Programs
for
English Language Learners

Resource Materials for
Planning and Self-Assessments

U.S. Department of Education
Office for Civil Rights

"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."

Lau v. Nichols, 1974

November 30, 1999

U.S. Department of Education
Office for Civil Rights

Office for Civil Rights' Mission

"To ensure equal access to education and to promote educational excellence throughout the nation through the enforcement of civil rights laws"

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PART I: AN OVERVIEW

About these Resource Materials

These materials were developed by the Office for Civil Rights (OCR) in response to requests from school districts for a reference tool to assist them through the process of developing a comprehensive English language proficiency or English language learners (ELL)[1] program. These materials discuss helpful steps to follow in designing or revising a program. These materials are intended as a resource for district use, not a statement of specific new legal requirements.

Included with these materials are a glossary, a resource list, and a series of ELL program flow charts. The glossary provides definitions of specialized terms used in educating ELL students. The resource list includes web sites that contain information and tools to assist school districts in educating ELL students.

Legal Background

School districts in many parts of the country are experiencing a substantial increase in the enrollment of national-origin-minority students who cannot speak, read, or write English well enough to participate meaningfully in educational programs without appropriate support services. In the absence of specific steps to address the language-related limitations experienced by such students, these students are at risk of losing the educational opportunities provided to students generally.

OCR is responsible for enforcing Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin. In Lau v. Nichols, the U.S. Supreme Court affirmed the Department of Education memorandum of May 25, 1970, that directed school districts to take steps to help ELL students overcome language barriers and to ensure that they can participate meaningfully in the districts' educational programs.

These materials are not intended to and do not add to or subtract from any otherwise applicable requirements contained in any federal or state law. Nor are they intended to describe all legal requirements that apply to ELL students. These materials are intended to provide suggestions that school systems may find helpful to address the issue of services for ELL students. The Office for Civil Rights does not require any school department, school district, or school to make use of these materials.

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Department of Education policies regarding ELL children are reflected in three OCR policy documents. The May 1970 memorandum to school districts entitled "Identification of Discrimination and Denial of Services on the Basis of National Origin" clarifies OCR policy under Title VI on the

[1] The term ELL as used in these materials refers to national-origin-minority students who are limited-English-proficient (LEP).

responsibility of school districts to provide equal educational opportunity to language minority students. The December 3, 1985, guidance document entitled "The Office for Civil Rights' Title VI Language Minority Compliance Procedures" outlines the procedures OCR follows in applying the May 1970 memorandum and the Lau legal standard on a case-by-case basis. The September 27, 1991 memorandum entitled "Policy Update on Schools' Obligations Toward National Origin Minority Students with Limited-English Proficiency (LEP)" is a policy update to be read in conjunction with the May 1970 and December 1985 memoranda. It provides additional guidance for applying the May 1970 and December 1985 memoranda in the context of staffing, transition and/or exit criteria, and program evaluation, as well as to special education programs, gifted and talented, and other special programs.

OCR does not require or advocate a particular program of instruction for ELL students and nothing in federal law requires one form of instruction over another. Under federal law, programs to educate children with limited proficiency in English must be: (1) based on a sound educational theory; (2) adequately supported so that the program has a realistic chance of success; and (3) periodically evaluated and revised, if necessary. These three fundamental principles of federal law are discussed below.

First Principle:
Selecting the Educational Approach

It is the prerogative of each district to select a specific educational approach to meet the needs of its particular ELL student population. A district may use any educational approach that is recognized as sound by some experts in the field, or an approach that is recognized as a legitimate educational strategy.

Regardless of the educational approach selected by the district, in assessing compliance with Title VI a twofold inquiry applies: (1) whether the approach provides for English language development; and (2) whether the approach provides for meaningful participation of ELL students in the district's educational program. OCR encourages districts to develop their own specific program goals. Whether or not such goals are formally developed, OCR requires the program to meet the twofold requirements of Title VI.

> *"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."*
>
> "*Lau v. Nichols, 1974*"

Second Principle:
Implementing the Educational Program

Once a district has selected an educational approach, it needs to provide the necessary resources to implement the program. The variations in programs implemented by districts may be as diverse as the populations served by those districts.

Feedback from districts that have implemented successful programs indicates the need to describe and document the educational approach in a written plan so that staff, administrators, and parents understand how the program works. Part II

of these materials, entitled Developing ELL Programs, provides information to assist districts in developing a written description of its program of services for ELL students.

Third Principle:
Program Evaluation

Under federal law, adopting an ELL program with a sound education design is not sufficient if the program as implemented proves ineffective. As a result, a central element of satisfying Title VI requirements regarding services for ELL students is an ongoing evaluation of a district's ELL program.

☞ Is the program working?

☞ Are ELL students gaining the proficiency in English that will enable them to participate meaningfully in the district's education program?

Part III of these materials identifies illustrative approaches and various considerations to assist districts in designing their own approach to ELL program self-evaluation.

If a program is not working effectively, a school district is responsible for making appropriate program adjustments or changes. This requirement is based on the obligation arising from Title VI for a school district to provide ELL students with meaningful opportunities to participate in its educational program.

In addition to satisfying legal obligations, ELL program self-evaluations can produce benefits to the district and its stakeholders.

Examples of benefits resulting from program self-evaluations that have been reported to OCR from various school districts and other stakeholders include:

- Increased stakeholder participation and support. Utilization of available knowledge and expertise as program changes are developed (*e.g.*, teachers, counselors, administrators, parental input, students, and various experts).

- Assistance to staff in planning districtwide and site-based program improvements.

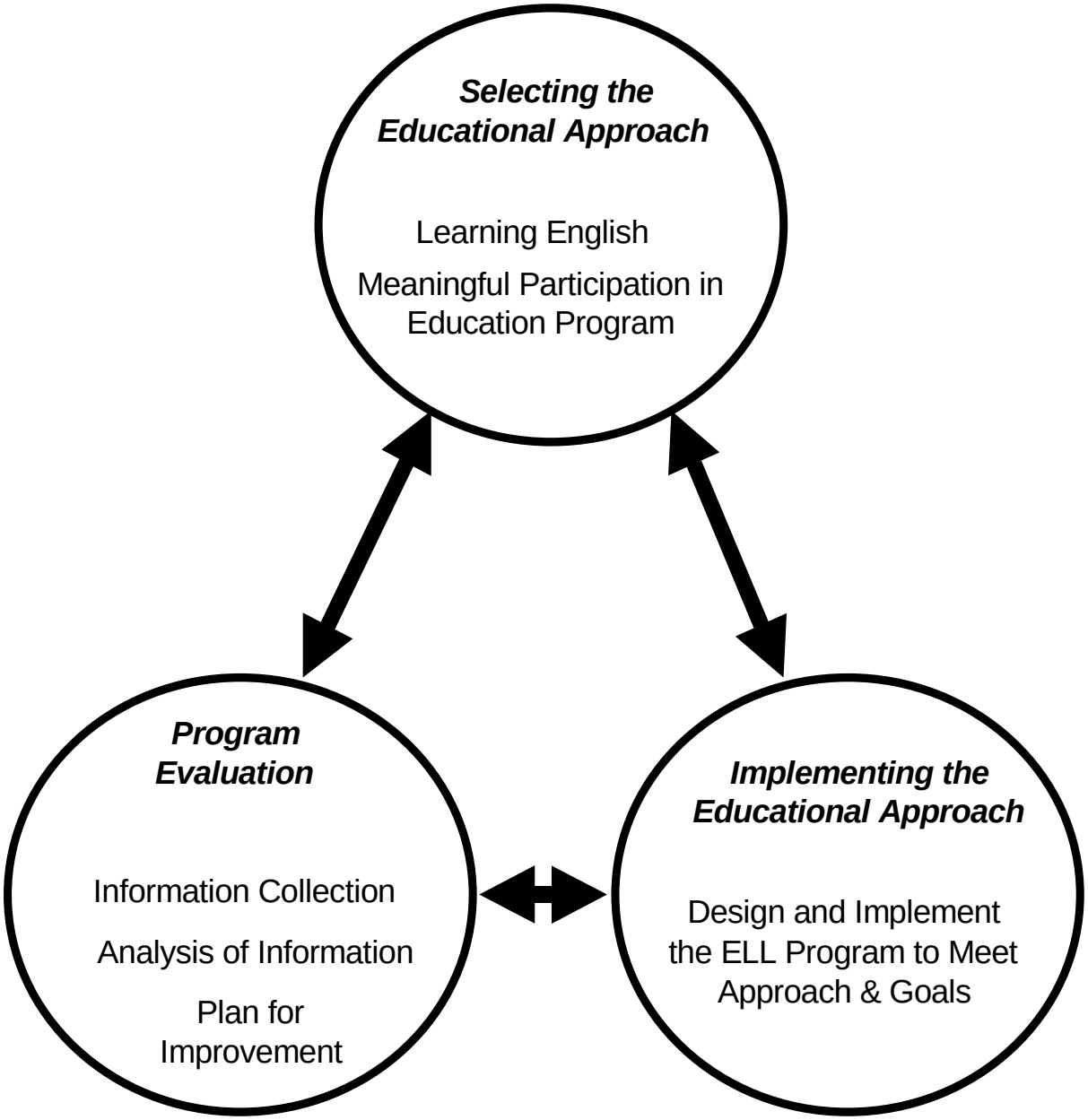
- Concentration of resources on those priorities identified for all students and increased program alignment with the district's overall academic goals.

