. These EL services can be provided in a pull-out or push-in setting.

EL Pull-out

The EL pullout model is utilized to provide direct instruction in English from English Learner teachers. Instructional practices and English instruction is adapted to meet the ELs at their proficiency level through the use of a research-based ELL curriculum. This EL pullout instruction focuses on linguistic complexity, language forms, and vocabulary usage in the domains of listening, speaking, reading, and writing.

EL Push-in and Co-Teaching Programs

An EL teacher supports English Learners in the mainstream classrooms in both push-in and co-teaching models. The push-in model consists of parallel teaching in small groups to provide targeted EL curriculum. In a co-teach model, the EL teacher and mainstream teacher plan and teach lessons together in order to make curricula comprehensible. Per the May 2021 Department of Justice (DOJ) agreement, co-teaching can only be used for students with a WIDA proficiency level of 4.0 - 4.4.

EL teachers determine which EL instructional model is appropriate based on the DOJ guidance and the students' academic needs. An instruction period "is at least equivalent to the time allocated for core content subjects" (United States. Department of Justice, 2021, p.4 n3). ELs with a proficiency level of 1.0 - 2.9 receive two EL instructional periods daily. ELs with a proficiency level of 3.0 - 4.4 receive one daily EL instructional period.

At the high school level, all EL courses grant regular credit towards graduation. All ELs in EL Levels 4 - 6 are encouraged to also take mainstream English courses. This ensures equal access to the mainstream curriculum for English Learners.

Section 4: Meaningful and Equitable Access to Academic & Extracurricular Programs

Nashua School District assures that all students have meaningful access to curricular, co-curricular, and extracurricular programs and activities in the following ways.

1. Per the 1972 Equal Rights Amendment, English Learners are a part of our school community and cannot be segregated by race, ethnicity, or religion. Nashua School District has a dual obligation of providing rigorous language and content instruction for ELs of all proficiency levels. EL students may receive separate English instruction for a portion of their day. This is carried out in the least segregated manner, while providing students the opportunity to meet the EL program's educational goals. Students must have the opportunity to meet graduation requirements, so that ELs are as prepared as their English-speaking peers for college and career readiness.

2. The Common Core State Standards (CCSS) provide a rigorous standard of academic excellence for all students. CCSS is the foundation of all Tier I instruction in the Nashua School District. ELs have access to grade level curriculum (required and elective) while active in the EL program.
3. As with all students, depending on availability and eligibility, ELs have the opportunity to participate in support and enrichment programs (e.g. Title I, ELA intervention, math intervention, Special Education, 504 plans, Career and Technology Education [CTE], Honors/Advanced Placement courses).
4. As with all students, depending on program availability and eligibility, ELs have access to support services (e.g. guidance, mental health, and social workers/at-risk counseling).
5. As with all students, depending on availability and eligibility, ELs have the opportunity to participate in extracurricular activities (e.g. athletic programs, clubs, honor societies, band and chorus, school-sponsored events).
6. ELs with a suspected disability should follow the referral and initial eligibility process set forth by the Nashua School District as compliant with Individuals with Disabilities Education Act (IDEA). Students should be referred for eligibility as soon as a disability is suspected. An EL professional who is knowledgeable in culture, language acquisition, and language proficiency levels must be involved in all steps of the process (e.g. referrals, evaluation, services, and meetings). Interpreters are required for parents/guardians who have requested language assistance.
7. As stated in the Department of Justice agreement, “each school will maintain a list of staff members who have knowledge and experience regarding EL needs, services, and language and cultural backgrounds, and the intersection of EL and special education services. To the extent practicable, the District will ensure that at least one person from this list is present at all special education meetings for EL students” (United States. Department of Justice, 2021, p. 7).

8. ELs with disabilities are entitled to Special Education services under federal law. It is imperative that dually coded ELs receive Special Education services in conjunction with general education and EL services.
9. Parents/guardians must have access to interpreters and translations of all essential information as defined by the Department of Justice (United States, 2021, p.9).

Section 5: Equitable Personnel, Facilities, and Materials

The Nashua School District provides qualified EL staff, which includes but is not limited to: EL administrators, EL coaches, EL teachers, EL paraprofessionals, Family Engagement coordinators, and interpreters. The EL staffing should reflect the needs of the EL population. The school district is committed to provide annual, EL-focused professional development to all staff provided by NH Department of Education, the WIDA consortium or consultants. These workshops may be offered during in-service PD days, early release days, or faculty meetings and are focused on research and evidenced based instructional strategies and using tools like Ellevation, a software program that allows teachers and administrators to store and analyze EL student data and provides instructional resources.

EL teachers have access and training for research and evidence-based EL curricula. This curricula aligns with the CCSS and the WIDA ELD standards framework. The instructional facilities must be equivalent to those available to all students.

