

Federal Expectations for a Language Assistance Program

Monitoring the Language Program

- ➔ Districts are required to periodically evaluate the program AND modify the program when it is not successful.¹
- ➔ “Not successful” is best illustrated when ELL students are not making progress in the program and are not exiting by the anticipated time.
- ➔ Failing to adjust your program when this occurs is a fast-track for non-compliance.

Monitoring method

Compare performance of current ELL students, exited ELL students, and “never-ELL” students, through longitudinal data, on a set of key performance metrics:²

	ELL Students (includes Opt-outs)	Exited ELL Students	Never-ELL Students
Core Content Performance			
Participation Rates in advanced courses			
Graduation Rates			
Dropout Rates			
Retention Rates			
<i>Measure with longitudinal data</i>			

What type of comparable performance are you looking for?

That ELL students meet exit criteria within a reasonable period of time, and that exited ELL students are participating meaningfully in classes without ELL services and performing comparably to their never-ELL peers. Where the above comparison exercise demonstrates the program lacks comparable performance, it is time to make adjustments to the program.

What’s not expected in “comparable performance”?

That ELL students will perform on equal levels to never-ELL students – some achievement gap is tolerated.³

¹ *Castañeda v. Pickard*, 648 F.2d 989, 1014-15 (5th Cir. 1981).

² U.S. Depts. of Justice & Educ. - Office for Civil Rights, “Dear Colleague” letter - “Guidance to Ensure English Learner Students Have Equal Access to a High-Quality Education” (Jan. 7, 2015), available at <http://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/raceorigin.html>

³ *Horne v. Flores*, 557 U.S. 433, 467 (2009)

