Evidence-Based Practice

Lau Plans and Rural ML-EL Education: Self-Assessment as a Tool to Support Educational Equity

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Abstract

Over the past three decades, the K-12 multilingual English learner (ML-EL) population has grown both numerically and geographically; over three-quarters of public schools now enroll ML-EL students. Districts new to serving ML-ELs often struggle to develop the systems, structures, and policies necessary to comply with federal guidelines governing EL education. As researchers and practitioners working in a largely rural context, we were motivated to develop a tool to guide our state's "new-to-EL-education" leaders in developing sound, effective, evidence-based systems and structures for their EL programs. In this essay, we present a free, openly accessible tool developed to guide district and EL leaders in creating and building the infrastructure necessary to ensure an equitable, effective education for ML-EL students.

Key Words

Lau plan, multilingual, English learner, Title III, ESSA, educational equity, rural

Introduction

Over the past three decades, the K-12 multilingual English learner (ML-EL) population has grown both numerically and geographically. As of 2015, seventy-eight percent[1] of US schools served ML-EL students and increasingly, ML-EL students are enrolling in rural schools and districts (Lee & Hawkins, 2015; Lichter, 2012). As the numbers of ML-EL students and families increase in rural areas, these districts and their leaders often struggle to provide adequate educational support as required by federal EL policy. As researchers and practitioners who work with ML-EL students, their families, and the districts that serve them, we focus on what we refer to as *low EL-incidence* schools and districts—those that traditionally enroll relatively few ML-EL students (Coady, 2020; Mavrogordato et al., 2021). In these cases, ML-EL students are frequently spread across many square miles, multiple grade levels, and several school sites. We argue that low EL-incidence districts sit at the heart of a perfect storm where (1) limited interaction between rural districts and state/federal government systems, (2) sparse numbers of ML-EL students, and (3) few practical tools to guide the provision of services converge to produce a context in which it is challenging at best to comply with federal EL education guidelines. In this manuscript, we present an evidence-based Lau Plan Guidance Tool[2] (Appendix A), designed to facilitate the development and enactment of districts' strategic planning for ML-EL students. While we designed this tool with rural districts in mind, ideally it will prove equally valuable to denser urban and suburban districts as well, and ultimately, to any district serving ML-EL students.

Before we begin, however, a brief note on terminology that may be relevant to you and your district. We follow the lead of Bartlett et al. (2024) and Mavrogordato et al. (In Press) and use the term ML-EL for the following reason. Federal education policy uses the term English learner (EL) to describe the subset of multilingual learner (ML) students entitled to language assistance (EL) programs and services to allow them to fully engage in mainstream content area instruction. While ML is preferable to EL for its asset-based orientation, it also encompasses students who are neither need, nor are legally entitled to EL programs and services (i.e., former ELs, native English speakers in dual language bilingual programs, and MLs who entered schools already English proficient). In the quest for clarity, we use the term ML-EL to specify the subset of ML students who are eligible for EL services.

A Brief History: Ensuring EL Educational Equity in Low-EL Incidence Contexts

Over two decades ago, the reauthorization of the federal Elementary and Secondary Education Act (ESEA, 1965) as the No Child Left Behind Act (NCLB, 2001) seemed to prioritize funding for, and subsequently, research and policy interest in urban education. NCLB's focus on urban, low-income contexts would ultimately shift attention and resources away from learners and learning in rural contexts (Eppley, 2009; Jimerson, 2005). Historically, few rural districts have had the resources—human or otherwise—to develop comprehensive EL programs and services for ML families (Hansen-Thomas et al., 2016; Lee & Hawkins, 2015). It was only with the onset of the new immigrant diaspora in the late 1990s and early 2000s that the ML-EL population in rural districts begin to grow steadily (Coady, 2020; Marichal, 2021), highlighting the need for such services. Few, if any, school or district leadership programs prepare educational leaders for the specific demands of meeting ML-EL students

[1] https://www2.ed.gov/datastory/el-characteristics/index.html#two

[2] https://www.oakbridgeconsultingllc.com/tools

linguistic civil rights (Callahan et al., 2019); our work here is one effort to provide support and guidance in an easily digestible way for district new to (or not so new to) enrolling ML-EL students.

