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STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 228
TRANSITIONAL BILINGUAL EDUCATION

Section

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AUTHORITY: Implementing Article 14C and authorized by Section 2-3.39(1) of the School Code [105 ILCS 5/Art. 14C and 2-3.39(1)].

SOURCE: Adopted May 28, 1976; codified at 8 Ill. Reg. 5176; Part repealed, new Part adopted at 11 Ill. Reg. 5969, effective March 23, 1987; amended at 17 Ill. Reg. 104, effective December 18, 1992; amended at 26 Ill. Reg. 898, effective January 15, 2002; amended at 27 Ill. Reg. 9996, effective June 20, 2003; amended at 30 Ill. Reg. 17434, effective October 23, 2006; amended at 34 Ill. Reg. _____, effective _____.

Section 228.5 Purpose and Applicability

- a) This Part establishes requirements for school districts' provision of services to students in preschool through grade 12 who have been identified as limited English proficient in accordance with Article 14C of the School Code [105 ILCS 5/14C] and this Part.

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- b) The requirements of Article 14C of the School Code and this Part shall apply to every school district in Illinois, regardless of whether it chooses to seek funding pursuant to Section 228.50 of this Part.

(Source: Added at 34 Ill. Reg. _____, effective _____)

Section 228.10 Definitions

~~“Bilingual Education Teacher” means a teacher who:~~

~~holds a valid Illinois certificate with an endorsement or approval in bilingual education or an endorsement in ENL with a language-specific designation for bilingual education (see 23 Ill. Adm. Code 25. Appendix E and 23 Ill. Adm. Code 1.780 and 1.781); or~~

~~holds a Transitional Bilingual Certificate endorsed for teaching in a language other than English and issued by the State Board of Education in accordance with 23 Ill. Adm. Code 25.90; or~~

~~holds a Visiting International Teacher Certificate and meets the requirements of 23 Ill. Adm. Code 25.92(i).~~

~~“English as a Second Language” or “ESL” or “English as a New Language” or “ENL” means specialized instruction designed to assist students whose home language is other than English in attaining English language proficiency. ESL or ENL instruction includes skills development in listening, speaking, reading, and writing. (ESL is and ENL are not to be confused with English language arts as taught to students whose home language is English.)~~

~~“English Language Proficiency Assessment” means the ACCESS for ELLs® (World-class Instructional Design and Assessment Consortium, Wisconsin Center for Education Research (WCER), University of Wisconsin-Madison, 1025 West Johnson Street, MD#23, Madison WI 53706 (2006)).~~

~~“Home Language” means that language normally used in the home by the student and/or by the student’s parents or legal guardians, or by anyone who resides in the student’s household.~~

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“Language Background other than English” means that the native language of a student in preschool, kindergarten or any of grades 1 through 12, whether born in the United States or born elsewhere, is other than English or that the student comes from a home where a language other than English is spoken, by the student, or by his or her parents or legal guardians, or by anyone who resides in the student’s household.

“Preschool Program” means instruction provided to children who are ages 3 up to but not including those of kindergarten enrollment age as defined in Section 10-20.12 of the School Code [105 ILCS 5/10-20.12] in any program administered by a school district, regardless of whether the program is provided in an attendance center or a non-school-based facility.

“Prescribed Screening Instrument” means the:

WIDA ACCESS Placement Test (W-APT)TM (2006 or 2007) for students entering or in the second semester of grades 1 through 12 (World-class Instructional Design and Assessment Consortium, Wisconsin Center for Education Research (WCER), University of Wisconsin-Madison, 1025 West Johnson Street, MD#23, Madison WI 53706 (2006));

Measure of Developing English Language (MODELTM) (2008) for students entering kindergarten or the first semester of grade 1 (World-class Instructional Design and Assessment Consortium, Wisconsin Center for Education Research (WCER), University of Wisconsin-Madison, 1025 West Johnson Street, MD#23, Madison WI 53706);

Either the Pre-IPT[®] Oral English Test (Ballard & Tighe, P.O. Box 219, Brea, CA 92822-0219 (2004)) or a screening process that meets the requirements of Section 228.50(b)(4)(E) of this Part.

~~“Standard School Program” means the educational program offered by the local school district to the majority of its students (“general education”).~~

“Students of Limited English Proficiency” means students in preschool, kindergarten or any of grades 1 through 12, whether born in the United States or born elsewhere, whose native language background is a language other than English and whose difficulties in speaking, reading, writing, or understanding English may be sufficient to deny them:

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the ability to meet the State's proficient level of achievement on State assessments;

the ability to successfully achieve in classrooms where the language of instruction is English; or

the opportunity to participate fully in the school setting.