- Maintained or increased accountability for meeting program goals and student outcomes at all levels of the program. Increasing the use of best practices in the classroom.

- Contributions to the current and future success of ELL students in the greater community.

- Establishment of concrete information and examples of successful program strategies and areas where the program is achieving goals and objectives (*e.g.*, promoting positive community relations).

Three Principles
For
Serving ELL Students



PART II: DEVELOPING ELL PROGRAMS

Introduction

This part is specifically designed to assist district staff in the development and implementation of a program of services for ELL students. Language assistance plans are referred to by a variety of names often associated with the specific educational approach adopted by a district. For purposes of these materials, we have used the generic term ELL plan.

The first topic covered in this part is the development of educational goals for ELL programs. The second topic in this part is a brief overview of points that may be considered in developing a comprehensive ELL plan. The final section of this part is an outline of a comprehensive ELL plan in question format. (The "ELL Plan Outline")

- ☞ Goals should reflect each district's individual circumstances
- ☞ Goals should address both English language development and subject matter instruction

Goal Development

The process of developing goals should flow from the educational approach that has been selected for serving ELL students. Goal development should relate back to what experts in the field have identified as successful results under the approach the district has selected. In establishing goals, each district should take its individual circumstances into account. The fundamental Title VI requirement for ELL students is that they have meaningful access to the district's educational program. Therefore, the goals for success for ELL students should relate to the goals maintained for students throughout the district.

Generally, goals that are effective indicate to whom they apply, what level of performance is expected, when the performance level should be attained, and how success will be measured. Effective goals for ELL students address both English language development and subject matter instruction. To meet other known needs of ELL students, the district may also choose to have goals in such areas as staff development, curriculum development, and parental participation.

Do the district's ELL program goals reflect the following?

- ➢ To whom they apply
- ➢ The level of performance that is expected
- ➢ When the performance level should be attained
- ➢ How success will be measured

ELL Plan Development

To be effective, an ELL plan needs to be comprehensive. It should address each aspect of the district's program for all ELL students, at all grade levels, and at all schools in the district. To ensure its ongoing value, it needs to be viewed by district staff as containing useful information. It should contain enough detail and specificity so that each staff person can understand how the plan is to be implemented and should contain the procedural guidance and forms they need to use to carry out their responsibilities under the plan. Districts have indicated to OCR that they have found their ELL plans most useful when they contain sufficient detail to inform staff fully of each action step in the ELL plan.

> ☞ Does your plan answer the following:
>
> *Who* is responsible for the step?
>
> *When* is the step expected to be completed?
>
> *What* standards and criteria are to be applied to the step?
>
> *How* will the district document implementation of the step?

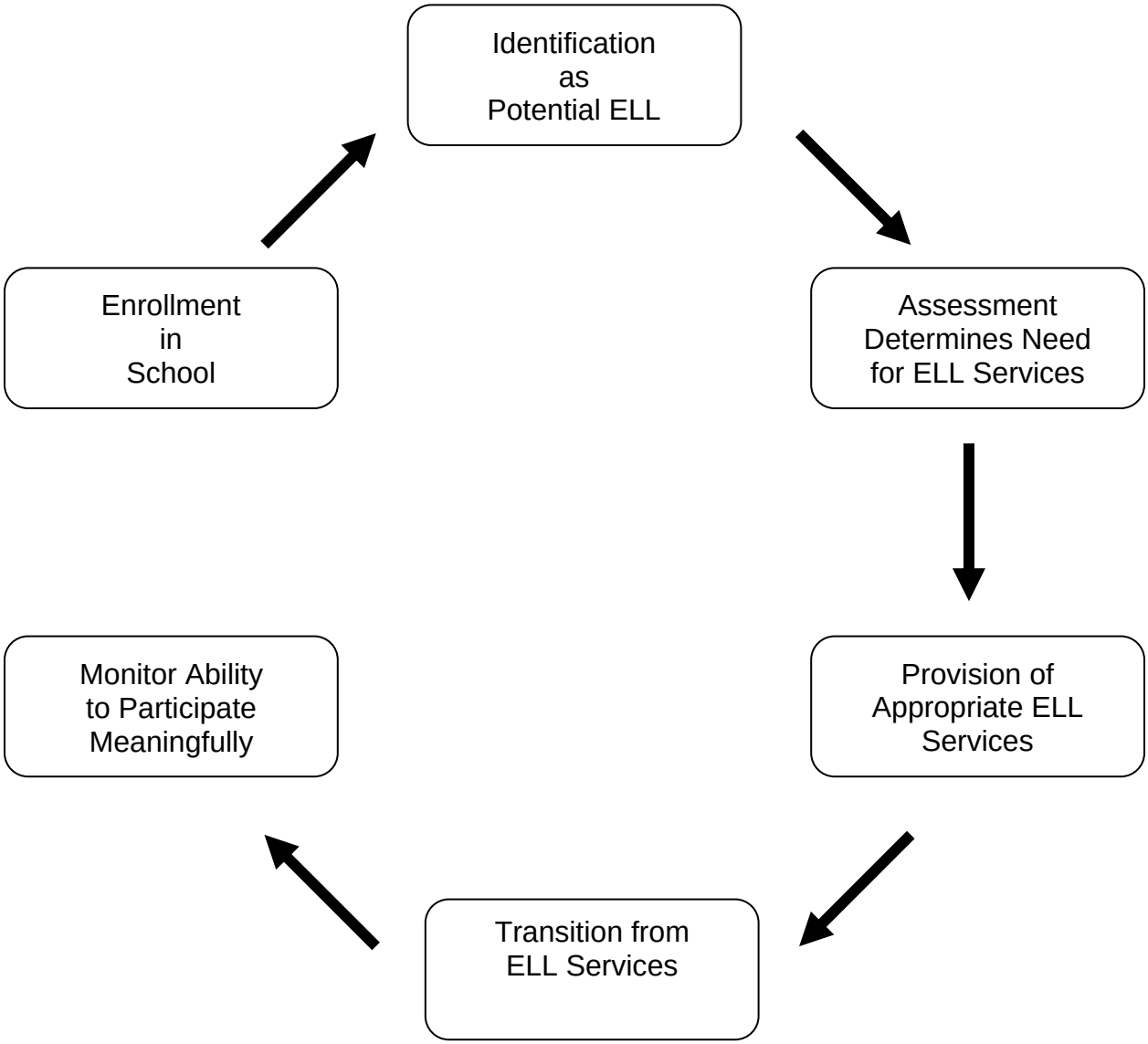
Many districts have found that it is useful, when developing or revising an ELL program, to establish a committee or work group that includes administrators, teachers (both ELL program teachers and regular classroom teachers), educational assistants, school counselors, and other staff who work with the district's ELL student population. The district may also want to include parents, students, or community representatives who work with the same students in other settings. By working with a group that includes these stakeholders, the district can receive more comprehensive input from those whose support and efforts may be important to the success of the district's ELL program. Inclusive approaches in program design and development tend to promote overall community awareness and support. In addition, these individuals will be valuable resources to draw upon during program evaluation and program improvement activities.

The questions in the ELL Plan Outline are organized around key components of a comprehensive plan --

- the district's educational theory and goals for its program of services;
- the district's methods for identifying and assessing the students to be included in the district's ELL program;
- the specific components of the district's program of English language development and academic services for ELL students;
- the specific staffing and other resources to be provided to ELL students under the district's ELL program;
- the district's method and procedures for transitioning and/or exiting students from its ELL program, and for monitoring their success afterward; and
- the district's method for evaluating the effectiveness of its program for ELL students (discussed in Part III of these materials).

The ELL plan outline on the following pages illustrates one method of organizing and presenting a school district's program of services for ELL students. Each district may choose to organize its own ELL plan differently. Regardless of the format selected, we believe careful consideration should be given to whether the plan is sufficiently detailed to answer the questions set forth in each section of the ELL plan outline. The resources list includes web sites that contain information and examples that can assist school districts in drafting an ELL plan.

Progression of Student Through ELL Program



ELL PLAN OUTLINE

Section One:
Selecting the Educational Approach and Setting Goals

This section of a district's ELL plan often contains an introduction to the document. Therefore, the district may choose to include acknowledgements, relevant laws and regulations, assurances of compliance with regulatory standards, and background information in this section. In drafting the specifics of this section, the following questions may be used to ensure that key points are addressed

NOTES

Educational Theory and Approach

- ☐ Does the ELL plan describe the district's educational approach (*e.g.*, ESL, transitional bilingual education, structured English immersion, dual language, *etc*.) for educating ELL students?

- ☐ Is the educational approach chosen by the district recognized as a sound approach by experts in the field, or recognized as a legitimate educational strategy to ensure that ELL students acquire English language proficiency and are provided meaningful access to the educational program?

Educational Goals

- ☐ Are the educational goals of the district's program of services for ELL students described?

- ☐ Is there a goal for English language proficiency?

- ☐ Is there a goal for mastery of subject matter content?

- ☐ Are the goals measurable?

- ☐ Are they sufficiently objective so that they can be evaluated over time?

- ☐ Are the long-term educational goals for ELL students comparable to the education goals for non-ELL students?

- ☐ Do these long-term goals prepare ELL students to meet district goals for its overall education program?

