



Illinois State Board of Education

FEDERAL AND STATE EDUCATIONAL MANDATES

FEDERAL ACTS AND CASES PERTAINING TO ENGLISH LEARNERS

This section discusses key legislation and landmark cases that have shaped bilingual education at both the federal and state level.

[Title VI, Civil Rights Act of 1964](#)

- Prohibits denial of equal access to education to PK-12 public school students who are not yet proficient in English.

[Equal Educational Opportunity Act of 1974](#)

- A school district must provide services that will enable English learners to “overcome barriers that impede equal participation by these students in the district’s instructional programs” (see 20 USC 1703).

[Lau v. Nichols \(1974\): The Lau Remedies](#)

Public school districts must:

- Identify and evaluate national-origin-minority students' English language skills;
- Determine appropriate instructional treatments;
- Decide when English learners are ready to transition to general education classes;
- Determine the professional standards to be met by teachers of English learners.

[Castaneda v. Pickard \(1981\): The Castaneda Standard](#)

Programs for language-minority students must be:

- Based on a sound educational theory;
- Implemented effectively with sufficient resources and personnel; and,
- Evaluated to determine whether they are effective in helping students overcome language barriers.

[Elementary and Secondary Education Act – Title III - 'English Language Acquisition, Language Enhancement, and Academic Achievement Act'](#)

- Ensure that English learners and immigrant students attain English proficiency and develop high levels of academic attainment (Sec. 3102 (1)).

ILLINOIS REQUIREMENTS FOR ENGLISH LEARNERS

This section provides a definition of the legal programmatic requirements for Transitional Bilingual Education (TBE) and Transitional Programs of Instruction (TPI) for ELs in Illinois.

[Illinois School Code Article 14C – Transitional Bilingual Education](#)

“105 ILCS 5/14C-1 ... Therefore, pursuant to the policy of this State to insure equal educational opportunity to every child, and in recognition of the educational needs of children of limited English-speaking ability, it is the purpose of this Act to provide for the establishment of transitional bilingual education programs in the public schools, to provide supplemental financial assistance to help local school districts meet the extra costs of such programs, and to allow this State to directly or indirectly provide technical assistance and professional development to support transitional bilingual education programs statewide.”

[23 Illinois Administrative Code 228: Transitional Bilingual Education](#)

This Part establishes requirements for school districts' provision of services to students in preschool through grade 12 who have been identified as English learners in accordance with Article 14C of the School Code [105 ILCS 5/14C]. The requirements of Article 14C of the School Code and this Part shall apply to every school district in Illinois and each charter school established in accordance with Article 27A of the School Code [105 ILCS 5/Art. 27A], regardless of whether the district or charter school chooses to seek funding pursuant to Section 228.50 of this Part.

(Source: Amended at 39 Ill. Reg. 11125, effective July 23, 2015)

Under [23 Illinois Administrative Code 228](#) public school districts in Illinois must provide a Transitional Bilingual Education program for English learners, except in attendance centers that meet flexibility requirements based on enrollment numbers²:

1. A full-time Transitional Bilingual Education (FT TBE) program consists of
 - Home language and English instruction in all core subjects and those required by law or by the district
 - English language development instruction aligned to the English language development standards; and
 - Instruction in the history and culture of the students or of their parents and in the history and culture of the United States.

2. A part-time Transitional Bilingual Education (PT TBE) program is designed for students who may benefit from part-time placement³ and consists of some of the components of a full-time program based on the student's needs. At a minimum it must include:
 - a. English language development instruction aligned to the English language development standards; and
 - b. Home language instruction/support that is determined by English learners' needs

If a district has 19 or fewer English learners from the same language background, the district *must* offer either a TBE program or a Transitional Program of Instruction (TPI) for this group of English learners under the state flexibility. A Transitional Programs of Instruction includes English language development instruction aligned to the English language development standards and may include home language instruction or support as determined by the English learners needs.

² Specific required components of these three legally accepted programs can be found in Appendix B, C, & F.

³ Criteria for part-time TBE placement are found in Appendix D.