~~“Students of Non-English Background” means students, whether born in the United States or born elsewhere, whose native language is other than English or students who come from homes where a language other than English is spoken, either by the students themselves, or by their parents or legal guardians.~~

~~“Teacher of English as a Second Language” or “Teacher of English as a New Language” means a teacher who:~~

~~holds a special certificate endorsed for teaching ESL or ENL, issued by the State Board of Education in accordance with 23 Ill. Adm. Code 25; or~~

~~holds a valid Illinois certificate and an endorsement or approval for ESL, issued by the State Board of Education pursuant to 23 Ill. Adm. Code 1.780, 1.781, and 1.782; or~~

~~meets the requirements set forth in 23 Ill. Adm. Code 1.782.~~

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 228.15 Identification of Eligible Students

- a) Each school district shall administer a home language survey with respect to each student in preschool, kindergarten or any of grades 1 through 12 who is entering the district's schools or any of the district's preschool programs for the first time, for the purpose of identifying students who have a ~~of non-English language~~ background other than English. The survey should be administered as part of the enrollment process, or for preschool programs, by the first day the student commences participation in the program. The survey shall include at least the following questions, and the student shall be identified as having a ~~non-English language~~ background other than English if the answer to either question is yes:

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- 1) Whether a language other than English is spoken in the student's home and, if so, which language; and
 - 2) Whether the student speaks a language other than English and, if so, which language.
- b) The home language survey shall be administered in English and, if feasible, in the student's home language.
 - c) The home language survey form shall provide spaces for the date and the signature of the student's parent or legal guardian.
 - d) The completed home language survey form shall be placed into the student's temporary record as defined in 23 Ill. Adm. Code 375 (Student Records).
 - e) The district shall, ~~using the prescribed screening instrument~~, screen the English language proficiency of each student identified through the home language survey as having a language non-English background other than English by using the prescribed screening instrument applicable to the student's grade level (i.e., kindergarten or any of grades 1 through 12) or as set forth in a preschool program's application submitted pursuant to Section 228.50(b)(4)(E) of this Part. This screening assessment shall take place within 30 days either after the student's enrollment in the district or, for preschool programs, after the student commences participation in the program, for the purpose of determining the student's eligibility for bilingual education services and, if eligible, the appropriate placement for the student. For kindergarten, all students identified through the home language survey, including students previously screened when enrolled in preschool, must be screened using the prescribed screening instrument for kindergarten.
 - 1) The prescribed screening instrument does not need to be administered to a student who, in his or her previous school district:
 - A) has been screened and identified as English language proficient as required in this subsection (e); or
 - B) has met the State exit requirements as described in Section 228.25(b)(2) of this Part; or

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- C) has met all of the following criteria:
- i) resides in a home where a language other than English is spoken, and
 - ii) has not been screened or identified as a student with limited English proficiency, and
 - iii) has been enrolled in the general program of instruction in the school he or she has previously attended, and
 - iv) has been performing at or above grade level as evidenced by having met or exceeded the Illinois Learning Standards in reading and math on the student's most recent State assessment administered pursuant to Section 2-3.64 of the School Code [105 ILCS 5/2-3.64], provided that the assessment was not administered with accommodations for students of limited English proficiency.
- 2) A district ~~must~~ may rely upon a student's score attained ~~on the prescribed screening instrument or on the English language proficiency assessment instrument prescribed under Section 228.25(b) -Section 228.25(e)~~ of this Part, if ~~either is~~ available from another school district or another state, provided that the score was achieved no more than 12 months prior to the district's need to assess the student's proficiency in English for purposes of eligibility and placement.
- 3) If results are not available pursuant to subsection (e)(2) of this Section, then a district must rely upon a student's score on the prescribed screening instrument if available from another school district or another state for the purposes of eligibility and placement for students entering any of grades 1 through 12, if the student's score on the prescribed screening instrument was achieved no more than 12 months prior to the district's need to assess the student's proficiency in English.
- 4)2) Each student whose score on the prescribed screening instrument is identified as not "proficient" as defined by the State Superintendent of Education shall be considered to have limited English proficiency and

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therefore to be eligible for, and shall be placed into a program of, bilingual education services.

- A) For preschool programs using a procedure other than the Pre-IPT, “proficiency” is the point at which performance identifies a child as proficient in English, as set forth in the program’s proposed screening process submitted pursuant to Section 228.50(b)(4)(E) of this Part.
- B) For any preschool ~~However, even if the student who scores at the “proficient” level, the school district may consider additional indicators such as the results of criterion-referenced or locally-developed tests, teachers’ evaluations of performance, samples of a student’s work, or information received from family members and school personnel in order to determine whether the student’s proficiency in English is limited and the student is eligible for services.~~
- ~~3) Students who, based on review of assessment scores and other evidence such as that outlined in subsection (c)(2) of this Section, are judged to be of limited English proficiency shall be eligible for, and shall be placed into a program of, bilingual education services.~~
- f) Each district shall ensure that any accommodations called for in the Individualized Education Programs of students with disabilities are afforded to those students in the administration of the screening instrument discussed in this Section and the English language proficiency assessment prescribed under Section 228.25(b) ~~228.25(e)~~ of this Part.
- g) The parent or guardian of any child resident in a school district who has not been identified as having limited English proficiency may request the district to determine whether the child should be considered for placement in a bilingual education program, and the school district shall make that determination upon request, using the process described in this Section. ~~A determination contested by a parent or legal guardian may be appealed to the regional superintendent of schools for the region in which the district is located, pursuant to the provisions of Section 3-10 of the School Code [105 ILCS 5/3-10].~~

