



Illinois State Board of Education

Federal Rules and Regulations

Division of English Language Learning



Webinar Module Sequence

- **Module 1: Federal Rules and Regulations**
- Module 2: Identification and Screening of English learners
- Module 3: Transitional Bilingual Education (TBE) and Transitional Program of Instruction (TPI) Requirements
- Module 4: Educator Licensure Requirements for Teachers of English Learners
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Overview

- Introduction to English Learners (ELs) in Illinois
- Federal Legislation and Landmark Cases
- Illinois Implementation of Federal Regulations Regarding Enrollment
- Federal Rules and Regulations: Services
- Federal Rules and Regulations
 - Identification and Assessment
 - Language assistance services and programs
 - ELs and Special Education
 - Staffing
 - Parental refusals
 - Students who met English language proficiency criteria
 - Parents' rights
 - Evaluation of programs



INTRODUCTION TO ENGLISH LEARNERS (ELs) IN ILLINOIS



Illinois Definition of an English Learner

“Any student in preK, K, or any of grades 1-12, whose home language background is a language other than English and whose proficiency in speaking, reading, writing, or understanding English is not yet sufficient to provide the student with:

- a) the ability to meet the State's proficient level of achievement on State assessments;
- b) the ability to successfully achieve in classrooms where the language of instruction is English; or
- c) the opportunity to participate fully in the school setting.”

23 Ill. Adm. Code 228.10



State Requirements

- Illinois School Code (Article 14C Transitional Bilingual Education)
- Illinois Administrative Code (Title 23):
 - Part 228: Transitional Bilingual Education
 - Rules from other sections, for example:
 - Part 1.88 Additional Requirements for districts serving ELs under Title III of NCLB
 - Part 1 and Part 25 Educator Licensure
 - Part 226 Special Education
 - Part 235 Early Childhood Block Grant

