PART 228
TRANSITIONAL BILINGUAL EDUCATION

Section 228.40 General Program Requirements

a) Notice of Enrollment and Withdrawal

1) NOTICE OF ENROLLMENT - NO LATER THAN 30 DAYS AFTER THE BEGINNING OF THE SCHOOL YEAR OR 14 DAYS AFTER THE ENROLLMENT OF ANY STUDENT IN A TRANSITIONAL BILINGUAL EDUCATION PROGRAM IN THE MIDDLE OF A SCHOOL YEAR, THE SCHOOL DISTRICT SHALL NOTIFY BY MAIL THE PARENTS OR LEGAL GUARDIANS OF THE STUDENT THAT THEIR CHILD HAS BEEN ENROLLED IN A TRANSITIONAL BILINGUAL EDUCATION PROGRAM OR A TRANSITIONAL
PROGRAM OF INSTRUCTION. THE NOTICE SHALL BE IN ENGLISH AND IN THE HOME LANGUAGE OF THE STUDENT AND SHALL CONVEY, IN SIMPLE, NONTECHNICAL LANGUAGE, all of the information called for in Section 14C-4 of the School Code [105 ILCS 5/14C-4].

A) CONTAIN A SIMPLE, NONTECHNICAL DESCRIPTION OF THE PURPOSE, INSTRUCTIONAL METHOD, AND CONTENT OF THE PROGRAM;

B) INFORM THE PARENTS OR LEGAL GUARDIANS OF THEIR RIGHT TO VISIT THE CLASSES IN WHICH THEIR CHILD IS ENROLLED;

C) INFORM THE PARENTS OR LEGAL GUARDIANS OF THEIR RIGHT TO ARRANGE FOR A CONFERENCE TO RECEIVE AN EXPLANATION OF THE NATURE OF THE PROGRAM IN WHICH THEIR CHILD IS ENROLLED; AND

D) FURTHER INFORM THE PARENTS OR LEGAL GUARDIANS OF THEIR RIGHT TO WITHDRAW THEIR CHILD FROM THE PROGRAM AS DESCRIBED IN subsection (a)(2) of this Section.

2) WITHDRAWAL BY PARENTS - ANY PARENT OR LEGAL GUARDIAN WHOSE CHILD HAS BEEN ENROLLED IN A PROGRAM SHALL HAVE THE ABSOLUTE RIGHT TO WITHDRAW HIM/HER THE CHILD FROM THE PROGRAM IMMEDIATELY—A PARENT OR LEGAL GUARDIAN CAN WITHDRAW HIS/HER CHILD FROM THE PROGRAM WITHIN 30 DAYS OF RECEIPT OF A NOTICE OF ENROLLMENT OR AT THE CLOSE OF ANY SEMESTER BY SUBMITTING A WRITTEN REQUEST FOR WITHDRAWAL TO SCHOOL DISTRICT AUTHORITIES. WITHDRAWAL SHALL NOT BE PERMITTED UNLESS THE PARENT OR LEGAL GUARDIAN HAS BEEN INFORMED OF THE NATURE OF THE PROGRAM IN A CONFERENCE WITH SCHOOL OFFICIALS. SUCH A CONFERENCE SHALL BE CONDUCTED IN A LANGUAGE WHICH THE PARENT OR LEGAL GUARDIAN UNDERSTANDS NOTICE OF HIS OR HER DESIRE TO WITHDRAW THE CHILD TO THE SCHOOL AUTHORITIES OF THE SCHOOL IN
b) Program Standards

1) Course Credit - Students enrolled in approved programs shall receive full credit for courses taken in such programs, which shall count toward promotion and fulfillment of district graduation requirements. Courses in ESL shall count toward English requirements for graduation. Students who change attendance centers or school districts shall do so without loss of credit for time spent in the program.

2) EXTRACURRICULAR ACTIVITIES - EACH DISTRICT SHALL ENSURE THAT STUDENTS ENROLLED IN PROGRAMS SHALL HAVE THE OPPORTUNITY TO PARTICIPATE FULLY IN THE EXTRACURRICULAR ACTIVITIES OF THE PUBLIC SCHOOLS IN THE DISTRICT.

3) PROGRAM INTEGRATION - IN COURSES OR SUBJECTS IN WHICH LANGUAGE IS NOT ESSENTIAL TO AN UNDERSTANDING OF THE SUBJECT MATTER, INCLUDING, BUT NOT NECESSARILY LIMITED TO, ART, MUSIC, AND PHYSICAL EDUCATION, STUDENTS OF LIMITED ENGLISH PROFICIENCY SHALL PARTICIPATE FULLY WITH THEIR ENGLISH-SPEAKING CLASSMATES.

4) Student-Teacher Ratio - The student-teacher ratio in the ESL and native language components of programs shall not exceed 90% of the average student-teacher ratio in regular classes in that attendance center.