Section 6: Annual English Language Proficiency Test Administration

In compliance with federal mandates, New Hampshire has determined that ACCESS is a valid and reliable assessment to annually measure students' English proficiency. Active ELs must be assessed annually in the domains of listening, reading, speaking, and writing. English Learners must receive an overall composite score of a 4.5 or higher to be considered proficient in the language. English Learners will continue to be assessed annually until they are able to reach a proficient score.

Prior to test administration, EL teachers must complete ACCESS Training annually in compliance with NH Department of Education. As on all NH state assessments, teachers will follow the guidelines put forth by the [NH DOE](#).

Prior to the ACCESS test window, EL teachers and other members of the Individualized Education Plan (IEP) or 504 teams must meet to discuss how best to assess English Learners with disabilities. Both accommodations and/or the WIDA Alternate ACCESS are available for eligible students. These decisions must be documented in the IEP or 504 plan. More information can be found on the NH DOE ESOL K-12 [page](#) and the WIDA Accessibility and Accommodations manual.

Section 7: Exit and Monitoring

ELs who achieve an overall score of 4.5 or higher on the ACCESS test are considered proficient and are moved from active to monitor status. Parents/Guardians are notified of the ACCESS scores, as well as any status change. Students are monitored for four school years, after which they are exited from the program. Monitor reports are completed by classroom/content teachers through the ELLevation platform twice a year. Students whose parents refused placement are monitored quarterly by classroom/content teachers through the ELLevation platform. The completed forms are reviewed by EL teachers. Copies of the monitor reports are electronically stored within the ELLevation platform. Paper copies of all parent/guardian notifications and score reports are placed in the EL folder.

In rare cases, a request for reclassification of an EL student can be submitted to the NH DOE. More information can be found [here](#).

Section 8: Ongoing Program Evaluation

Nashua School District determines the effectiveness of its EL program through periodic evaluation. Evaluations include the review of the LAU compliance plan, the NSD manual of EL policies and procedures, LIEP instructional model and practices, curricula, resources, facilities, staffing, and student outcomes. NSD establishes a baseline and provides ongoing data from which progress is evaluated.

Office of English Language Acquisition (OELA) recommends the following data elements to determine the effectiveness of the EL program:

- Scores on state and local assessments
- Scores on annual English language proficiency tests
- Grades in content courses
- Retention in grade
- Reclassification/exit rates
- Graduation and dropout rates
- Participation rates in gifted and advanced courses (e.g., honors, Advanced Placement (AP), gifted and talented, and International Baccalaureate (IB) courses)
- Enrollment rates in pre-kindergarten and other choice programs
- Enrollment rates in special education and related services
- Mobility and attendance rates
- Participation in extracurricular programs
- Suspension rates
- Other indicators of college and career readiness (CTE program enrollment, honor societies, community service etc.)

Nashua also reviews the following data elements to determine the effectiveness of the EL program:

- Student, parent, and community involvement
- Training of staff members
- Availability of instructional materials and resources
- Allocation of resources
- Use of data in making programming and personnel decisions

Section 9: Meaningful Communication with Families

Nashua School District maintains a partnership with its students, families, and the surrounding community. By ensuring meaningful communication and collaboration, schools encourage the active involvement of families in their child's education.

School Districts are required to provide effective outreach to parents of ELs, including regular meetings [see Section 1112(e)(3)(c)] as amended by ESSA. As part of the Department of Justice settlement, the Nashua School District has agreed to the communication of essential information to multilingual families. According to the Department of Justice, "essential information" includes, but is not limited to:

- (a) report cards & other academic progress reports

- (b) documents concerning academic options and planning
- (c) documents concerning enrollment or registration
- (d) documents concerning screening procedures requesting a student's language background, a parent's preferred language of communication, and the process for refusing all or only specific EL Services
- (e) requests for parent permission for student participation in district/school sponsored programs and activities
- (f) promotional materials and announcements distributed to students that contain info about school and district activities for which notice is needed to participate in such activities (testing, co-curriculars, activities requiring an application, parent teacher conferences, open houses)
- (g) Special ed documents including IEPs, behavior intervention plans, and Function Behavioral Assessments
- (h) information about student discipline
- (i) parent handbooks
- (j) information related to public health and safety
- (k) any other written information describing the rights/responsibilities of parents or students & benefits/services available to parents & students

(United States, Department of Justice, 2021, p. 9, n.8)

A digital library of translated district documents is maintained and available to staff. The Nashua School District provides language assistance to LEP parents through trained interpreters and outside interpretation providers.

The Nashua School District provides opportunities for families to be involved in decision-making, planning, implementation, and evaluation of their child's education. Parents are also invited to volunteer for or attend cultural and academic activities in schools. The Nashua School District fosters relations with greater Nashua programs and community institutions to benefit students. Additional support is provided by school-based, bilingual, outreach personnel.