Even though rural ML-EL enrollment continues to grow, adequate, much less equitable dispersion of resources to low-EL incidence contexts presents a considerable challenge to many states. In our small state, Vermont, one of three states that receive the federal small state minimum[3] Title III allocation, the state has determined that districts will receive Title III funds only if their ML-EL count exceeds fifty identified students. This number allows for the per pupil amount, either in district or as part of a consortium, to meet the federal requirement for a $10K minimum subgrant. With the cap on small state funding, should a new district meet the threshold of fifty students, it would likely shift the allocation amounts per student such that the number of students required to meet the minimum $10K grant would increase. As of Fall 2024, only six (6) school districts in Vermont qualified for Title III subgrants.

Most low EL-incidence districts can only receive Title III funds if they are part of a consortium which, while important for networking and resource-sharing presents additional challenges as well (Bartlett et al., 2024; Yettick et al., 2014). In our work, we frequently find that district leaders and EL coordinators in low EL-incidence contexts struggle to provide adequate services for their ML-EL students, spread as they are across schools and grade levels in districts that span –quite literally— thousands of square miles. We work with district and EL leaders who endeavor to not only provide rich, appropriate services for their ML-EL students but also welcome new ML families into rural areas.

As practitioners and researchers working in and with rural communities, we note that new immigrants often revitalize rural communities in the United States (Carr et al., 2012; Lichter & Johnson, 2020). An influx of immigrant-origin ML families in rural areas has the potential to address many challenges posed by population decline, replenishing a depleted workforce, and bringing youth and children into aging communities. Between 2010 and 2020, US census data showed a 20% increase in racial diversity in rural communities (Johnson & Lichter, 2022), some of which can be attributed to the influx of immigrant-origin ML populations. Ideally, district efforts to improve EL services and educational equity in low-incidence contexts will facilitate the positive, productive integration of these ML families into their new communities.

Shelter in the Storm: Making Federal EL Policy Accessible and Digestible

Rural districts often lack the resources needed to adequately provide EL services to their students; low ML-EL numbers often preclude rural districts from qualifying for federal Title III funding and state EL funding may be minimal at best. At the same time, many state legislatures have moved to local control of categorical funding, wherein state and local EL funds are no longer earmarked solely for the provision of supplemental EL services (Lavadenz et al., 2019; Sugarman, 2016), their spending left to the discretion of district leaders. Further complicating the matter, the parents and guardians of ML-EL students in these contexts are often isolated and not fully aware of the rights afforded to them, much less how to advocate to ensure their children's linguistic and academic needs are met (Coady, 2020; Marichal, 2021). Rural districts are often loosely connected to federal and state government systems, such that educators in these contexts may not even be aware that they are out of compliance with federal and state EL education mandates (Hautala et al., 2018). In our own work, we have observed

[3] 20 U.S.C 6821: https://oese.ed.gov/files/2020/10/title-iii-mod-3-ppt-notes-508.pdf

that district and EL leaders in rural, low-incidence contexts often lack easy access to federal and state guidance that could support them in ensuring educational equity for their ML-ELs. Our work is an effort to provide some of that support; in the following paragraphs we briefly review sixty years of EL education policy as it relates to the Lau plans currently required of every public school district that enrolls ML-EL students.

In the mid-1960's, President Johnson launched his plan for *The Great Society* with a focus on public education (Zeitz, 2019). A cornerstone of Johnson's efforts was passage of the first federal education policy, the Elementary and Secondary Education Act (ESEA, 1965) followed by the passage of the Bilingual Education Act (BEA, 1968). Congress quickly incorporated language from the BEA into ESEA as Title VII. Title VII (later Title III under NCLB) called attention to the distinct linguistic and academic needs of students learning English as a new language alongside math, science, history, and the other content areas (Gándara, 2015). While the seminal Supreme Court decision in *Lau v. Nichols (1974)* required all districts to provide ML-EL identified students with adequate support to learn in English, it would take nearly a decade before federal guidelines would begin to emerge. Early in the next decade, the federal Fifth District Court ruled in *Castañeda v. Pickard (1981)* that districts must: (1) provide EL services grounded in educational theory, (2) adequately implement these services, and (3) evaluate the effectiveness of their programs. Federal policymakers then adopted Castañeda's three prongs into the EEOA (Gándara, 2015). Castañeda's guidelines are now evidenced in the US Department of Education's General Education Provision Act, Section 427[4], which requires every district enrolling ML-ELs to develop a *Lau Plan*.