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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Section 228.20 Student Language Classification Data ~~Public School Bilingual Census~~

a) In order to meet the requirements of Section 14C-3 of the School Code, every school district shall update its individual student records in the Student Information System (SIS) authorized under 23 Ill. Adm. Code 1.75 (Public Schools Evaluation, Recognition and Supervision) no later than the first day in March of each year to reflect the following information ~~No later than the first day of March of each year, every school district shall submit a bilingual census report for that school year to the State Superintendent of Education (Section 14C-3 of the School Code [105 ILCS 5/14C-3]). The bilingual census report shall be submitted on forms provided by the Superintendent and shall include:~~

- a)1) ~~whether the student has a language~~ number of students of non-English background other than English in each attendance center, as identified via the home language survey;
- b)2) ~~whether the student has~~ number of those students who have been identified as having limited English proficiency based on the results of the prescribed screening instrument or the English language proficiency assessment and other factors discussed in Section 228.15(e) or Section 228.25(b) 228.25(e) of this Part; and
- c)3) ~~the home language, birth date languages, ages, and grade or achievement level levels of the student~~ students identified as having limited English proficiency.
- b) ~~A district may use the number of students who have been identified in its census report as having limited English proficiency and who are thus eligible for bilingual education services as a preliminary count for the purpose of submitting a program application pursuant to Section 228.50 of this Part.~~

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 228.25 Program Options, Placement, and Assessment

- a) Program Options and Placement
 - 1) When an attendance center has an enrollment of 20 or more limited English proficient students of the same language classification in

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kindergarten or any of grades 1 through 12, the school district must establish a transitional bilingual education (TBE) program for each language classification represented by those students (Section 14C-3 of the School Code). A further assessment of those students to determine their specific programmatic needs or for placement in either a full-time or a part-time program may be conducted.

- b) 2) *When an attendance center has an enrollment of 19 or fewer students of limited English proficiency ~~of from~~ any single ~~non-English~~ language classification other than English in kindergarten or any of grades 1 through 12, the school district shall conduct an individual student language assessment to determine each student's need for native language instruction and may provide a transitional bilingual program in the ~~non-English~~ languages other than English common to these ~~such~~ students. If the district elects not to provide a transitional bilingual program, the district shall provide a locally determined transitional program of instruction (TPI) for those students. (Section 14C-3 of the School Code.)*
- 3) When a preschool program of the school district has an enrollment of 20 or more students of limited English proficiency of any single language classification other than English in an attendance center or a non-school-based facility, the school district shall establish a TBE program for each language classification represented by the students. If the preschool program of an attendance center or non-school-based facility has 19 or fewer students of limited English proficiency of any single language classification other than English, then the school district shall meet the requirements of subsection (a)(2) of this Section when determining placement and the program to be provided.
- b)e) English Language Proficiency Assessment *Annual Examination*
- 1) *School districts must annually assess the English language proficiency, including aural comprehension (listening), speaking, reading, and writing skills, of all children of limited English-speaking ability in kindergarten and any of grades 1 through 12 ~~students enrolled in programs~~ (Section 14C-3 of the School Code) using the English language proficiency assessment prescribed by the State Superintendent of Education. This assessment shall be administered during a testing window designated by the State Superintendent, for the purpose of determining individual*

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students' continuing need and eligibility for bilingual education services. The annual assessment shall be based on the “English Language Proficiency Standards for English Language Learners in PreKindergarten through Grade 12” ~~“Framework for Large Scale Assessment of the English Language Proficiency Standards for English Language Learners K-12”~~ (2007 ~~2004~~), published by the Board of Regents of the University of Wisconsin System on behalf of the WIDA Consortium ~~State of Wisconsin~~ and posted at <http://www.wida.us/standards/elp.aspx> www.isbe.net/bilingual/pdfs/elps_framework.pdf. No later amendments to or editions of these standards are incorporated by this Section.

- 2) The State Superintendent shall determine, and inform school districts of, the composite score and the literacy score that will be used to determine whether a student is identified as “proficient”.
 - A) Each student whose score on the English language proficiency assessment is identified as “proficient” shall ~~may be considered eligible to~~ exit the program of bilingual education services, subject to the provisions of Section 14C-3 of the School Code [105 ILCS 5/14C-3]. ~~However, the school district may also consider other indicators such as those listed in Section 228.15(e)(2) of this Part to determine whether individual students continue to exhibit limited English proficiency and remain eligible for bilingual education services, subject also to the provisions of Section 14C-3 of the School Code [105 ILCS 5/14C-3].~~
 - B) Each student whose score is identified as “proficient” in accordance with subsection (b)(2)(A) of this Section shall no longer be identified as limited English proficient.
- 3) ~~Beginning with the 2007 administration of the annual English language proficiency examination, each~~ Each student who is not enrolled in a program under this Part but who has been identified as having limited English proficiency ~~at any time since 2006~~ shall be required to participate in the ~~assessment annual examination~~ each year until he or she achieves a “proficient” score.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

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Section 228.27 Language Acquisition Services for Certain Students Exiting the Program