DID YOU KNOW?

- There are approximately 3½ million ELL students in the United States.
- The number of ELL students enrolled in public and nonpublic schools in the United States continues to increase each year.
- The reported number of ELL students in K-12 public schools comprises 8% of the total public school enrollment in the United States.
- All states enroll ELL students.
- The states with the largest reported number of ELL students are California (1,381,383), Texas (513,634), and Florida (288,603).
- The states with the largest reported percentage of ELL students are Alaska (26%), New Mexico (24%), and California (22%).

Source: National Clearinghouse for Bilingual Education (1997 data)

ELL PLAN OUTLINE

Section Two:
Identification of Potential ELL Students

This section of the ELL plan addresses and describes the district's procedures for identifying students enrolled in the district who may be ELL. The following questions may be used in preparing this section of the plan:

NOTES

- ☐ Does the plan contain a detailed description of the district's procedures for identifying potential ELL students?

- ☐ Are the procedures designed to ensure that all students potentially needing ELL services are identified for assessment?

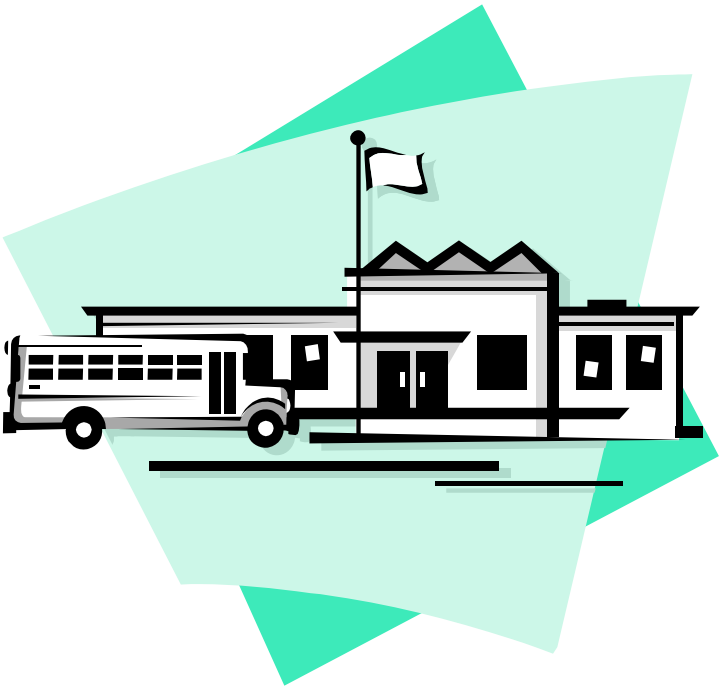
- ☐ Is the person(s) responsible for each step in the identification procedures specified in the plan? (*For example, the school secretary may be responsible for distributing and collecting home language surveys during enrollment, and the school principal may be responsible for forwarding the surveys to the district's English language assessment specialist*.)

- ☐ Are the timeframes for each step in the identification procedures set forth in the plan? (*For example, completed home language surveys will be forwarded to the English language assessment specialist within ___ school days of a student's enrollment in the district. Surveys will be evaluated within ___ school days*.)

- ☐ If the district's identification procedures require participation by staff with special skills, such as an interpreter to communicate with ELL parents or students during the enrollment process, does the plan describe how this special staff person is integrated into the identification process?

- ☐ Do the identification procedures state the criteria that will be utilized to classify a student as a potential ELL student and, therefore, in need of assessment for English language proficiency?

- ☐ Does the ELL plan contain a statement of how the district will maintain documentation of the following: the identification results; determination of the potential ELL status of students; and, referrals of such students for language proficiency assessment?



ELL PLAN OUTLINE

Section Three:
Assessment of the Need for ELL Services

This section of the ELL plan describes the district's procedures for assessing potential ELL students to determine which students are ELL and in need of a program of services in order to participate meaningfully in the district's regular instructional program. In drafting this section of the plan, the following questions may be used to ensure that key points are addressed:

NOTES

- ☐ Does the ELL plan contain a detailed description of the district's procedures for assessing potential ELL students?

- ☐ Are the assessment procedures designed so that all students identified as potentially needing ELL services will be evaluated for English language proficiency?

- ☐ Do the assessment procedures include a description of all skill areas to be assessed and measured consistent with the educational approach and program model being utilized by the district? (*For example, do the assessment procedures cover all aspects of English language proficiency that could affect a student's ability to participate meaningfully in the regular curriculum--does the assessment address speaking, reading, writing, and understanding?)*

- ☐ Does the description of the assessment procedures include a statement of the instruments and methods (*e.g.*, tests, past academic records, teacher observations, *etc*.) used to assess students' English language abilities and academic level?

- ☐ Are the guidelines and criteria for the use of each instrument and method included in the procedures?(*For example, if a commercial English language proficiency test is utilized, has the district followed the test publisher's guidelines for use of the test?*)

- ☐ Are appropriate timeframes established for each step of the assessment process? Are the timeframes reflected in the ELL plan?

- ☐ Does the description identify the person(s) responsible for assessing each student and any special abilities, skills, and training that individuals may need to conduct the assessments?

- ☐ Does the description include a statement of the criteria (*e.g.*, test scores, or other information) that will determine whether a student is ELL and in need of a program of services to participate meaningfully in the district's regular instructional program? Do the criteria include an objective measure(s)?

- ☐ Does the plan describe the interrelationship and weight accorded to the criteria (*e.g.*, test scores and teacher observation) that the district uses to classify a student as ELL.

- ☐ Does the ELL plan contain a statement of how the district will maintain documentation of the assessment results and its decision regarding whether students are ELL?

- ☐ Does the plan note where such records are kept and by whom?

- ☐ Are procedures included for appropriate parental notification and input?

ELL PLAN OUTLINE

Section Four:
Program of Services for ELL Students

The information discussed in this section pertains to the educational model and program of services selected by the district. Following are questions that may be useful in developing a plan that addresses in a comprehensive manner the methods to be used in providing ELL students appropriate English language development services, as well as services to enable the students to benefit from the district's academic and special programs.

NOTES

☐ Are the district's programs and services as described in this section consistent with the educational theory(ies) (*e.g.*, ESL, structured immersion, transitional bilingual education, dual language, *etc*.) selected by the district?

☐ Does the description of the program of services for ELL students reflect:

The methods and the services the district will use to teach ELL students English language skills (i.e., speaking, understanding, reading, and writing of English)?

The methods and the services the district will use to ensure that ELL students can meaningfully participate in the academic and special programs (*e.g.*, history, science, social studies, music, vocational education, *etc*.) offered by the district? (Note: Depending upon the district's education model, English language services and subject matter services may be concurrent or sequential.)

☐ Does the description of the delivery of services to ELL students reflect:

How and where the English language development services will be delivered? (*For example, are language development services delivered through a pullout program, within a self-contained program, or within the regular classroom*?)

☐ If ELL students are in the regular classroom for academic subjects (history, science, *etc*.), how will the ELL students be able to participate in these academic subjects? (*For example, will the district provide training for teachers and/or provide support staff or services such as translators, so that the ELL students can effectively participate in classroom activities and comprehend the academic material being presented*?)

Note: OCR recognizes that the district's program of services under its ELL plan may have the effect of separating students who are ELL from non-ELL students during at least part of the school day. However, the program design should not separate ELL students beyond the extent necessary to achieve the goals of the district's program of services. Additionally, ELL students should be provided services in comparable facilities to those in which non-ELL students receive services.

☐ Are guidelines and standards included for providing ELL students each of the services in the district's ELL program?

☐ Does the plan identify the person(s) responsible for providing services to ELL students?

☐ Does the plan include standards and criteria for the amount and type of services to be provided? Does it include a process to decide the appropriate amount and type of services to be provided?

☐ If there are any variations in the district's program of services between schools and grade levels, are the variations described?

- ☐ Are procedures included for notification to parents of newly enrolled students, in a language that the parents understand, of the availability and type of program of services and other options for ELL students?

- ☐ Are provisions made for language appropriate notice to the parents of ELL students regarding school activities that are communicated to other parents (*e.g.*, student progress reports, school schedules, information provided in student handbooks, extracurricular activities, special meetings and events such as PTA meetings and fund raising events, *etc*.)?

- ☐ Are the notification procedures sufficient so that the parents can make well-informed educational decisions about the participation of their children in the district's ELL program and other service options that are provided to parents?

OCR Policy

Many districts design their ELL programs to temporarily emphasize English over other subjects. While schools with such programs may discontinue special instruction in English once ELL students become English-proficient, schools retain an obligation to provide assistance necessary to remedy academic deficits that may have occurred in other subjects while the student was focusing on learning English.

OCR's "Policy Update on Schools' Obligations Toward National Origin Minority Students With Limited-English Proficiency." (1991 OCR policy memorandum)

See also Castañeda v. Pickard, 648 F. 2d 989 (5th Cir., 1981).

ELL PLAN OUTLINE

Section Five:
Staffing and Resources

This section covers the portion of an ELL plan the districts may use to describe the resources that will be provided to support the program. Resource descriptions may include items such as instructional staffing (including teaching assistants), instructional equipment and materials, *etc*.

