

Potential Misidentification of EL Data Overview and Scenarios

Multilingual / Language Development Department

Federal Legislation and Landmark Cases

Federal Requirements

Title VI, Civil Rights Act of 1964

- Prohibits denial of equal access to education because of language minority students' limited proficiency in English.

Title VII of the ESEA of 1968: The Bilingual Education Act

- The first federal legislation to recognize the unique needs of English learners and the need for specialized instruction. It established federal funding for the training of bilingual teachers and bilingual programs.

Equal Educational Opportunity Act of 1974

- Defines denial of equal educational opportunity as “failure by an educational agency to take appropriate action to overcome language barriers that impede equal participation by students in an instructional program.”

Individuals with Disabilities Education Act (IDEA) of 1975

- Provides for free appropriate public education to eligible children with disabilities throughout the nation.
- Ensures special education and related services to those children

English learners (ELs) must be able to participate effectively in all programs and content areas.

Landmark Cases

Lau v. Nichols, 414 U.S. 563 (U.S. Supreme Court, 1974)

- Districts must take affirmative steps to overcome educational barriers faced by the non-English speaking students in a district.

Castañeda v. Pickard (648 F.2d 989, U.S. Court of Appeals, 5th Circuit, 1981)

- Program for ELs should be:
 - **Theory:** Based on “a sound educational theory”;
 - **Practice:** “Reasonably calculated to implement effectively the educational theory adopted by the school,” with adequate resources and personnel; and
 - **Results:** Evaluated as effective in overcoming language barriers after a trial period.

Plyler v. Doe, 457 U.S. 202, 102 S. Ct. 2382, 72 L. Ed. 2d 786 (1982)

- The U.S. Supreme Court ruled that undocumented children have the same right as U.S. citizens and permanent residents to receive a free public education.

Legislative Update for Transitional Bilingual Education (TBE) Programs

Revised: Illinois School Code (105 ILCS5/14C-3)

"Every school-age English learner, not enrolled in existing private school systems, shall be enrolled and participate in the Transitional Bilingual Education program established by the school district in which they reside, according to the classification to which they belong. They shall remain in the program until they have developed sufficient English language skills to succeed in classes conducted entirely in English. An annual examination in oral language (listening and speaking), reading, and writing, as prescribed by the State Board, will be administered to all English learners participating in the TBE program. No school district shall transfer an English learner out of the TBE program unless the student has achieved a score on this examination that, in the State Board's determination, reflects a level of English proficiency appropriate to their grade level."

Amended to obtain parent permission for students to continue receiving EL services beyond three years, effective Jan. 1, 2026

Key Changes for Districts on Jan. 1, 2026

More Flexibility for ELs: No more parental permission required to continue services beyond three years.

Streamlined Enrollment/Placement Procedures: No need for separate letters to notify parents of enrollment/placement for students in one to three years of service versus beyond three years.

Streamlined Exit Procedures: No need for separate reclassification letters for students who've achieved proficiency prior to receiving three years of service versus after three years of service.

Ongoing Support for ELs: ELs get the support they need for as long as they need it. Students remain in the EL program until they have reached proficiency on the annual WIDA ACCESS assessment and developed enough English skills to succeed in English-only classrooms.

Transition Period and Implementation

- Districts will have a full school year (2025-2026) to adjust their local procedures and documentation practices.



- The updated requirements will take effect in the 2026-2027 school year.
- Enrollment/placement and reclassification letters on ISBE website will be updated and available for use on Jan. 1, 2026

English Learner (EL) Records Investigation Team

Purpose

- The English Learner (EL) Records Investigation Team reviews suspected cases of misidentified EL students.
- The team reviews the evidence provided by districts and other stakeholders when a case is opened by ISBE.
- This process is designed to help ensure that district policy and procedures conform with state and federal requirements.

Recommended Steps for Investigation



General District Responsibilities:



- Review your registration process to ensure parents understand the documents/paperwork.



- Be sure to follow identification procedures.



- ISBE's [EL Identification webpage](#) has the requirements and exemption information.



- Ensure accurate student data is entered in the [Student Information System \(SIS\)](#).



- Please see the [SIS presentation](#) and [webinar recording](#) for further information.

Potential Misidentification of EL Students

Identifying Possible Misidentification of EL Students, Steps for Districts

- Review original [Home Language Survey \(HLS\)](#) and your district HLS, as applicable.
 - Was the original HLS completed?
 - Check the temporary file to obtain the original/initial HLS
 - Were the two questions unchanged and answered?
 - Check the completed HLS
 - Was it signed and dated by the parent/guardian?
 - Is the form consistent with what is listed in SIS?
 - Does it match?
 - Native language = language other than English listed on the HLS
 - Home language = language other than English, third language, English

HLS Example/Template - ISBE

Home Language Survey

The state requires the district to collect a Home Language Survey for every new student. This information is used to count the students whose families speak a language other than English at home. It also helps to identify the students who need to be assessed for English language proficiency.