Ideally designed collaboratively with community stakeholders and approved by the school board, a *Lau Plan* outlines the district's educational theory, approach, and goals for the EL program, including procedures to safeguard the rights of ML-EL students and their families. A robust *Lau Plan* provides a solid foundation for district and EL leaders who hope to ensure educational equity for ML-ELs. With little, if any, funding-based accountability, low EL-incidence districts are left to develop and provide EL services in isolation, often with few resources and little guidance. In the following section, we describe our multi-faceted Lau plan guidance tool, its' origins and alignment to federal guidelines, and later how district and EL leaders can apply it in their own contexts.

A Practical Tool for Practitioners Developing EL Programs

In 2017, the federal Office of English Language Acquisition (OELA) published the EL toolkit[5], which offers an overview of the research and theory grounding the ten key elements of districts' required *Lau Plans.* In our collaborative network of rural district and EL leaders eager to support their ML-EL students, we identified a need to synthesize and streamline information about not only the federal mandates and policies regarding EL services but also best practices for serving ML-ELs.

In response to Coady's (2020) call for practical tools to support rural low-EL incidence districts, Eklof-Parks began developing this tool with a growth model approach. This lens suggests that as district

[4] https://oese.ed.gov/files/2021/10/General-Education-Provisions-Act-GEPA-Requirements-Section-427-ED-GEPA-427-Form.pdf

[5] https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html

leaders use this tool to design systems and structures to support ML-ELs, they will begin a cycle of continuous improvement (Lewis, 2015) ultimately leading to meeting, if not exceeding compliance. Network-wide use of rubrics can establish specific criteria for growth while leaving room for creativity—essential to program building when resources are limited (Fine & Pryiomka, 2020; Robinson & Cook, 2017). We offer the Lau plan guidance tool in the spirit of growth for districts, educators, and ML-EL students alike.

At the start of her doctoral studies, Eklof-Parks noted a lack of user-friendly tools to empower districts to survey their EL current offerings and identify the systems, structures, and policies that they might develop further. Her efforts involved multiple rounds of educator and researcher dialogue, feedback, and revisions. Over the past year, our team has requested, received, and incorporated feedback on the tool from scholars, colleagues, and educational leaders nationally. The OELA EL Toolkit breaks down the ten most critical aspects of a Lau Plan; here, we align each rubric row with one toolkit chapter and offer a secondary rubric to guide districts in both addressing federal compliance guidelines and adopting evidence-based practices. In addition, we add one introductory 'row' reviewing essential federal EL policy to offer district and EL leaders not only a concise overview of federal guidelines but also a map to ensuring educational equity for ML-EL students, one element at a time.

Rows: Program Buckets

As noted above, the initial or launching rubric itself consists of eleven rather than ten rows; the first row presents an overview of the federal policies that govern various aspects of EL education, to serve as an easily accessible resource to reference as district and EL leaders consider the different systems, structures, and policies that will comprise their Lau plan. Each subsequent row (two through eleven) of the launching rubric aligns to one of the ten EL toolkit chapters. The tool's initial rubric acts as a landing page – a space where district and EL leaders can determine, comprehensively, how to strengthen their EL programs overall, identifying both strengths and areas for growth.