NOTES

Staffing

☐ Does the description identify the number and categories of instructional staff determined appropriate to implement the district's program of services (*e.g.*, qualified teachers, interpreters, translators, teaching assistants, and other categories of support staff)? (*For example, what has the district determined to be the appropriate student-teacher and student-support staff ratio to provide services consistent with program objectives.*

☐ Does the description state the qualifications for instructional staff assigned to implement the program of services? (*For example, teachers need to have the educational expertise, consistent with state and local standards, to meet the goals of the ELL program model. If they are responsible for subject matter instruction as well as English language development, they need to be qualified in both areas of responsibility*.)

☐ Does the description state the methods and criteria the district will utilize to ensure that staff are qualified to provide the services to ELL students under the district's ELL program? (*For example, if the program requires Spanish-speaking bilingual assistants, how will the district ensure that the assistants are fluent in Spanish*?)

If circumstances beyond the control of the district necessitate temporary use of staff that do not meet the established qualification standards in order to implement its alternative program of services to ELL students, does the plan address the following:

- ☐ What are the training needs (i.e., in-service training and formal college course work) of current staff?

- ☐ What is the amount, type, and schedule of training that will be provided to staff?

- ☐ What steps will be taken by the district to recruit and hire qualified staff for its ELL program?

- ☐ What is the schedule for having fully qualified staff in place, and how will the district ensure appropriate services are provided during the period of staff development?

Resources

- ☐ What materials and resources, such as specialized books and equipment, are needed to fully implement its ELL program?

- ☐ If the district does not currently have all the resources necessary to implement its program of services for ELL students, what is the schedule or plan for obtaining such resources?

- ☐ Does the ELL plan describe how a review of resources needed for the district's program of services for ELL students will be accomplished on an ongoing basis?

ELL PLAN OUTLINE

Section Six:
Transition from ELL Services and Monitoring Performance

This section addresses the procedures and criteria for determining when students no longer need ELL services and methods that the district will use to monitor the success of students after ELL services have been discontinued. The following are questions that may be used as a checklist in developing a description of the transition procedures:

NOTES

Transition from ELL Services

- ☐ Does the plan describe all assessment instruments and procedures (*e.g.*, tests, teacher observations, *etc*.) used as part of a transition assessment?
- ☐ Are the guidelines and criteria for the use of assessment information included in the procedures?
- ☐ Do the transition procedures describe how the district will assess the English language skills of ELL students in the following four proficiency areas: understanding, speaking, reading, and writing?
- ☐ Do the transition procedures describe the methods and standards that will be used to assess whether students who have been receiving ELL services have progressed to the point that such services are no longer needed to enable the students to participate meaningfully in the district's regular program?
- ☐ Do the transition procedures identify the person(s) who will conduct the transition assessments and any qualifications the person(s) must meet to conduct the assessments?
- ☐ Are the timeframes for implementing the transition assessment procedures described?

- ☐ Do the procedures include a statement of the criteria (*e.g.*, test scores or other performance standards, teacher observation, *etc*.) that will determine when a student is English language-proficient and no longer in need of the district's program of services for ELL students?

- ☐ Do the criteria include an objective measure(s)?

- ☐ How is the objective measure weighted in comparison with other measures? If the objective measure is a test, is the test valid for the purpose for which it is being used?

- ☐ Do the procedures include a description of the documentation that will be maintained on the assessment results (*e.g.*, continued need for services) and the decision whether to transition the student from the district's alternative program of services?

Monitoring the Success of Former ELL Students

- ☐ Does the plan identify the staff person(s) who will be responsible for monitoring former ELL students?

- ☐ Does the plan establish guidelines for how often the district will monitor former ELL students (*e.g.*, quarterly, each semester)? How long will the district monitor such students?

- ☐ Does the plan identify the information the district will review to measure whether individual former ELL students are successful in the district's overall[2] educational program (*e.g.*, grades, test scores, teacher observations, *etc*.)?

[2] The term overall educational program as used in these materials encompasses any regular or special educational program provided by a school district to its general student population (*i.e.*, any non-ELL student).

☐ Does the plan include the methods or criteria the district will utilize to measure success of former ELL students in the district's education program? (*For example, the district may review the grades, testing results, teacher feedback, or other appropriate information to determine whether or not a former ELL student has meaningful access to the district's education program.*)

☐ If a former ELL student, under the district's criteria, is not successful in the district's regular program, does the plan indicate:

How the district will determine whether a lack of success is due to academic deficits incurred while the student was receiving ELL services, the lack of English language proficiency, or other reasons?

If the lack of success is due to academic deficits incurred while the student was receiving ELL services or the lack of English language proficiency, do the procedures set forth the methods to be used and/or services the district will provide to assist the student? (*For example, depending upon the reason for the individual student's lack of success, the district may consider approaches such as: providing additional services to develop English language skills, or providing academic tutorial or support services to address academic deficiencies incurred while the student was receiving ELL services.)*

☐ Does the plan include appropriate notification procedures to inform parents of service options?

ELL PLAN OUTLINE

Section Seven:
ELL Students and Other District Programs

This section of an ELL plan addresses equal access for ELL students to the full range of district programs, including special education, Title I, gifted and talented programs, and nonacademic and extracurricular activities.

NOTES

- ☐ Does the plan describe methods to ensure that staff are aware of the district's policy regarding ensuring equal opportunities for ELL students to participate in the range of programs made available to students generally?

- ☐ Does the district have, or know where to obtain, any tests or assessment materials needed to determine ELL students' eligibility for special programs, including special education, Title I, and gifted and talented?

- ☐ Do the methods used by the district to notify parents and students of available programs and activities take into account language barriers?

- ☐ What methods or steps are taken to ensure that ELL students have an equal opportunity to participate in extracurricular and nonacademic activities?

ELL PLAN OUTLINE

Section Eight:
Program Evaluation, Review, and Improvement

Part III, which follows, offers examples of approaches that may be used by school districts to assess their programs to determine whether they are working as planned and for determining whether changes or revisions to the program are needed.

PART III: PROGRAM EVALUATION

Introduction

The following information is provided to assist districts in identifying methods and approaches for evaluating their programs. Districts are encouraged to review the literature on this topic and to develop approaches to evaluating their ELL programs consistent with their respective program designs and individual needs and circumstances.

Because federal law does not prescribe a particular program model or evaluation approach, the approach to, and design of, an effective ELL program evaluation will vary from district to district. The evaluation components set forth below are provided as examples for districts to consider in developing their own approach.

OCR Policy

Districts are required to modify their programs if they prove to be unsuccessful after a legitimate trial. As a practical matter, recipients cannot comply with this requirement without periodically evaluating their programs.

Generally, districts measure "success" in terms of whether the program is achieving the particular goals the district has established for the program and its students. If the district has established no particular goals, the program is successful if its participants are achieving proficiency in English and are able to participate meaningfully in the district's program.

Source: 1991 OCR policy memorandum

Overview of Key Evaluation Elements

Alignment with Goals

Does the evaluation focus on overall as well as specific program goals? Do the goals address expected progress in English language development and subject matter instruction?

Comprehensive Scope

Does the evaluation cover all elements of an ELL program, including:

- Program implementation practices (such as identification of potential ELL students, assessment of English language proficiency, serving all eligible students, providing appropriate resources consistent with program design and student needs, implementing transition criteria, *etc*.)?

- Student performance (such as progress in English language development and academic progress consistent with the district's own goals)?

Information Collection Methods

Do information collection practices support a valid and objective appraisal of program success? Is the use of observational information as well as a review of records considered? Is appropriate data maintained so that the success of district programs can be measured in terms of student performance? Is the data organized and arrayed in a manner that enables the district to evaluate student performance outcomes over time and to follow the performance of

students after they have transitioned from ELL programs?

Review of Results

Does the evaluation process result in sufficient information to enable the district to determine whether the program is working, and to identify any program implementation or student outcome concerns that require improvement?

Plan for Modification/Improvement

Has a process been established for designing and implementing program modifications in response to concerns identified through the evaluation process? Does this process take into account information provided by stake-holders and persons responsible for implementing recommended changes?

Implementing Program Changes

Are modifications scheduled to be promptly implemented?

Ongoing Review

Is the program evaluation ongoing and sufficiently frequent to allow the district to promptly identify and address concerns with the district's ELL program?

Alignment of Evaluation with Goals and Objectives:

Does the information collected permit an assessment of performance in comparison to any specific goals or measures of progress that have been established for the district's ELL program, and whether ELL students are meeting those goals?

Program Implementation Information

Following are questions to consider in collecting and maintaining information needed to determine whether all aspects of the district's ELL program are being evaluated.

NOTES

- ☐ Does the evaluation cover all procedural and service provision requirements set forth in the district's ELL plan, including:
  - ☐ the identification process?
  - ☐ the student assessment process?
  - ☐ the provision of program services to all students with identified needs?
  - ☐ the provision of staff and resources consistent with program design?
  - ☐ following established criteria for transitioning students from ELL program services?
  - ☐ the implementation of monitoring practices for students who have transitioned from ELL program services?
- ☐ Is the information collected on each ELL program element assessed with reference to the specific requirements of the district's ELL plan? (*For example, when looking at the process for identifying potential ELL students, does the evaluation determine whether the district has followed the established plan for identifying potential ELL students, referral for English language assessment, and criteria for transitioning and/or exiting from ELL services?*)

- ☐ Does the evaluation determine whether staff have followed applicable procedural and service requirements, including frequency, timeliness, and documentation?