For more information, please watch other modules in the series

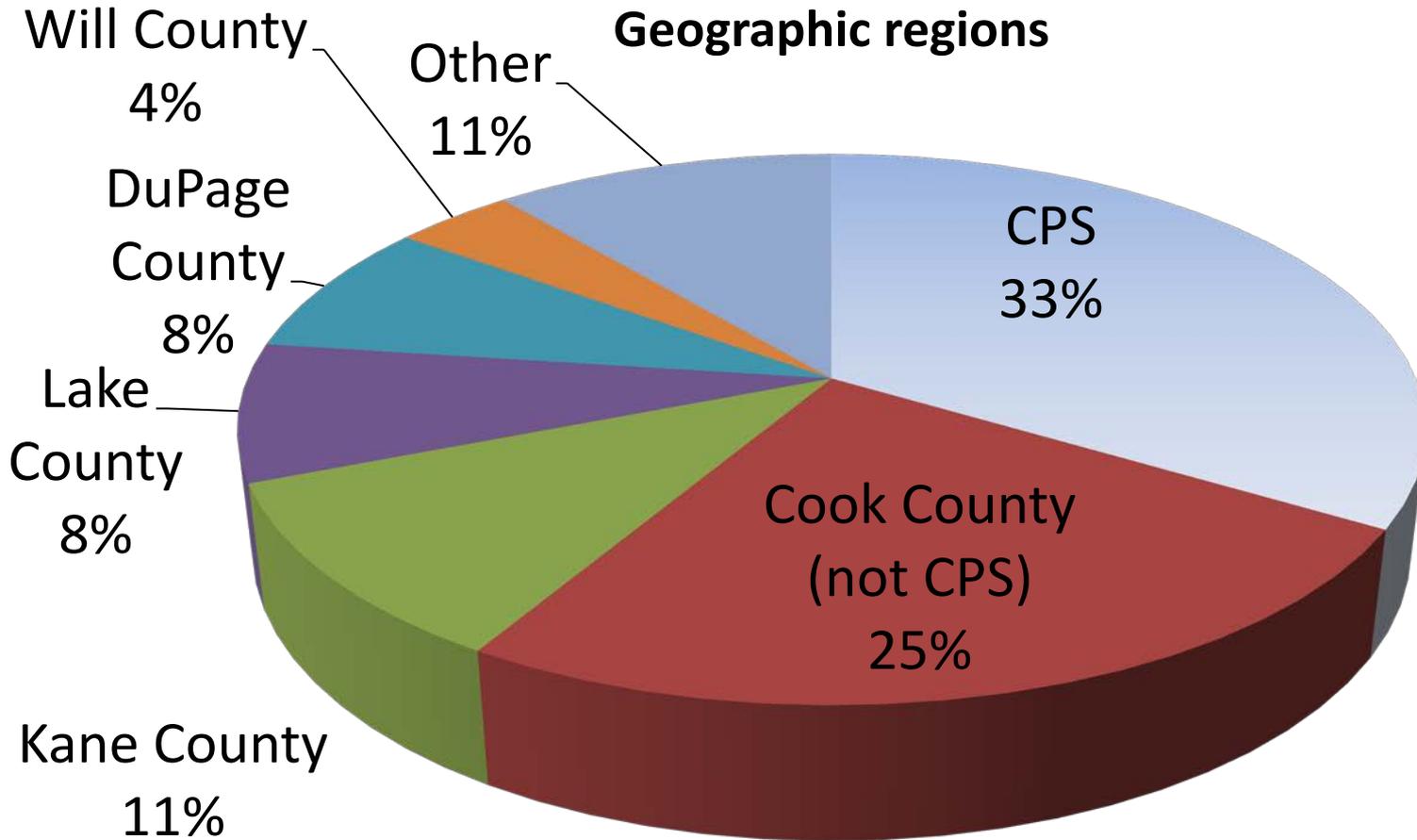


Frequently Used Terminology

Term	Acronym
English Language Learner	ELL
English Learner	EL
Language Minority Student	
Limited English Proficient	LEP



English Learners in Illinois





English Learners in Illinois

- ELs are a diverse population. For example, in Illinois, there are over 200,000 identified English learners:
 - Over 70% of ELs are born in the United States; 30% are immigrants;
 - At least 140 languages are spoken (Top ten: Spanish (80%); Polish; Arabic; Urdu; Tagalog; Gujarati; Cantonese; Mandarin, Vietnamese, Korean);
 - Placement (Approximately: 9% in preK; 57% in K-3; 11% grades 4-5, 12% in grades 6-8, 10% high school)



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

- Challenged assimilationist theories and the concept of the "melting pot" as assimilation exclusively.

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”.

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 the 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.



FEDERAL RULES AND REGULATIONS: STUDENT ENROLLMENT & ACCESS TO SERVICES



Students' Rights to Equal Education

- The laws of Illinois and the United States guarantee all students in Illinois access to a quality education. This requires every district to guarantee all students equal access to the full range of programs and resources.
- 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
- Existing law guarantees immigrant and non-English speaking students a free public education from kindergarten through grade twelve up until the age of twenty-one regardless of immigrant status.



Students' Right to Desegregation

- School districts generally may not segregate students on the basis of national origin or EL status.
- Although certain EL programs may be designed to require that ELs receive separate instruction for a limited portion of the day or period of time, school districts and states are expected to carry out their chosen program in the least segregated manner consistent with achieving the program's stated educational goals.

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Students' Right to Equal Education

- **Social Security Number not Required:** Because the law prohibits any action which might have a "chilling" effect on the right of access to schools, districts must not require parents or adult care-takers to provide information concerning their or their children's immigration status. Policies or procedures which condition services or benefits by requiring a child's or a parent's Social Security number must be amended because these practices have the effect of exposing the immigration status of undocumented students or their parents.



Students' Right to Equal Education

- **Using alternatives for documentation of identification or residency:** Similarly, when implementing residency policies, care must be taken to ensure that parents or adult caretakers can establish residency within the district by means which will not force them to, albeit indirectly, reveal their immigration status. Thus, districts may accept as proof of residency, but cannot mandate, that parents or adult caretakers provide either an Illinois driver's license or a state identification card which require Social Security numbers. If an identification number is needed for administrative purposes, districts should assign a school-generated identification number to avoid infringing upon undocumented students' rights.



Students' Right to Equal Education

- **Access to federal foods programs:** Schools are required to provide undocumented immigrant students the same benefits and services made available to other students. Therefore, when determining eligibility for free or reduced lunch and/or breakfast programs under the School Lunch Act, do not reject applications which do not have the parent's Social Security number. Parents without Social Security numbers need only indicate on the application that they do not have a number. Districts must make it clear that any and all information provided is used solely to obtain federal funds.