In accordance with Section 1703(f) of the Equal Educational Opportunities Act (EEOA), a school district must provide services that will enable limited English proficient students to overcome barriers that impede equal participation by these students in the district's instructional programs. (20 USC 1703) Section 14C-3 of the School Code, however, authorizes school districts to discontinue services to students who have been enrolled and participated in the TBE or TPI program for three consecutive years. In instances where a school district chooses to discontinue TBE or TPI program services as permitted under Section 14C-3 of the School Code for those students who have not achieved English proficiency as determined by the process set forth in Section 228.25(b) of this Part, the district shall submit a plan to the State Superintendent that describes the actions it will take to meet its obligations under Section 1703(f) of the EEOA. Any amendments to the plan shall be submitted to the State Superintendent no later than 30 days following adoption of the changes. The plan shall at least include:

- a) the process and criteria the district will use to make a determination of when to exit eligible students from the TBE or TPI program (e.g., after a certain amount of time in the program, once a prescribed academic or proficiency level is achieved);
- b) The language acquisition services and methods to be provided, including how the services and methods differ from the general program of instruction in content, instructional goals, and the use of English and native language instruction;
- c) How the program will meet the educational needs of the students and build on their academic strengths;
- d) How the program will specifically help the students learn English and meet academic achievement standards for grade promotion and graduation;
- e) The names and qualifications of the staff who will implement the program; and
- f) How sufficient resources, including equipment and instructional materials, shall be made available to support the program.

(Source: Added at 34 Ill. Reg. _____, effective _____)

Section 228.30 Establishment of Programs

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a) Administrative Provisions

- 1) Program Facilities – Other than for preschool education programs, TBE and TPI programs ~~Programs~~ shall be located in regular public school facilities rather than in separate facilities. (Section 14C-6 of the School Code [105 ILCS 5/14C-6]) 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 (including a charter school), the school district shall provide a written explanation in its annual application to the State Superintendent of Education as to why the use of a public school building is not feasible.
- 2) Course Credit - Students enrolled in approved programs shall receive full credit for courses taken in these ~~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 coursework completed in the program.
- 3) *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.* (Section 14C-7 of the School Code [105 ILCS 5/14C-7])
- 4) Inclusion of Students Whose First or Home Language is English - Students whose first or home language is English may be included in a program under this Part provided that all students of limited English proficiency are served.
- 5) Joint Programs - A school district may join with one or more other school districts to provide joint programs or services in accordance with the provisions of 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 100 (Requirements for Accounting, Budgeting, Financial Reporting, and Auditing) ~~110 (Program Accounting Manual)~~ as they pertain to cooperative agreements.

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- 6) *Preschool and Summer School - 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. (Section 14C-11 of the School Code [105 ILCS 5/14C-11])*
A school district that offers a summer school program or preschool program shall provide bilingual education services for students having limited English proficiency in accordance with Article 14C and this Part.
- b) Instructional Specifications
 - 1) *Student-Teacher Ratio - The student-teacher ratio in the ESL and native language components of programs serving students in kindergarten or any of grades 1 through 12 as of September 30 of each school year shall not exceed 90% of the average student-teacher ratio in general education classes for the same grades in that attendance center. Decreases in the ratio for general education during the course of a school year due to students' mobility shall not require corresponding adjustments within the bilingual program. Further, additional students may be placed into bilingual classes during the course of a school year, provided that no bilingual classroom may exhibit a student-teacher ratio that is greater than the average for general education classes in that grade and attendance center as a result of ~~such~~ these placements. For preschool programs established pursuant to Section 2-3.71 of the School Code [105 ILCS 5/2-3.71], the student-teacher ratios for each preschool classroom providing bilingual education services shall meet the requirements of 23 Ill. Adm. Code 235.30(d) (Early Childhood Block Grant).*
 - 2) *Grade-Level Placement - 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)(3) of this Section. (Section 14C-6 of the School Code)*
 - 3) *Multilevel Grouping - 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. (Section 14C-6 of the School Code) Evidence of compliance with this requirement shall be:*

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- A) individualized instructional programs; or
 - B) grouping of students for instruction according to grade level.
- 4) Beginning with the 2011-12 school year, instruction in Spanish language arts, where provided under subsection (c) or (d) of this Section, shall be aligned to the standards, which are appropriate to the ages or grade levels of the students served, that are set forth in the document titled “World-Class Instructional Design and Assessment: Spanish Language Arts Standards” (2005) published by the Board of Regents of the University of Wisconsin System on behalf of the WIDA Consortium and posted at <http://www.wida.us/standards/sla.aspx>. No later amendments to or editions of these standards are incorporated by this Section.
- 5) Language Grouping - School districts may place students of limited English proficiency who have different home languages in the same class, provided that, in classes taught in the native language:
- A) instructional personnel or assistants representing each of the languages in the class are used; and
 - B) the instructional materials are appropriate for the languages of instruction.
- 6)5) Program Integration – *In courses of 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.* (Section 14C-7 of the School Code)
- e) Administrators
- ~~Beginning July 1, 2008, each individual newly assigned to administer a program under this Part shall meet the applicable requirements of this subsection (e). Administrators first assigned on or before June 30, 2008, shall be subject to the applicable requirements of this subsection (e) as of July 1, 2010.~~
- 1) ~~Except as provided in subsections (e)(3) and (4) of this Section, any person designated to administer a TBE program must hold a valid~~