- ☐ Do information sources and methods for gathering information to evaluate whether the program is being implemented as planned include, among others, the following examples:

  - ☐ file and records reviews?

  - ☐ staff interviews and surveys?

  - ☐ input from parents, student surveys, or focus group meetings?

  - ☐ grievances or complaints made to the district regarding program implementation or service delivery?

Student Performance Information

English language Development

Following are questions that may be considered in evaluating the success of ELL programs in meeting English language development goals:

NOTES

- Rate of English language Development

☐ Are students acquiring English language skills at a pace that is consistent with ELL program goals or expectations?

☐ Is the rate of language development progress compatible with the district's objectives for academic progress?

- English language Proficiency

☐ How are ELL students performing in English language skills compared to the district's goals and standards?

☐ Are ELL students progressing in English language skills so they will be able to successfully handle regular coursework?

☐ Do former ELL students who no longer receive English language development services continue to demonstrate English language skills that enable them to successfully handle regular coursework?

Note: Information collection sources may include: performance on standardized achievement tests; standardized language proficiency tests; English oral, reading, and written skills as demonstrated by grades in language development courses; year-to-year test scores; teacher observation; parental observations and feedback; records on length of time from entry to transition and/or exit from program; grades in core classes; and graduation rates. Longitudinal data can be useful in evaluating overall language development of ELL students. Disaggregation of data by students who are currently in the program and those who formerly received services but who have been determined to no longer need services may be particularly useful.

Academic Performance

This area of the information collection addresses whether ELL students are demonstrating progress in academic content. Are they learning course content in addition to English language development? Once they have completed ELL program services, are they able to participate meaningfully in the mainstream curriculum? The following are considerations that may be appropriate to consider in evaluating program success in the area of academic performance:

NOTES

- Rate of Academic Progress

☐ Are ELL students who are currently receiving English language development services progressing academically relative to program goals or expectations?

☐ Depending upon the district's goals and educational model (concurrent or sequential), are ELL students making sufficient academic progress so that they are either at academic grade level or will be able to "catch up" academically after English language development services have been discontinued?

- Comparison to Other Students

☐ How are ELL and former ELL students doing, over time, as compared to the academic performance of all other students generally?

☐ Are multiple measures used to assess the overall performance of ELL students in meeting the goals the district has established for its ELL program?

Note: Information collection sources may include a review of grades, standardized achievement tests, state competency standards, meeting promotion and graduation requirements, parent/teacher feedback. Most of the data needed should already be available in the district's records for students generally. Are data collection and maintenance systems maintained to effectively support this portion of the evaluation? Are data systems maintained that permit ELL and former ELL students to be compared to the population generally?

Examples of measures that districts have used to evaluate the success of their ELL programs:

- state tests (*e.g.*, achievement tests, and state and local school reform goals);
- standardized tests, including norm-referenced examinations and criterion-referenced tests;
- teacher observation measures and checklists;
- portfolios;
- grade-point averages;
- graduation/promotion rates;
- inclusion of ELL students in gifted and talented, and other special programs;
- participation in extra-curricular activities;
- drop-out rates; and
- measures related to meeting state or local school reform goals.

Are all students afforded a meaningful opportunity to participate?

Analyzing the Information and Identifying Areas for Improvement

This section of the outline provides information on analyzing the data collected and describes steps to consider in developing an action plan to address the findings from the evaluation. For illustration purposes, the information is organized into three areas discussed below:

Review of Results: Findings and Conclusions

Following are questions that may be considered with respect to compiling, organizing, and summarizing the information collected for each area where the district is not meeting the educational goals it established.

	NOTES
☐ Is each identified area of concern evaluated to determine why it arose and how it is interfering with program objectives?	
☐ Were adequate resources allocated to the area of concern?	
☐ Were responsible staff adequately trained with respect to their responsibilities?	
☐ Were goals and expectations realistic? Were goals and other program expectations adequately communicated?	
☐ Does the concern suggest the need to take another look at some aspect of the program design?	
☐ Are there any contributing factors, explanations, or reasons for each area of concern?	

☞ It may be convenient to organize a written summary of three basic components:

Goal or Standard -- describe program goal or standard where a concern has been identified

Actual Outcome -- describe what the evaluation demonstrated with respect to shortcomings in achieving the desired goal or standard

Contributing Factors -- describe factors and circumstances that may have influenced the goal or standard--why was it not as expected?

Planning and Designing Modifications and Improvements

The following questions relate to planning and designing corrective measures or improvements tailored to address the specific concerns identified, while promoting the overall success of the program:

	NOTES
☐ Has a description of the changes been developed? (*e.g.*, *What* procedural and program modifications will be undertaken? *Who* is expected to be responsible for what? *When* will the changes be implemented?)	
☐ Has a description of the rationale and objective(s) been developed? (*e.g.* W*hat* are the changes expected to accomplish? *How* will success be measured?)	

Implementing Program Changes

Once the planned modifications are developed, they can be put in place. Questions about implementation procedures may include:

	NOTES
☐ Have all stakeholders (responsible and interested parties) been notified of any program changes?	
☐ Has necessary training been identified? Have appropriate steps been put in place so that responsible persons understand expectations and are prepared to implement the changes as planned?	

☞ To facilitate the success of the program improvement process, you may wish to consider the following questions:

Staff Responsibilities. Have staff been assigned specific responsibility for activities? Have the assigned staff been granted appropriate authority and have they been provided directions describing responsibilities and outcomes that are expected?

Establishing Schedules. Has a schedule of due dates been established for key events, action steps, and expectations? Does the schedule provide for prompt actions to afford equal educational opportunities to ELL students?

Follow-up as Appropriate. Has an approach been established to ensure that the process moves forward as expected? Has a person been designated with overall responsibility for the process to ensure its effective implementation?

Reminder

Students must be provided with services until they are proficient enough in English to participate meaningfully in the district's overall education program.

PART IV: GLOSSARY

BICS: Basic interpersonal communication skills. The language ability required for verbal face-to-face communication.

CALP: Cognitive academic language proficiency. The language ability required for academic achievement.

Castañeda v. Pickard: On June 23, 1981, the Fifth Circuit Court issued a decision that is the seminal post-*Lau* decision concerning education of language minority students. The case established a three-part test to evaluate the adequacy of a district's program for ELL students: (1) is the program based on an educational theory recognized as sound by some experts in the field or is considered by experts as a legitimate experimental strategy; (2) are the programs and practices, including resources and personnel, reasonably calculated to implement this theory effectively; and (3) does the school district evaluate its programs and make adjustments where needed to ensure language barriers are actually being overcome? [648 F.2d 989 (5th Cir. 1981)]

Content-based English as a Second Language: This approach makes use of instructional materials, learning tasks, and classroom techniques from academic content areas as the vehicle for developing language, content, cognitive and study skills. English is used as the medium of instruction.

Dual Language Program: Also known as two-way or developmental, the goal of these bilingual programs is for students to develop language proficiency in two languages by receiving instruction in English and another language in a classroom that is usually comprised of half native English speakers and half native speakers of the other language.

ELL: English language learner. A national-origin-minority student who is limited-English-proficient. This term is often preferred over limited-English-proficient (LEP) as it highlights accomplishments rather than deficits.

English as a Second Language (ESL): A program of techniques, methodology and special curriculum designed to teach ELL students English language skills, which may include listening, speaking, reading, writing, study skills, content vocabulary, and cultural orientation. ESL instruction is usually in English with little use of native language.

Equal Education Opportunities Act of 1974: This civil rights statute prohibits states from denying equal educational opportunity to an individual on account of his or her race, color, sex, or national origin. The statute specifically prohibits states from denying equal educational opportunity by the failure of an educational agency to take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs. [20 U.S.C. §1203(f)]

FEP: Fluent (or fully) English proficient.

Informed Parental Consent: The permission of a parent to enroll their child in an ELL program, or the refusal to allow their child to enroll in such a program, after the parent is provided effective notice of the educational options and the district's educational recommendation.

Language Dominance: Refers to the measurement of the degree of bilingualism, which implies a comparison of the proficiencies in two or more languages.

Language Proficiency: Refers to the degree to which the student exhibits control over the use of language, including the measurement of expressive and receptive language skills in the areas of phonology, syntax, vocabulary, and semantics and including the areas of pragmatics or language use within various domains or social circumstances. Proficiency in a language is judged independently and does not imply a lack of proficiency in another language.

Lau v. Nichols: A class action suit brought by parents of non-English-proficient Chinese students against the San Francisco Unified School District. In 1974, the Supreme Court ruled that identical education does not constitute equal education under the Civil Rights Act of 1964. The court ruled that the district must take affirmative steps to overcome educational barriers faced by the non-English speaking Chinese students in the district. [414 U.S. 563 (1974)]

LEP: Limited-English-proficient. (See ELL)

Maintenance bilingual education (MBE): MBE, also referred to as late-exit bilingual education, is a program that uses two languages, the student's primary language and English, as a means of instruction. The instruction builds upon the student's primary language skills and develops and expands the English language skills of each student to enable him or her to achieve proficiency in both languages, while providing access to the content areas.

The May 25 Memorandum: To clarify a school district's responsibilities with respect to national-origin-minority children, the U.S. Department of Health, Education, and Welfare, on May 25, 1970, issued a policy statement stating, in part, that "where inability to speak and understand the English language excludes national-origin-minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open the instructional program to the students."