The second row of the initial rubric aligns to the first chapter in the EL Toolkit, (1) identification of potential ML-EL students. Subsequent rows and chapters then cover, (2) providing ML-EL identified students with a language assistance/EL program, (3) staffing and supporting an EL program, (4) providing ML-EL identified students with equal access to curricular and extracurricular programs, (5) creating an inclusive environment and avoiding unnecessary segregation of ML-EL identified students, (6) addressing ML-EL identified students with disabilities, (7) serving ML-EL identified students' who opt out of EL programs or services, (8) monitoring and exiting ML-EL identified students from EL programs and services, (9) evaluating EL program effectiveness, and (10) meaningful communication with parents and guardians of ML-EL identified students.

After considering their existing systems, structures, and policies, with the launching rubric, district and EL leaders might then select a specific area or row where they feel most confident in the strength of the existing infrastructure. This process allows EL and district leaders to identify both the areas that, with minimal effort, will quickly either meet or exceed federal compliance guidelines as well as those areas that may require greater time, effort, and/ or attention. If an ML-EL advisory group exists, district and EL leaders might prefer to initiate efforts on or around a certain program element prescribed in the initial rubric. Regardless of how district and EL leaders choose to approach the rubric it allows the user to focus on one area at a time and make the process as manageable as possible.

After selecting a target area for focus and development, the user(s) will then follow the link embedded in the title cell to a secondary rubric for that focal area. All rows and secondary rubrics incorporate hyperlinks linking to relevant research and include relevant citations.

Columns: Performance Levels

The tool's columns allow users to determine their context's perceived performance level, with an eye ahead to greater inclusion. Column headers run from left to right in order of growth, beginning with (1) Entering, (2) Emerging, (3) Developing, (4) Competent, and (5) Exceeding. While competent indicates full compliance with federal EL policy, the multi-tiered Lau Plan rubrics extend to incorporate evidence-based systems, structures, and policies proven to support ML-EL identified students and their families in column (5) exceeding. Most importantly, the rubrics ensure multiple access points for districts in any stage of receiving and serving ML-EL students.

Secondary Rubric

Introduction: The federal laws and policies rubric helps the end user determine whether existing systems, structures, and policies in their district comply with the spirit and goals of federal EL education laws, policies, and procedures. This secondary rubric offers the practitioner an overview documenting how various federal court decisions, laws, and policies underlie and inform the provision of EL services and supports. Importantly, this page directs the user to the source documents that substantiate the federal requirements and regulations.

The intake/registration rubric prompts the user to consider the existing protocols that define their district's ML-EL intake, assessment, and registration process. This secondary rubric details all students' right to a public education, supports during intake and registration, the administration of state and district home language survey(s), as well as workflow, screening, data collection, and placement for new ML-EL students.

The EL program development row of the launching rubric guides the user to identify goals for improving services with a focus on selecting an evidence based EL program, the first prong of Castañeda (1984). In particular, the related secondary rubric addresses the provision of an evidence-based instructional program, effective program design and evaluation, as well as the identification of unique ML-EL subgroups (i.e., newcomers, long-term ELs) and the provision of services for these students.

The staffing and supporting an EL program row of the rubric guides the user to consider the systems in place to ensure that their district employs adequately trained and qualified EL staff and offers the resources necessary to support the academic and linguistic needs of the district's ML-EL students. The secondary rubric contains guidelines regarding program administration, qualified EL educators, EL program staffing, instructional resources, provision of modified instruction, and professional development for both EL and content area educators.

The next row focuses on providing ELs equal access to curricular and extracurricular programs. The secondary rubric focuses first on how to access OCR data to ensure equitable access to curricular and extracurricular programming. It then addresses equitable curricular access and rigor, the key principles for EL instruction, alignment to college- and career-ready standards, and finally, serving gifted and talented ML-ELs.

The sixth row of the rubric, creating an inclusive environment and avoiding unnecessary segregation addresses district protocols regarding awareness and support of diversity and prevention of harassment, hazing, and bullying for ML-ELs. The associated secondary rubric includes support for an inclusive vision supportive of diversity, appropriate program placement, curriculum, assessment and monitoring, staffing, and communication.