RULES AND REGULATIONS: IDENTIFICATION, SCREENING, & PROGRAMS



Federal: Identifying and Assessing All Potential ELs

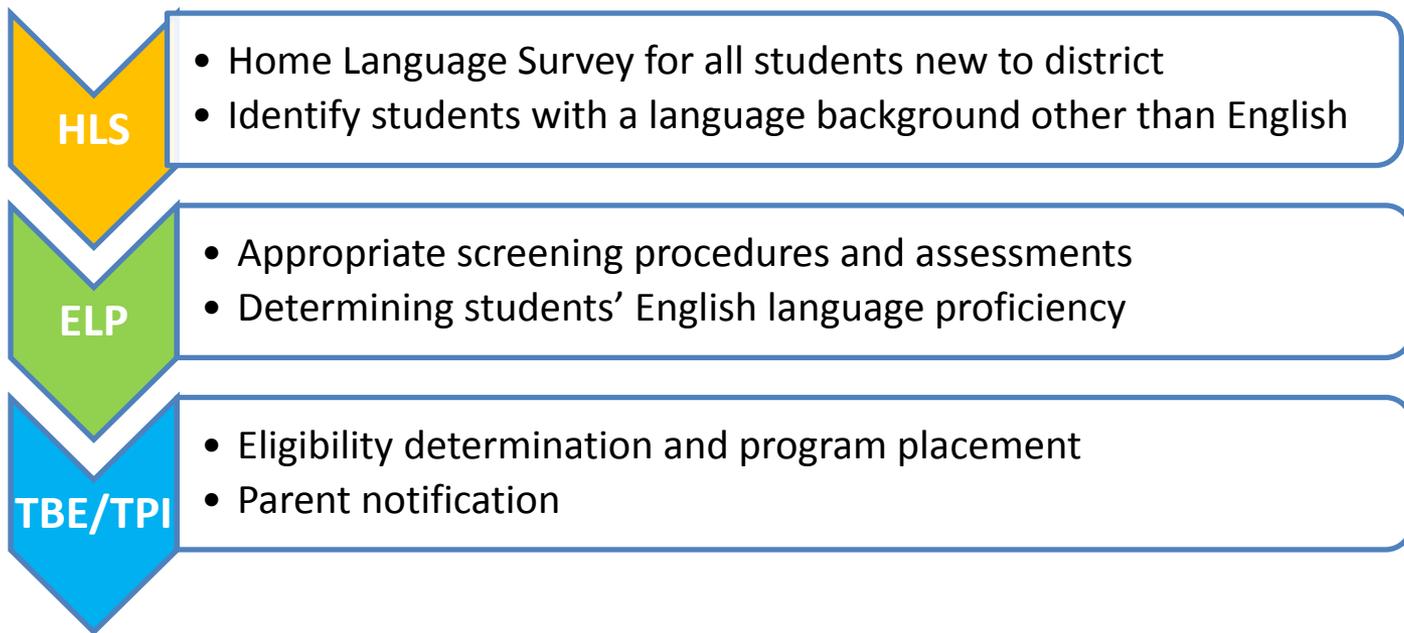
- School districts must have procedures in place to accurately and timely identify potential ELs.
- Home Language Survey (HLS) should be administered at the time of enrollment to gather information about a student's language background and identify students whose primary or home language is other than English.
- School districts must then determine through a valid and reliable test that assesses English language proficiency in speaking, listening, reading and writing if students are English learners.

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Illinois Implementation of Federal Rules

- There are very specific guidelines with regards to the identification, screening, and placement of English learners:



For more information, please watch Module 2



Federal: Providing Language Assistance to ELs

- ELs are entitled to appropriate language assistance services to become proficient in English and to participate equally in the standard instructional program within a reasonable period of time.
- Programs designed for instructing ELs must be educationally sound in theory and effective in practice.



Illinois Implementation of Federal Rules

TBE:

Transitional Bilingual Education

Required when there are 20 or more ELs from the same language background in school (preschool is counted separately). May be offered to fewer than 20 ELs.

TPI

Transitional Program of Instruction

The school has an option to offer this program instead of TBE when there are 19 or fewer ELs from the same language background at school (preschool is counted separately)



Federal: Providing Meaningful Access to All Curricular and Extracurricular Programs

- ELs must have access to their grade-level curricula so that they can meet promotion and graduation requirements.
- ELs are entitled to an equal opportunity to participate in all programs, including pre-kindergarten, magnet, gifted and talented, career and technical education, arts, and athletics programs; Advanced Placement (AP) and International Baccalaureate (IB) courses; clubs; and honor societies.