NEP: Non-English-proficient.

Newcomer Program: Newcomer programs are separate, relatively self-contained educational interventions designed to meet the academic and transitional needs of newly arrived immigrants. Typically, students attend these programs before they enter more traditional interventions (*e.g.*, English language development programs or mainstream classrooms with supplemental ESL instruction).

Sheltered English Instruction: An instructional approach used to make academic instruction in English understandable to ELL students. In the sheltered classroom, teachers use physical activities, visual aids, and the environment to teach vocabulary for concept development in mathematics, science, social studies, and other subjects.

Structured English Immersion Program: The goal of this program is acquisition of English language skills so that the ELL student can succeed in an English-only mainstream classroom. All instruction in an immersion strategy program is in English. Teachers have specialized training in meeting the needs of ELL students, possessing either a bilingual education or ESL teaching credential and/or training, and strong receptive skills in the students' primary language.

Submersion Program: A submersion program places ELL students in a regular English-only program with little or no support services on the theory that they will pick up English naturally. This program should not be confused with a structured English immersion program.

Title VI of the Civil Rights Act of 1964: Title VI prohibits discrimination on the grounds of race, color, or national origin by recipients of federal financial assistance. The Title VI regulatory requirements have been interpreted to prohibit denial of equal access to education because of a language minority student's limited proficiency in English.

Title VII of the Elementary and Secondary Education Act: The Bilingual Education Act, Title VII of the Elementary and Secondary Education Act (ESEA), recognizes the unique educational disadvantages faced by non-English speaking students. Enacted in 1968, the Bilingual Education Act established a federal policy to assist educational agencies to serve students with limited-English proficiency by authorizing funding to support those efforts. In addition to providing funds to support services to limited-English-proficient students, Title VII also supports professional development and research activities. Reauthorized in 1994 as part of the Improving America's Schools Act, Title VII was restructured to provide for an increased state role and give priority to applicants seeking to develop bilingual proficiency. The Improving America's Schools Act also modified eligibility requirements for services under Title I so that limited-English-proficient students are eligible for services under that program on the same basis as other students.

Transitional Bilingual Education Program: This program, also known as early-exit bilingual education, utilizes a student's primary language in instruction. The program maintains and develops skills in the primary language and culture while introducing, maintaining, and developing skills in English. The primary purpose of a TBE program is to facilitate the ELL student's transition to an all English instructional program while receiving academic subject instruction in the native language to the extent necessary.

*PART V: RESOURCES LIST**

General Resources on the Web

California Department of Education. This site contains information on education issues, instructional resources, lesson plans, curriculum, and designing a standards-based accountability system for evaluating programs for ELL students.
http://www.cde.ca.gov/cilbranch/bien/bien.htm

Center for Applied Linguistics. CAL is a private non-profit organization that aims to promote and improve the teaching and learning of languages. This is a resource for information on teaching and learning languages, and information about language and culture. The Center for Research on Education, Diversity and Excellence (CREDE), whose purpose is to identify and develop effective educational practices for linguistic and cultural minority students, is located in the CAL site.
http://www.cal.org

Center for Multilingual, Multicultural Research, University of Southern California. This site provides a variety of resources and other web links to ESL/Bilingual Resources. http://www-rcf.usc.edu/~cmmr/

The web sites included in the resources list do not necessarily reflect the policy or viewpoint of the Office for Civil Rights, nor does the mention of a particular organization, product or service imply endorsement.

ERIC Clearinghouse on Language and Linguistics. This site contains a long list of articles relating to language learning, using resources from within language-minority communities, model programs, and integrating world language-learning with other subject matter classes.
http://www.cal.org/ericcll/digest/

Kristina Pfaff's Linguistic Funland. This commercial site was created in 1994 by a graduate student in linguistics and provides a list of various linguistics links on a personal homepage. This site includes a list of resources for language teaching and learning, linguistics, study, and other miscellaneous resources.
http://www.linguistic-funland.com/

National Association for Bilingual Education. NABE is a national membership organization dedicated to address the educational needs of language-minority students in the U.S. and to advance the language competencies and multicultural understanding of all Americans.
http://www.nabe.org/

National Clearinghouse for Bilingual Education. The NCBE provides information on language education for minority students, bilingual education, and English-as-a-Second-Language (ESL). This site contains information on designing, implementing, and evaluating programs for ELL students.
http://www.ncbe.gwu.edu/

Northwest Regional Educational Laboratory. NWREL operates a technical assistance center serving the northwest states. The center provides information on educational programs and general school improvement to meet the needs of special populations of children and youth, including ELL students. http://www.nwrel.org/ The Equity Center provides additional useful information.
http://www.nwrel.org/cnorse /index.html

Office of Superintendent of Public Instruction (OSPI), Washington State. This site provides information on the programs operated by OSPI and a number of education links. This site contains information on culturally and linguistically diverse students and special education services. http://www.k12.wa.us/

Teachers of English to Speakers of other Languages, Inc. TESOL's mission is to develop the expertise of its members and others involved in teaching English to speakers of other languages to help them foster effective communication in diverse settings while respecting individuals' language rights. This international organization is one of the largest professional organizations for professionals in second language acquisition and contains a variety of information about the subject.
http://www.tesol.edu/index.html

University of Texas at Austin, College of Education. This site provides links to bilingual education resources on the internet.
http://www.edb.utexas.edu/coe/depts/ci/bilingue/resources.html

The U.S. Department of Education. This is the Department's home page and serves as a resource and a gateway to other useful web pages, http://www.ed.gov/, including the Office for Civil Rights (OCR), http://www.ed.gov/offices/OCR/.

The U.S. Department of Education, Office of Bilingual Education and Minority Languages Affairs (OBEMLA). Established in 1974 by Congress, OBEMLA helps school districts meet their responsibility to provide equal educational opportunity to ELL children.
http://www.ed.gov/offices/OBEMLA

The U.S. Department of Education, Office of Educational Research and Improvement (OERI). Provides national leadership for educational research and statistics. This web site has links to education statistics, research, and technical assistance.
http://www.ed.gov/offices/OERI

Resources for Developing ELL Programs

- Educational Theory

"LEP Students and Title I: A Guide-book for Educators." This guidebook provides analysis and guidance on providing services to ELL students through a Title I program.
http://www.ncbe.gwu.edu/ncbepubs/resource/lepguide

"The Newcomer Program: Helping Immigrant Students Succeed in U.S. Schools." This article provides information on the design and implementation of newcomer programs in a district.
http://www.ncbe.gwu.edu/ncbepubs/pigs/pig8.htm

- Program Goals

"Creating Appropriate Goals and Objectives." This handout provides information on developing goals for programs that serve ELL students in relationship to overall program design.
http://www.ncbe.gwu.edu/miscpubs/eacwest/handouts/goal-obj/backgrnd.htm

- Identification of Potential ELL Students

"Handbook of English language Proficiency Tests." This guide provides an overview of assessing English language proficiency, details regarding five different tests, and a checklist for selecting an appropriate test for a district's needs.
http://www.ncbe.gwu.edu/miscpubs/eacwest/elptests.htm

"Identifying Limited-English-Proficient Students." This handout provides information on identifying ELL students and establishing transition and/or exit criteria. The handout also includes sample instruments for identifying ELL students.
http://www.ncbe.gwu.edu/miscpubs/eacwest/handouts/id-lep/backgrnd.htm

- Assessment of ELL Status

"Assessment in ESL & Bilingual Education - A Hot Topic Paper." An overview of assessing language proficiency, review of assessment instruments, achievement testing, and special education assessments, by Gary Hargett, Ph.D.
http://www.nwrac.org/pub/hot/assessment.html

- Program Design

"The ESL Standards for Pre-K-12 Students." These standards were developed by TESOL to complement the discipline-specific standards created by other professional groups.
http://www.tesol.edu/assoc/k12standards/index.html

- Special Programs

"Evaluation and Assessment in Early Childhood Special Education: Children Who Are Culturally and Linguistically Diverse." This 1997 IDEA publication from Washington State OSPI provides an overview of key issues relating to the evaluation of language minority students in special education. The following documents are included in the publication: "LEP student Language Skills Checklist" and "Profile of Language Dominance and Proficiency."
http://inform.ospi.wednet.edu/sped/Publications/CLD/cld.html

"Gifted and Talented Students: Definitions and Suggestions for Identification." This handout provides information on how to identify students from diverse cultures for GATE programs, and includes sample instruments. http://www.ncbe.gwu.edu/miscpubs/eacwest/handouts/gifted/backgrnd.htm

Resources for Evaluating ELL Programs

"A Portfolio Assessment Model for ESL." This guide provides detailed information on the design, implementation, and use of portfolios in assessment. http://www.ncbe.gwu.edu/miscpubs/jeilms/vol13/portfo13.htm

"Evaluation and Assessment for Title VII Projects – Handouts." This guide contains information on a variety of topics, including creating appropriate goals & objectives, identification of gifted and talented students, and evaluators. http://www.ncbe.gwu.edu/miscpubs/eacwest/handouts/

"Evaluation Handbook." This handbook provides a detailed overview of the entire evaluation process under the following sections: overview, thinking about the evaluation, planning the evaluation, implementing the evaluation, and writing the evaluation. http://www.ncbe.gwu.edu/miscpubs/eacwest/evalhbk.htm

"Informal Assessment In Education Evaluation: Implications For Bilingual Education Programs." This guide describes alternative assessment approaches and discusses how these approaches can supplement standardized tests. http://www.ncbe.gwu.edu/ncbepubs/pigs/pig3.htm

Other Resource Sites

"The English-as-a-Second Language/ Bilingual Framework," Washington State OSPI. Contains information on program design, and program staffing and resources. Authored by Phillip C. Gonzales, Ed.D. (Not on a web site at this time.)