The next row addresses the education of ML-EL students identified with disabilities. Here, the rubric prompts the user to develop a system to strategically collect and analyze data as it relates to these two, at times overlapping, special populations. Its related secondary rubric guides the user through the protocols, systems, and structures necessary to ensure accurate student identification, the composition of evaluation teams, communication with families, appropriate instruction within the least restrictive environment either with 504 services[6] or an individualized educational plan (IEP), and the use of OCR data.

The following row addresses serving ML-EL students who opt out of EL programs or services, specifically districts' responsibilities to these students and their families. Here, the secondary rubric guides the user in developing resources to communicate with and notify parents and/ or guardians, as well as systems for both the opt-out and opt-back-in processes, and finally, protocols for monitoring the academic and linguistic process of ML-EL students who opt out.

The next rubric row examines exiting ML-ELs from EL programs and services and monitoring their progress after exit. In this case, the secondary rubric guides the user in developing systems to track ML-ELs' English proficiency and content area proficiency, develop district protocols for EL program exit, or reclassification, and protocols to monitor former-ELs' progress after exit/ reclassification.

The penultimate rubric row guides the user to identify existing systems, tools, and resources that will allow the district or EL leader to systematically evaluate the district's EL program. Specifically, the secondary rubric guides the user in how to meet Title III reporting requirements, and internally assess program implementation, determine the adequacy of existing staffing and professional learning, set/maintain appropriate program goals for students, the instructional program, and finally, identify areas for improvement.

We close the rubric with a final row devoted to meaningful communication with ML parents and guardians. Here, the secondary rubric describes potential structures and systems to be implemented around interpretation and translation services and their related professional development, code of ethics, punctuality of services, levels, and quality of support, and finally, access to school communication more broadly.

Developing and Implementing Systems and Policies: Norming and Focus Areas

A district or EL leader working within any educational context can employ the initial (or launching) rubric of the Lau plan guidance tool to identify a starting point for guiding the development and improvement of their Lau plan. Following formative consideration, we encourage district and EL leaders to engage a working group of district experts to delve into the process together, to share and discuss their responses. During this process, a broad group of ML-EL stakeholders would ideally

[6] https://www2.ed.gov/about/offices/list/ocr/504faq.html

develop shared goals and common targets for programs, policies, and procedures tailored to the district's specific needs. Following initial engagement with the tool, we recommend that district stakeholders focus as a group on one secondary tool, evaluating their context's strengths and needs in one specific area in greater depth. We find that stabilizing one area in a district often elevates the educational systems and structures related to elements of other secondary rubrics. For example, if stakeholders identify intake protocols as an initial area of consideration and then focus on how to improve them, those results can support the creation of procedures and annual growth targets, as well as provide systems to evaluate progress towards those goals. Ideally, as users progress through the rubrics, they will be able to develop and build structures that will address existing and newly identified ML-EL student needs.

Research & Policy into Practice: Using the Rubric to Enhance ML-EL Educational Equity

We designed the multi-level Lau plan guidance tool to support an iterative cycle of user input and development of systems, structures, and policies. As we have shared the tool and its rubrics, we have been moved by the rich, engaging conversations that have emerged across our state and nationally. Our goal was to create an easily accessible, informative tool to support rural, low-EL incidence rubrics on their pathways to EL educational equity. Along the way, we have found that educational leaders in urban and suburban contexts as well as rural districts have engaged positively with the tool.
Ideally, as district and EL leaders navigate these rubrics, they will generate rich conversations about policy interpretation, policy implementation, and evidence-based practices to improve ML-EL educational equity overall. The field would benefit from future research that examines the potential impact of this tool in depth. For example, in exploring how ML-EL practitioners use this tool, researchers might examine whether and how they develop more equitable, accessible Lau plans. As schools and districts begin to use the Lau plan guidance tool, data analysts on these sites will be able to explore any downstream impact its use might have on ML-EL students' educational experiences and ultimately, academic outcomes. These types of data take time to emerge, collect, and analyze; we invite district leaders and other researcher-practitioner teams to contribute to this inquiry engaging with the tool to develop improve equity in ML-EL students' educational experiences and outcomes.

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