5) GROUPING OF AGE-GRADE LEVELS - STUDENTS ENROLLED IN A PROGRAM OF TRANSITIONAL BILINGUAL EDUCATION SHALL BE PLACED IN CLASSES WITH STUDENTS OF APPROXIMATELY THE SAME AGE OR GRADE LEVEL, except as provided in subsection (b)(6) of this Section.

6) IF STUDENTS OF DIFFERENT AGE GROUPS OR EDUCATIONAL LEVELS ARE COMBINED IN THE SAME CLASS, THE SCHOOL DISTRICT SHALL ENSURE THAT THE INSTRUCTION GIVEN
EACH STUDENT IS APPROPRIATE TO HIS/HER AGE OR GRADE LEVEL. Evidence of compliance with this requirement shall be:

A) individualized instructional programs; or

B) class grouping and instruction by ability level.

7) PROGRAM FACILITIES - PROGRAMS SHALL BE LOCATED IN REGULAR PUBLIC SCHOOL FACILITIES RATHER THAN INSEPARATE FACILITIES. IF SUCH A LOCATION IS NOT FEASIBLE, THE SUBSTITUTE LOCATION shall be comparable to those made available to a majority of the district's students with respect to space and equipment. If housed in a facility other than a public school, the school district shall provide a written explanation in its annual application to the State Board of Education as to why the use of a public school building is not feasible.

c) STAFF INSERVICE

1) Each school district having a program shall annually plan inservice training activities for the certificated and noncertificated personnel involved in the education of students of limited English proficiency. This plan shall be included in the district's annual application and shall be approved by the State Board of Education if it meets the standards set forth in subsections (c)(2) and (c)(3) of this Section.

2) Program staff beginning their initial year of service shall be involved in training activities that will develop their knowledge of basic bilingual program requirements and which shall include, but need not be limited to, the following: minimum program standards, district identification and assessment procedure, program design, and basic instructional techniques for teachers of limited English proficient students with limited English proficiency.

3) Ongoing training activities for all bilingual program staff shall take place at least twice yearly. The areas to be addressed shall include but need not be limited to one or more of the following:

A) current research in the teaching of bilingual education;
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B) methods and techniques for teaching content areas, language arts of the students' home languages, and ESL in a bilingual classroom;

C) language assessment;

D) issues related to the culture and history of the United States and of the country, territory or geographic area that is the native land of the students or of their parents; and

E) issues related to handicapped limited English proficient serving students with limited English proficiency who also have disabilities.

d) Joint Programs - A school district may join with one or more school district(s) to provide joint programs or services in accordance with the provisions of Article Section 10-22.31a of The School Code [105 ILCS 5/10-22.31a]. The designated administrative agent shall adhere to the procedures contained in 23 Ill. Adm. Code 110 (Program Accounting Manual) as they pertain to cooperative agreements.

e) PRESCHOOL AND SUMMER SCHOOL PROGRAMS - A SCHOOL DISTRICT MAY ESTABLISH PRESCHOOL AND SUMMER SCHOOL PROGRAMS FOR STUDENTS OF LIMITED ENGLISH PROFICIENCY, OR JOIN WITH OTHER SCHOOL DISTRICTS IN ESTABLISHING SUCH PROGRAMS. SUMMER SCHOOL PROGRAMS SHALL NOT REPLACE PROGRAMS REQUIRED DURING THE REGULAR SCHOOL YEAR.

f) Maintenance of Records and Reporting Procedures

1) Report Cards - The school shall send progress reports to parents or legal guardians of students enrolled in programs in at least the same manner and with the same frequency as progress reports are sent to parents or legal guardians of other students enrolled in the school district. Such reports shall indicate the student's progress in the program and in the general program of instruction, and shall indicate when the student has successfully completed requirements for transition from the program into the general program of instruction. Progress reports for all students enrolled in a program under this Part shall be written in English and in the student's home language unless a student's parents or legal guardian agree
in writing to waive this requirement. Such waiver shall be kept on file in accordance with subsection (f)(3) of this Section.

2) Annual Student Report - Each district must complete the Transitional Bilingual Education Annual Student Report provided by the State Board of Education, in which information on each student participating in the program is compiled.

3) Records - School districts shall maintain records of each student enrolled in programs in the manner prescribed in 23 Ill. Adm. Code 375 (Student Records). These records shall include program entry/exit information, annual English proficiency test scores and other student assessment information (e.g., language, program entry and exit dates, grade level, and attendance), and documentation of conferences and written communication with parents or legal guardians. Parents and legal guardians of students enrolled in programs shall have access to such records, as specified in 23 Ill. Adm. Code 375 (Student Records).

(Source: Amended at 27 Ill. Reg. _____, effective ______________)