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~~administrative certificate or supervisory endorsement issued by the State Board of Education in accordance with applicable provisions of 23 Ill. Adm. Code 25 (Certification) and 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision) and must hold the bilingual approval or endorsement.~~

- 2) ~~Except as provided in subsections (c)(3) and (4) of this Section, any person designated to administer a TPI program must hold a valid administrative certificate or supervisory endorsement issued by the State Board of Education in accordance with applicable provisions of 23 Ill. Adm. Code 25 and 1 and must hold the bilingual or ESL approval or endorsement.~~
- 3) ~~A person designated to administer a TBE or TPI program in a district with fewer than 200 TBE/TPI students shall be exempt from the requirement for bilingual or ESL approval or endorsement, provided that he or she annually completes two hours of professional development specifically designed to address the needs of students with limited English proficiency. Documentation for this professional development activity shall be made available to a representative of the State Board of Education upon request.~~
- 4) ~~A person who has been assigned to administer a TPI program in a district that experiences such growth in the number of students eligible for bilingual education that a TBE program is required shall become subject to the requirements of subsection (c)(1) of this Section at the beginning of the fourth school year of the TBE program's operation. A person who has been assigned to administer a program under subsection (c)(3) of this Section in a district where the number of students eligible for bilingual education grows beyond 200 shall become subject to the requirements of subsection (c)(2) of this Section at the beginning of the fourth school year in which the eligible population exceeds 200 students. That is, each individual may continue to serve for the first three school years on the credentials that qualified him or her to administer the program previously operated.~~

d) ~~In Service Training for Staff~~

- 1) ~~Each school district having a program shall annually plan in-service training activities for the certificated and noncertificated personnel~~

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~~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 Superintendent of Education if it meets the standards set forth in subsections (d)(2) and (d)(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 the requirements for the program established under this Part and the employing district's relevant policies and procedures.~~
- ~~3) Training activities shall be provided to all bilingual program staff at least twice yearly and shall address at least one of the following areas:
 - ~~A) current research in bilingual education;~~
 - ~~B) content area and language proficiency assessment of students with limited English proficiency;~~
 - ~~C) research-based methods and techniques for teaching students with limited English proficiency;~~
 - ~~D) research-based methods and techniques for teaching students with limited English proficiency who also have disabilities; and~~
 - ~~E) 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.~~~~
- ~~4) In addition to any other training required under this subsection (d), each individual who is responsible for administering the screening instrument referred to in Section 228.15(e) of this Part or the annual English language proficiency examination discussed in Section 228.25(c) of this Part shall be required to complete an on line training sequence furnished by the State Board of Education and to pass the test embedded in that material.~~

c)e Specific Requirements for Transitional Bilingual Education (TBE) Programs

- 1) Each full-time TBE program shall consist of at least the following components (Section 14C-2 of the School Code):

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- A) *Instruction in subjects which are either required by law (see 23 Ill. Adm. Code 1) or by the student's school district, to be given in the student's home language and in English; core subjects such as math, science and social studies must be offered in the student's home language;*
- B) *Instruction in the language arts in the student's home language; and*
- C) *Instruction in English as a second language, which must align to the "English Language Proficiency Standards for English Language Learners in PreKindergarten through Grade 12" (2007), published by the Board of Regents of the University of Wisconsin System on behalf of the WIDA Consortium and posted at <http://www.wida.us/standards/elp.aspx>. No later amendments to or editions of these standards are incorporated by this Section; and*
- ~~D)~~E) *Instruction in the history and culture of the country, territory, or geographic area which is the native land of the students or of their parents and in the history and culture of the United States.*
- 2) Programs may also include other services, modifications, or activities such as counseling, tutorial assistance, learning settings, or special instructional resources that will assist students of limited English proficiency in meeting the Illinois Learning Standards (see 23 Ill. Adm. Code 1, Appendix D) and for preschool programs established pursuant to Section 2-3.71 of the School Code and for kindergarten levels, the Illinois Early Learning Standards (see 23 Ill. Adm. Code 235, Appendix A).
- 3) Students may be placed into a part-time program, or students previously placed in a full-time program may be placed in a part-time program, if an assessment of the student's English language skills has been performed in accordance with the provisions of either Section 228.15(e) or Section ~~228.25(b)~~ ~~228.25(e)~~ of this Part and the assessment results indicate that the student has sufficient proficiency in English to benefit from a part-time program. Evidence of sufficient proficiency shall be achievement of the minimum score set by the State Superintendent either on the prescribed screening instrument required in Section 228.15(e) of this Part or the

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English language proficiency assessment required in Section 228.25(b).
~~However, district~~ District staff also shall consider the student's score and his or her proficiency in the home language; prior performance, if any, in coursework taught exclusively in English; current academic performance; and other relevant factors such as age, disability, and cultural background in order to determine whether a full-time or a part-time program is appropriate.