Terminology.
What terminology is commonly used in bilingual and English-as-a-Second-Language (ESL) education? http://www.ncbe.gwu.edu/askncbe/faqs/10terms.htm

ELL Program Overview

STEP 1: EDUCATIONAL APPROACH

The district must select a sound educational approach for providing English language development and meaningful program participation for its students.

STEP 2: IDENTIFICATION

The district is responsible for identifying all students potentially needing ELL services.

STEP 3: ASSESSMENT

The district is responsible for assessing each identified potential ELL student for English language proficiency.

STEP 4: PLACEMENT INTO ELL PROGRAM SERVICES

The district is responsible for providing its ELL students with a program of services consistent with its chosen educational approach.

STEP 5: STAFFING AND RESOURCES

The district is obligated to provide the necessary resources to implement its educational approach.

STEP 6: TRANSITION FROM ELL SERVICES

The district is responsible for establishing criteria that determine when a student has sufficient English language proficiency to meaningfully participate in the educational program.

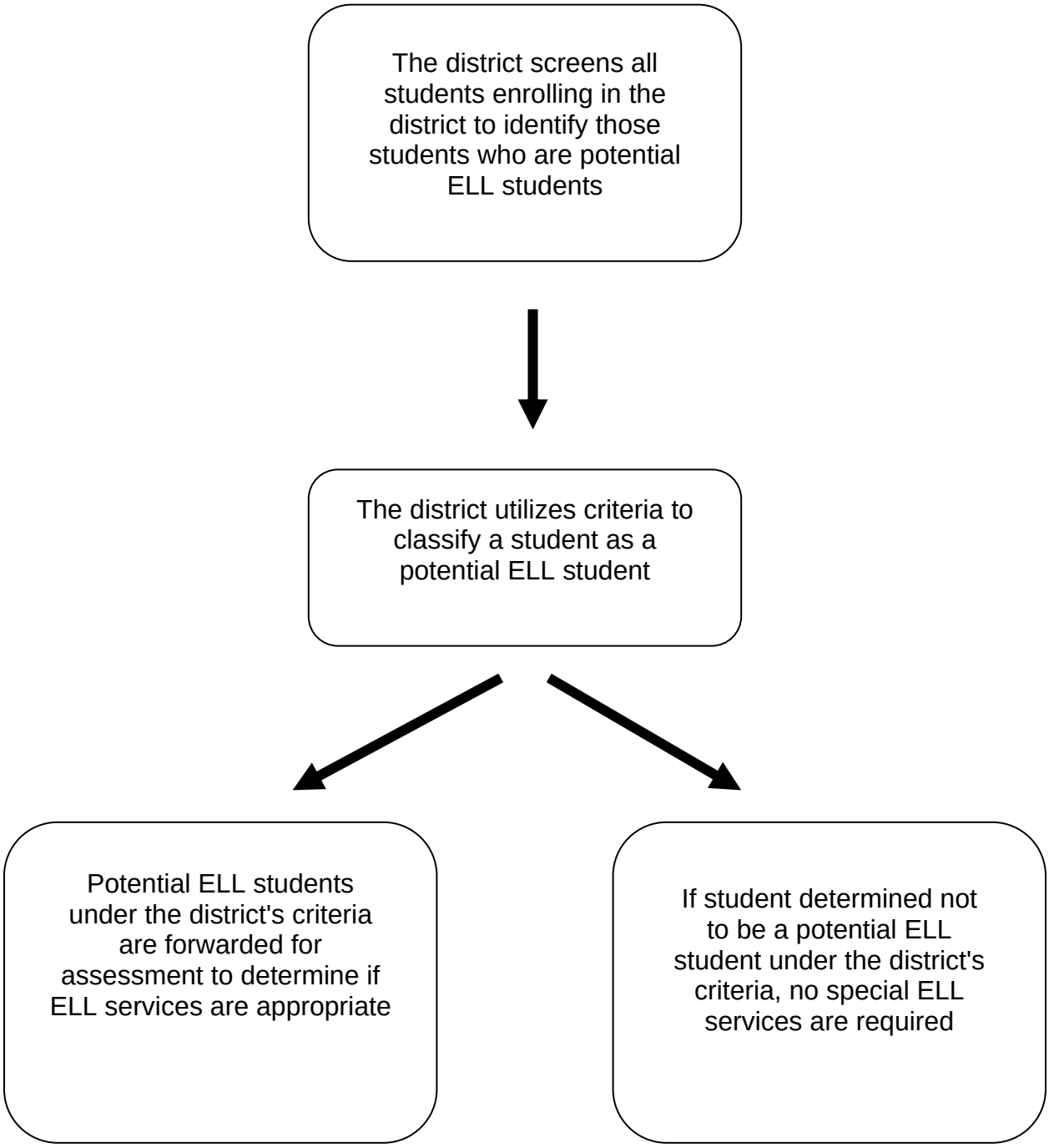
STEP 7: MONITORING

The district will ensure that students transitioned from the ELL program have an opportunity to meaningfully participate in the education program.

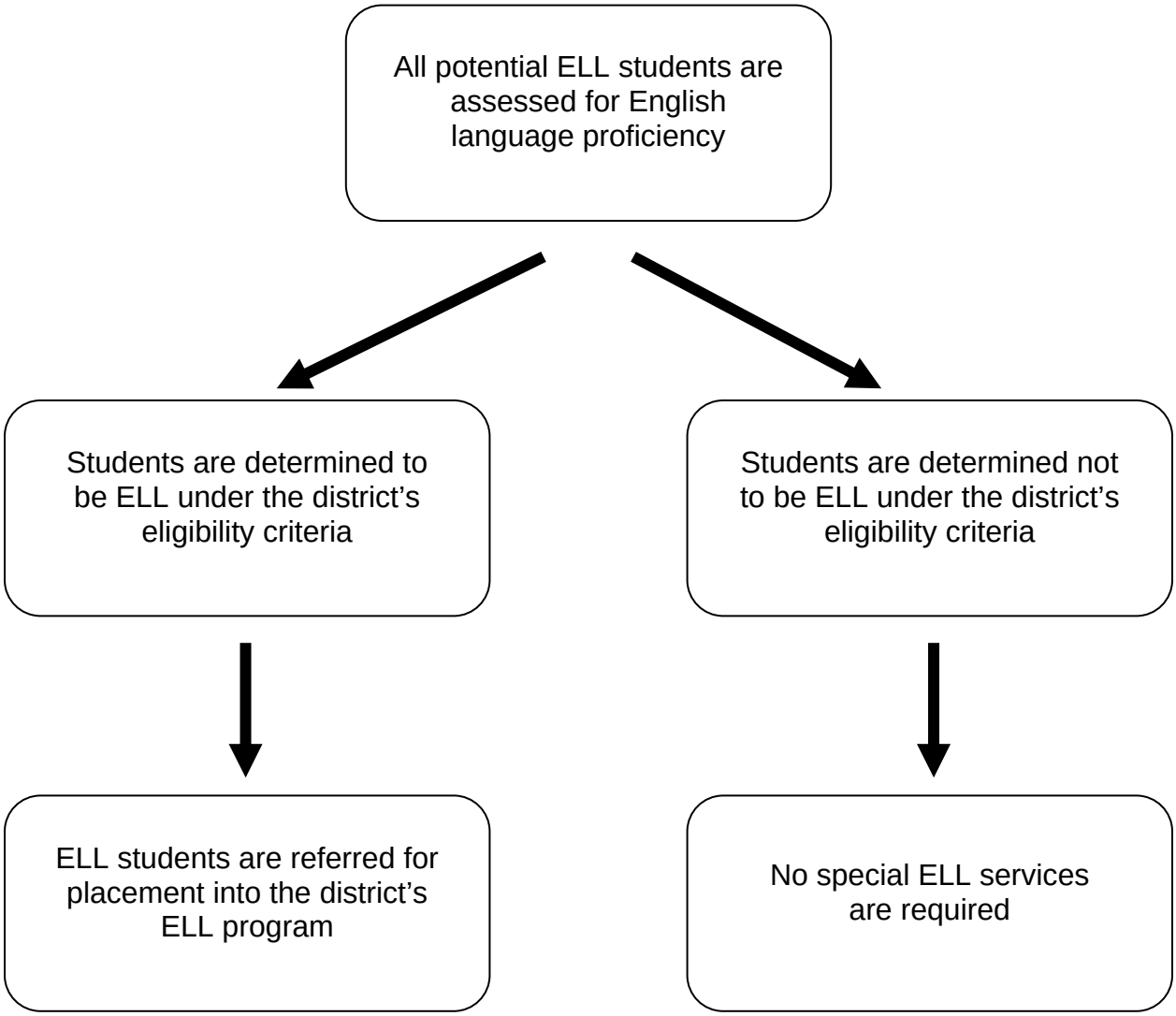
STEP 8: PROGRAM EVALUATION

The district will develop evaluation procedures to periodically evaluate and revise, if necessary, its ELL program.