Please answer the questions below and return this survey to your child's school.

Student's Name: _____

1. Is a language other than English spoken in your home?

Yes _____ No _____

Which language? _____

2. Does your child speak a language other than English?

Yes _____ No _____

Which language? _____

If the answer to either question is yes, the law requires the school to assess your child's English language proficiency.

Parent/Legal Guardian Signature

Date

Identifying Possible Misidentification of EL Students, Steps for Districts

- Review initial screening results to ensure that the student had a qualifying score.
 - Was the correct screener administered?
 - Kindergarten
 - WIDA Screener for Kindergarten (FY24 and later)
 - WIDA MODEL (FY23 and prior)
 - Grade 1-12
 - WIDA Screener (online or paper)
 - W-APT (FY16 and prior)
 - Was the screening administered with fidelity?
 - Check the temporary file for a copy of the screening score/test
 - Given correct test/domains based on grade level/time of year.
 - Does the score align with the EL Indicator?
 - Score is 5.0 or above – EL = NO
 - Score is below 5.0 - EL = YES

Identifying Possible Misidentification of EL Students, Steps for Districts

- Review the SIS record to gain insight into the EL background of the student.
 - Review ACCESS scores, if applicable.
 - Identify if a student was previously reclassified.
- Check with the previous school district(s) of incoming transfer students, including high school students, to obtain any information listed above that can't be accessed via SIS.
 - This includes the student's temporary file in which the EL information should be included.
- If a possible misidentification has been uncovered based on review of evidence, please contact multilingual@isbe.net with the information to initiate an investigation.

Possible HLS Error

Steps for Districts

Possible HLS Error - Review of HLS Document

Review original HLS when the student first enrolled in an Illinois school and your district's HLS, as applicable. The following applies to both paper and online registration:

- Was the original HLS completed?
 - Is there a signature line for the parents under or on the same page as the two required questions from the state?
 - Is it signed and dated?
- Did the parent receive the HLS in both languages?

Possible HLS Error - Quality Control of Registration Process

- Ensure that the HLS function in the local system online registration process is operating properly and completed correctly before uploading the HLS information to SIS.
 - For example, districts should not upload information if:
 - HLS responses state “no” and list a language other than English as the language.
 - A “yes” response, and the language listed is “English” or “Other.”
 - The HLS doesn't match the previous HLS (if available)
- This is not an exhaustive list. Please contact the parent/guardian if there is inconsistent information.

Possible HLS Error - District Gathers Evidence

Gather/review relevant communication with parents.

- For example:
 - Notification of screening
 - Notification of placement
 - Email
 - Call logs
 - Refusal letters
 - In-person meetings/conversations

Possible HLS Error – Record Review: Temporary and SIS

- Review the SIS record to gain insight into the EL background of the student.
- Review screening results (pre-k, as applicable, and kindergarten/first grade screening) to ensure that the student has a qualifying score.
- Review ACCESS scores, if applicable.
 - See if a student previously reclassified.
 - Gather information from past districts, as applicable, and refer to any item referenced above.

If you have determined that there may have been an error in the registration process or completion of the HLS, contact multilingual@isbe.net for further guidance and review.

Forms

**HLS Appeals
Acknowledgement**

**District Position
Statement**

**Parent Letter (if parent
initiated)**

Scenario Analysis

Scenario 1

Student transitioned with ACCESS, then entered a new district, got rescreened and is now marked as EL.

What information does the district need to look at?

What information needs to be gathered?

What information needs to be sent to/requested by the Multilingual/Language Development Department at ISBE?

Scenario 2

The first bilingual director a district ever had did an audit of their student record and found 6 students who had been identified as EL not through screening, but because they had Hispanic sounding last names.

What information does the district need to look at?

What information needs to be gathered?

What information needs to be sent to/requested by the Multilingual/Language Development Department at ISBE?

Scenario 3

A district discovered that a student had been an EL, and reclassified on ACCESS several years ago, but the student was accidentally given the ACCESS test again because they had the same name as another EL and the student scored low and regained an EL designation.

What information does the district need to look at?

What information needs to be gathered?

What information needs to be sent to/requested by the Multilingual/Language Development Department at ISBE?



Questions?

Thank you