- 4) A part-time program shall consist of components of a full-time program that are selected for a particular student based upon an assessment of the student's educational needs. Each student's part-time program shall provide daily instruction in English and in the student's native language as determined by the student's needs.
- 5) *Parent and Community Participation – Each district or cooperative shall establish a parent advisory committee consisting of parents, legal guardians, transitional bilingual education teachers, counselors, and community leaders. This committee shall participate in the planning, operation, and evaluation of programs. The majority of committee members shall be parents or legal guardians of students enrolled in these programs. Membership on this committee shall be representative of the languages served in programs to the extent possible. (Section 14C-10 of the School Code [105 ILCS 5/14C-10])*
 - A) The committee shall:
 - i) meet at least four times per year;
 - ii) maintain on file with the school district minutes of these meetings; and
 - iii) review the district's annual program application to the State Superintendent of Education.
 - B) Each district or cooperative shall ensure that training is provided annually to the members of its parent advisory committee. This training shall be conducted in language that the parent members can understand and shall encompass, but need not be limited to, information related to instructional approaches and methods in

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bilingual education; the provisions of State and federal law related to students' participation and parents' rights; and accountability measures relevant to students in bilingual programs.

d)† Specific Requirements for Transitional Program of Instruction (TPI)

- 1) Program Structure – The level of a student's proficiency in English, as determined by an individual ~~student language~~ assessment of the student's language skills on the basis of either the prescribed screening instrument required in Section 228.15(e) of this Part or the English language proficiency assessment required in Section 228.25(b) of this Part in conjunction with other information available to the district regarding the student's level of literacy in his or her home language, will determine the structure of the student's instructional program.
- 2) Program Components – A transitional program of instruction must include instruction or other assistance in the student's home language to the extent necessary, as determined by the district on the basis of the prescribed screening instrument ~~student assessment~~ required in Section 228.15(e) of this Part or the English language proficiency assessment required in Section 228.25(b) 228.25(e) of this Part, to enable the student to keep pace with his/her age or grade peers in achievement in the core academic content areas. A transitional program of instruction may include, but is not limited to, the following components:
 - A) instruction in ESL, which must align to the "English Language Proficiency Standards for English Language Learners in PreKindergarten through Grade 12" (2007), published by the Board of Regents of the University of Wisconsin System on behalf of the WIDA Consortium and posted at <http://www.wida.us/standards/elp.aspx>. No later amendments to or editions of these standards are incorporated by this Section;
 - B) language arts in the students' home language; and
 - C) instruction in the history and culture of the country, territory, or geographic area that is the native land of the students or of their parents and in the history and culture of the United States.

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(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 228.35 Personnel Qualifications; Professional Development

- a) Each individual assigned to provide instruction in a student's native language shall meet the requirements for bilingual education teachers as set forth in 23 Ill. Adm. Code 25 (Certification) and 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision), as applicable.
- b) Each individual assigned to provide instruction in ESL shall meet the requirements for ESL or English as a New Language teachers as set forth in 23 Ill. Adm. Code 25 (Certification) and 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision), as applicable.
- c) Preschool Programs
 - 1) Each individual assigned to provide instruction to students in a preschool program shall meet the requirements of 23 Ill. Adm. 235.20(c)(8)(A) (Early Childhood Block Grant).
 - 2) By July 1, 2014, each individual assigned to provide instruction to students in a preschool program also shall meet the applicable requirements of subsection (a) or (b) of this Section, depending on the assignment.
 - 3) Noncertificated staff employed to assist in instruction in a preschool program shall meet the requirements of 23 Ill. Adm. 235.20(c)(8)(B).
- d) Administrators

Beginning July 1, 2008, each individual newly assigned to administer a program under this Part shall meet the applicable requirements of this subsection (d). Administrators first assigned on or before June 30, 2008, shall be subject to the applicable requirements of this subsection (d) as of July 1, 2010.

 - 1) Except as provided in subsections (d)(3) and (4) of this Section, any person designated to administer a TBE program must hold a valid administrative certificate or a supervisory endorsement issued on an initial or standard teaching certificate by the State Board of Education in

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accordance with applicable provisions of 23 Ill. Adm. Code 25 (Certification) and 23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision) and must hold the bilingual approval or endorsement or the ENL endorsement with a language designation.

- 2) Except as provided in subsections (d)(3) and (4) of this Section, any person designated to administer a TPI program must hold a valid administrative certificate or a supervisory endorsement issued on an initial or standard teaching certificate by the State Board of Education in accordance with applicable provisions of 23 Ill. Adm. Code 25 and 1 and must hold the bilingual or ESL approval or endorsement or the ENL endorsement.
- 3) A person designated to administer a TBE or TPI program in a district with fewer than 200 TBE/TPI students shall be exempt from all but the requirement for an administrative certificate or a supervisory endorsement issued on an initial or standard teaching certificate, provided that he or she annually completes a minimum of eight hours of professional development specifically designed to address the needs of students with limited English proficiency. An assurance that this requirement has been met shall be provided annually in a school district's application submitted pursuant to Section 228.50 of this Part. Documentation for this professional development activity shall be made available to a representative of the State Board of Education upon request.
- 4) A person who has been assigned to administer a TPI program in a district that experiences such growth in the number of students eligible for bilingual education that a TBE program is required shall become subject to the requirements of subsection (d)(1) of this Section at the beginning of the fourth school year of the TBE program's operation. A person who has been assigned to administer a program under subsection (d)(3) of this Section in a district where the number of students eligible for bilingual education reaches 200 shall become subject to the requirements of subsection (d)(2) of this Section at the beginning of the fourth school year in which the eligible population equals or exceeds 200 or more students. That is, each individual may continue to serve for the first three school years on the credentials that qualified him or her to administer the program previously operated.