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Federal: Staffing and Supporting an EL Program

- ELs are entitled to EL programs with sufficient resources to ensure the programs are effectively implemented, including highly qualified teachers, support staff, and appropriate instructional materials.
- School districts must have qualified EL teachers, staff, and administrators to effectively implement their EL program, and must provide supplemental training when necessary.

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Illinois Implementation of Federal Rules

- Bilingual teachers and ESL teachers must meet licensure requirements for the grade and subject taught as well as for bilingual/ESL endorsement as applicable



Federal: Evaluating ELs for Special Education and Providing Dual Services

- ELs with disabilities must be provided *both* the language assistance and disability-related services to which they are entitled under Federal law.
- ELs who may have a disability, like all other students who may have a disability and may require services under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973, must be located, identified and evaluated for special education and disability-related services in a timely manner.
- To avoid inappropriately identifying ELs as students with disabilities because of their limited English proficiency, ELs must be evaluated in an appropriate language based on the student's needs and language skills.
- To ensure that an individualized plan for providing special education or disability-related services addresses the language-related needs of an EL with a disability, it is important that the team designing the plan include participants knowledgeable about that student's language needs.



Illinois Implementation of Federal Rules

- A qualified bilingual specialist participates on the Individual Education Plan (IEP) teams of ELs (226.210, 226.800)
- Determining the primary language of the child's home, general cultural identification, and mode of communication (226.140)
- Evaluation to be nondiscriminatory with respect to language, culture, race, and gender (226.150)
- IEP shall include a statement as to the languages or modes of communication in which special education and related services will be provided, if other than or in addition to English (226.230)
- Considerations for Parents' Participation and notifications (226.530, 226.500, 226.625)



Federal: Monitoring and Exiting ELs from EL Programs and Services

- School districts must monitor the progress of all ELs to ensure they achieve English language proficiency and acquire content knowledge within a reasonable period of time. Districts must annually administer a valid and reliable English language proficiency (ELP) assessment, in reading, writing, listening and speaking, that is aligned to State ELP standards.
- An EL must not be exited from EL programs, services, or status until he or she demonstrates English proficiency on an ELP assessment in speaking, listening, reading, and writing.
- School districts must monitor the academic progress of former ELs for at least two years to ensure that students have not been prematurely exited; any academic deficits they incurred resulting from the EL program have been remedied; and they are meaningfully participating in the district's educational programs comparable to their peers who were never ELs (never-EL peers).

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Federal: Ensuring Meaningful Communication with Limited English Proficient Parents

- LEP parents are entitled to meaningful communication in a language they can understand, such as through translated materials or a language interpreter, and to adequate notice of information about any program, service, or activity that is called to the attention of non-LEP parents.
- Schools must respond to a parent's request for language assistance, even if their children are proficient in English
- Schools must provide translation and interpretation from appropriate and competent individuals and may not rely on or ask students, siblings, friends, or untrained school staff to translate or interpret for parents.



Federal: Meeting the Needs of Students Who Opt Out of EL Programs or Particular Services

- All ELs are entitled to services. Parents may, however, choose to opt their children out of a school district's EL program or out of particular EL services within an EL program.
- School districts may not recommend that parents opt out for any reason. Parents are entitled to guidance in a language that they can understand about their child's rights, the range of EL services that their child could receive, and the benefits of such services. School districts should appropriately document that the parent made a voluntary, informed decision to opt their child out.
- A school district must still take steps to provide opted-out ELs with access to its educational programs, monitor their progress, and offer EL services again if a student is struggling.

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Federal: Ensuring Meaningful Communication with Limited English Proficient Parents

- Schools must communicate information in a language parents can understand, including information about or related to:
 - Registration and enrollment in school and school programs
 - Language assistance programs
 - Report cards
 - Student discipline policies and procedures
 - Special education and related services
 - Parent-teacher conferences
 - Grievance procedures
 - Parent handbooks
 - Gifted and talented programs; magnet and charter school options
 - Requests for parent permission for student participation in school activities

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More information about parent rights related to services for ELs are included in Module 3.



Division of English Language Learning

<http://www.isbe.net/bilingual/default.htm>

(312) 814-3850

dell@isbe.net