Identification



Assessment


All potential ELL students are assessed for English language proficiency
Students are determined to be ELL under the district's eligibility criteria
Students are determined not to be ELL under the district's eligibility criteria
ELL students are referred for placement into the district's ELL program
No special ELL services are required

ELL Program Placement

All ELL students placed into the district's ELL program –

- Develop English language skills
- Have opportunity for meaningful participation in the educational program

ELL Program Design Elements

Facilities

ELL students are provided facilities comparable to those provided to the overall student population

Staffing

ELL program staff are appropriately trained and sufficient in number to fully implement the ELL program

Instructional Materials

The quantity and quality of instructional materials are adequate to fully implement the district's ELL program

Parental Notification

Parents of ELL students are provided effective notice of program options and school activities

Peer Integration

ELL students are not segregated from their English-speaking peers except as necessary to implement the ELL program

Special Programs

ELL students have an opportunity to participate in district special programs

Transition From ELL Program Services

The district establishes criteria and assesses ELL students to determine when they no longer need ELL services. Do students have sufficient:

- language proficiency in speaking, reading, writing, and comprehension of English to enable them to participate meaningfully in the education program?
- subject matter development or support to meaningfully participate in the education program?

Students satisfy district transition criteria

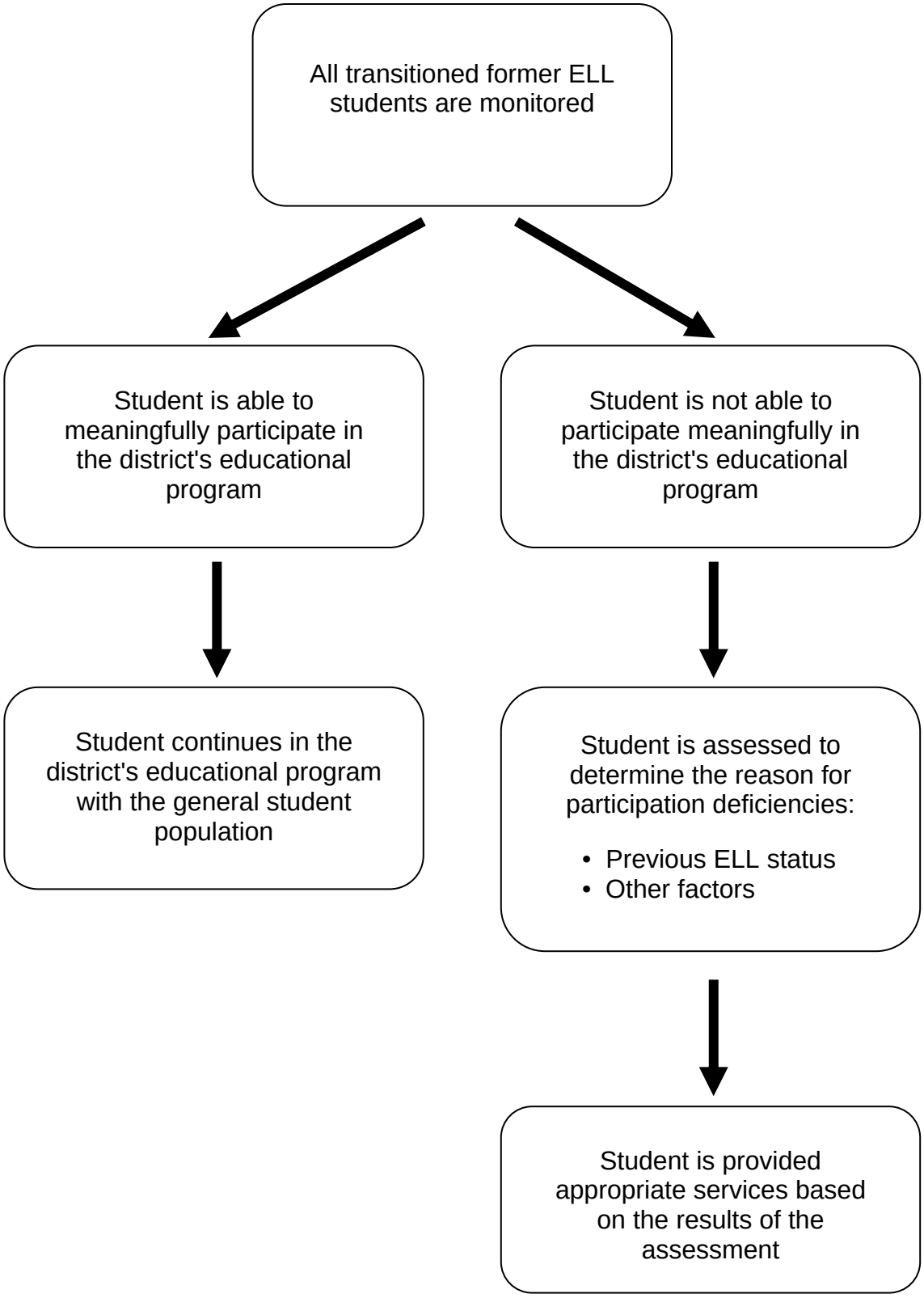
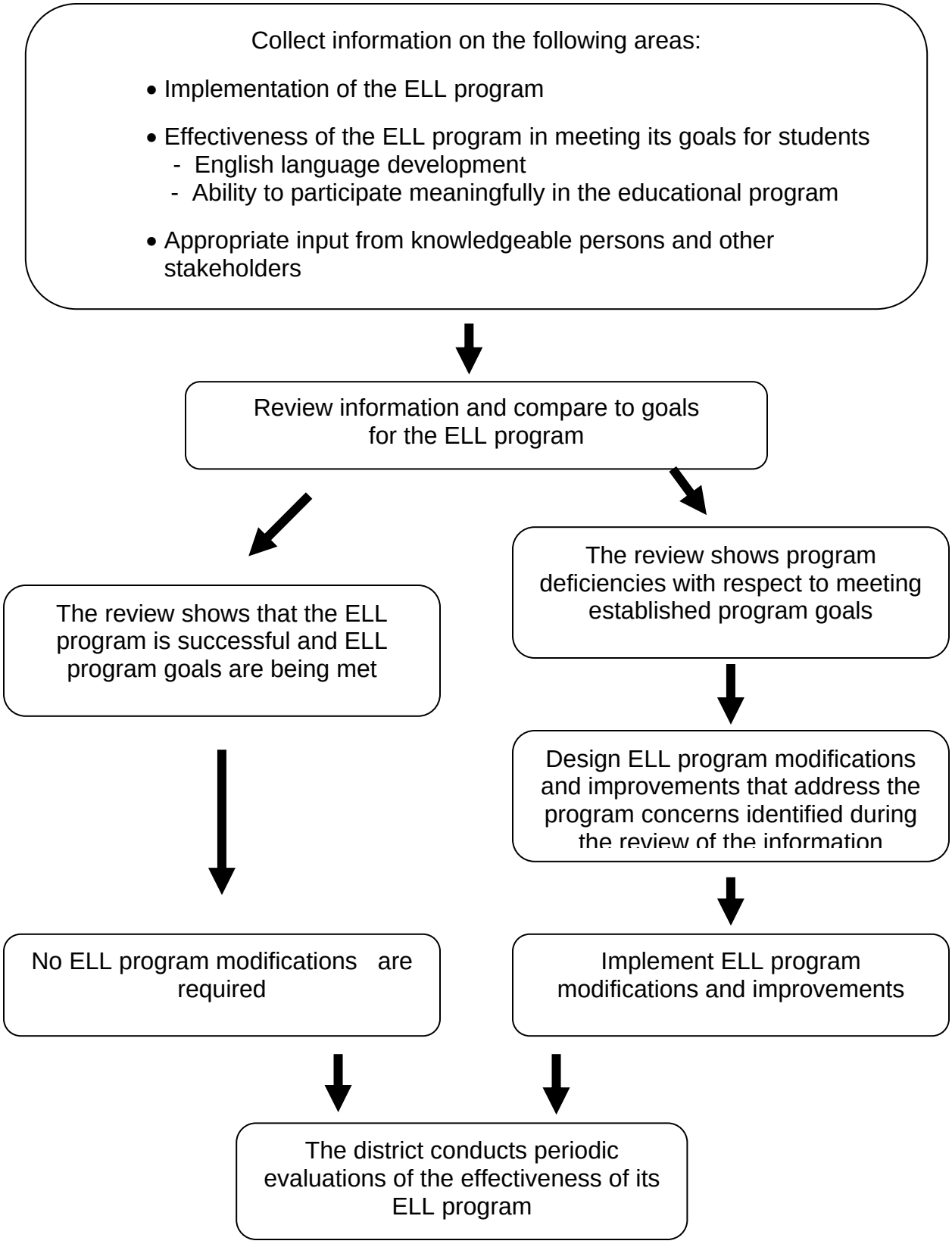
Students do not satisfy district transition criteria

Students transition from ELL program services

Student progress is monitored with respect to ability to participate meaningfully in the educational program

Students continue to receive services from the district's ELL program

Monitoring Transitioned Students



Program Evaluation