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- e) Professional Development for Staff
- 1) Each school district having a program shall annually plan professional development 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 Superintendent of Education if it meets the standards set forth in subsections (e)(2) and (e)(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 the requirements for the program established under this Part and the employing district's relevant policies and procedures.
 - 3) Training activities shall be provided to all bilingual program staff at least twice yearly and shall address at least one of the following areas:
 - A) current research in bilingual education;
 - B) content-area and language proficiency assessment of students with limited English proficiency;
 - C) research-based methods and techniques for teaching students with limited English proficiency;
 - D) research-based methods and techniques for teaching students with limited English proficiency who also have disabilities; and
 - E) 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.
 - 4) In addition to any other training required under this subsection (e), each individual who is responsible for administering the prescribed screening instrument referred to in Section 228.15(e) of this Part or the annual English language proficiency assessment discussed in Section 228.25(b) of this Part shall be required to complete on-line training designated by the State Superintendent of Education and to pass the test embedded in that material.

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- 5) In addition to any other training required under this subsection (e), each district that operates either a TBE or a TPI program for students of Spanish language background in kindergarten and any of grades 1 through 12 shall provide annually at least one training session related to the implementation of the Spanish language arts standards required under Section 228.30(b)(4) of this Part for staff members of that program who are providing instruction in the Spanish language arts.

(Source: Added at 34 Ill. Reg. _____, effective _____)

Section 228.40 Students' Participation; Records

- 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].*
 - 2) *Withdrawal by Parents – Any parent or legal guardian whose child has been enrolled in a program shall have the absolute right to withdraw the child from the program immediately by submitting a written notice of his or her desire to withdraw the child to the school authorities of the school in which the child is enrolled or to the school district in which the child resides. (Section 14C-4 of the School Code)*
- b) Unless terminated as set forth in subsection (a)(2) of this Section, the duration of a student's participation in a program under this Part shall be as set forth in Section 14C-3 of the School Code.
- 1) If a student participates in a TBE or TPI in preschool or kindergarten, then that participation does not count towards the three-year total specified in Section 14C-3 of the School Code.

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- 2) If a student exits a program after three years and is not proficient in English, then the school district shall meet the requirements of Section 228.27 of this Part.
- c) 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 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. ~~These~~
 - A) Progress reports shall indicate the student's progress in the program and in the general program of instruction, ~~and~~.
 - B) Progress reports shall indicate when the student has successfully completed requirements for transition from the program into the general program of instruction if that information has not been reported separately in writing to the parents or legal guardian.
 - C) 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 agrees ~~agree~~ in writing to waive this requirement. The parents' waiver shall be kept on file in accordance with subsection (c)(3) of this Section.
 - 2) Annual Student Reports - Each district must submit electronically the information requested by the State Superintendent using the SIS no later than June 30 of each year. Each district also must complete the ~~Transitional Bilingual Education Annual Student Report and the Program Delivery Report~~ provided by the State Superintendent of Education, in which information on each program ~~and 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 language proficiency assessment test scores and results from the prescribed screening instrument for students in kindergarten and

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any of grades 1 through 12 or the results from the prescribed screening instrument for students in preschool programs; and other student information (e.g., language, grade level, and attendance);; the rationale for a student's placement into a part-time program, where applicable, including documentation of the factors indicating that a part-time program would be appropriate; 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~~ their students' records, as specified in 23 Ill. Adm. Code 375.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 228.50 Program Plan Approval and Reimbursement Procedures

- a) Reimbursement for programs provided by school districts pursuant to the provisions of Article 14C of the School Code and this Part is contingent upon the submission and approval of a program plan and request for reimbursement in accordance with the requirements of Section 14C-12 of the School Code and this Section.
- b) Program Plan Submission and Approval
 - 1) Applications for program approval shall be submitted, on forms provided by the State Superintendent of Education, at least 60 calendar days prior to the start of the proposed initial or continuing program.
 - 2) The State Superintendent of Education will waive the requirement in subsection (b)(1) of this Section only when an application is accompanied by a statement of facts showing that the waiver will enable the district to begin serving a student or students sooner than would otherwise be the case.
 - 3) School districts shall be granted at least 45 calendar days to complete and submit applications to the State Superintendent of Education. A district's failure to submit a completed application by the date specified on the form will delay its receipt of reimbursement pursuant to subsection (c) of this Section.

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- 4) Applications for a Transitional Bilingual Education Program and/or a Transitional Program of Instruction must contain at least the following information:
- A) The number of students to be served by grade or grade equivalent and language group in a full-time or part-time program.
 - B) A summary description of the number and types of personnel who will provide services in the program.
 - C) A description of the full-time and/or part-time program to be provided to the students identified pursuant to subsection (b)(4)(A) of this Section in relation to the applicable program standards set forth in Section 228.30 of this Part.
 - D) Additional requirements for programs offering instruction in Spanish language arts in kindergarten and any of grades 1 through 12:
 - i) For the 2010-11 school year only, a description of the steps the district will take to align its curriculum in the Spanish language arts with the standards required under Section 228.30(b)(4) this Part; and
 - ii) For 2011-12 and each subsequent school year, a description of the methods by which the district will measure and monitor its students' progress with respect to the standards required under Section 228.30(b)(4) of this Part.
 - E) For preschool programs that will screen students for English proficiency using a procedure other than the administration of the Pre-IPT, a description of the screening procedures to be used that provides evidence that these procedures are developmentally appropriate, supported by research and address the following areas:
 - i) Criteria to determine at what point performance on the screening instrument identifies a child as proficient in English; and

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- ii) Screening instruments or activities related to and able to measure the child's English proficiency in at least the domains of listening and speaking to include vocabulary, comprehension, grammar and syntax, and verbal expression.
 - iii) A state-funded preschool program that does not submit an application for funding under this Part shall provide the information requested in subsection (b)(4)(E) of this Section as part of its application submitted pursuant to 23 Ill. Adm. Code 235 (Early Childhood Block Grant).
- F) A budget summary containing a projection of the program expenditures (e.g., instruction, support services, administration and transportation) and offsetting revenues for the upcoming fiscal year, and a detailed budget breakdown, including allowable program expenditures for which reimbursement is sought, other program expenditures, and total program costs.
- ~~G/E)~~ In the case of a TBE program, an assurance that ~~the signature of the chairperson of the district's Bilingual Parent Advisory Committee established pursuant to Section 14C-10 of the School Code and Section 228.30(c)(5) 228.30(e)(5) of this Part, which shall be evidence that the Committee has had an opportunity to review the application.~~
- H) Inclusion of certifications, assurances and program-specific terms of the grant, as the State Board of Education may require, to be signed by the applicant that is a party to the application and submitted with the application.
- 5) Applications that, upon review by the State Superintendent of Education staff, are found to contain the information required pursuant to this Section shall be recommended for approval by the State Superintendent of Education. If the application is found to be incomplete, State Board staff will send a written notice to applicants requesting that they supply the needed information. In order to permit accurate allocation of funds for the

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program among eligible recipients, the State Superintendent may establish a deadline by which applicants must supply the requested information.

- 6) The State Superintendent of Education will approve applications that demonstrate compliance with Article 14C of the School Code and this Part, except that the State Superintendent shall invoke subsection (b)(5) of this Section with respect to any requested information that is missing from any application submitted for approval.
- c) Account of Expenditures and Reimbursement Procedures
- 1) An account of each district's expenditures pursuant to Article 14C of the School Code and this Part shall be maintained as required in Section 14C-12 of the School Code. Accounting procedures shall be in accordance with applicable requirements of 23 Ill. Adm. Code 100 (Requirements for Accounting, Budgeting, Financial Reporting, and Auditing)~~110 (Program Accounting Manual)~~.
 - 2) The final annual report of district expenditures, which shall include the information specified in Section 14C-12 of the School Code, shall be submitted on forms provided by the State Superintendent of Education no later than July 31 of each year.
 - 3) School districts shall submit claims for reimbursement of programs approved in accordance with this Part on forms provided by the State Superintendent of Education and in accordance with Section 14C-12 of the School Code. No State reimbursement shall be available with respect to any student served for fewer than five class periods per week.
 - 4) In the event that funds appropriated by the General Assembly are insufficient to cover the districts' excess costs, the funds will be distributed on a pro rata basis and in accordance with the timelines specified in Section 14C-12 of the School Code.
 - 5) A request to amend a district's approved budget shall be submitted on forms provided by the State Superintendent of Education whenever a district determines that there is a need to increase or decrease an approved line item expenditure by more than \$1,000 or 20 percent, whichever is larger. A budget amendment must also be submitted for approval when a

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grantee proposes to use funds for allowable expenditures not identified in the approved budget.

- 6) Budget amendment requests will be approved if the rationale provided for each amendment includes facts demonstrating that:
 - A) there is a need (e.g., a change in the number of students served or personnel needed); and
 - B) the altered expenditures and their related program services will be in compliance with the requirements of Article 14C of the School Code and this Part.

(Source: Amended at 34 Ill. Reg. _____, effective _____)

Section 228.60 Evaluation Enforcement

- a) Each school district's compliance with the requirements of Article 14C of the School Code and this Part shall be evaluated ~~at least every three years~~ by State Board of Education staff, who shall use the criteria set forth in Article 14C of the School Code and this Part to determine compliance.
- b) Each school district's progress with regard to the academic achievement of students having limited English proficiency shall be evaluated annually in accordance with the provisions of 23 Ill. Adm. Code 1.40 (Public Schools Evaluation, Recognition and Supervision) ~~The recognition status of districts found to be in noncompliance with the requirements of Article 14C of the School Code and this Part will be evaluated in accordance with the provisions of Subpart A of 23 Ill. Adm. Code 1.~~

(Source: Amended at 34 Ill. Reg. _____, effective _____)