**Section 1.88** **Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency under Title III**

This Section implements section 6842 of the Elementary and Secondary Education Act (ESEA) (20 USC 6842), which requires that states establish "Annual Measurable Achievement Objectives" (AMAOs) for educational agencies that use funds provided under Title III of the Act to serve students of limited proficiency in English and hold those entities accountable for meeting those objectives. Further, this Section implements section 6823 of ESEA (20 USC 6823), which requires states to hold local educational agencies and schools accountable for meeting all the objectives described in ESEA section 6842.

a) The three distinct AMAOs address progress, proficiency, and adequate yearly progress (AYP), respectively, in connection with students taking the annual English language proficiency assessment prescribed by the State Board of Education in 23 Ill. Adm. Code 228 (Transitional Bilingual Education). These objectives shall apply at the district or cooperative level, as applicable, i.e., based on the test scores achieved by all the students served by each entity that receives Title III funding. In order to "meet AMAOs" for any given year, a district or cooperative must achieve all of the applicable objectives described in this subsection (a).

1) "Progress" relates to the percentage of a school district's or cooperative's students who are making progress in learning English. An individual student is determined to have made progress in English when his or her composite English proficiency level, which is derived from his or her score on a given administration of the English language proficiency assessment, increased in comparison to the previous composite English proficiency level achieved by at least .5 of a proficiency level or, in the second administration of the English language proficiency assessment, the student achieved the maximum composite English proficiency level attainable on the assessment. (Also see subsection (a)(1)(E) of this Section.) The composite English proficiency levels of students tested but whose parents have withdrawn them from bilingual education programs in accordance with 23 Ill. Adm. Code 228.40(a)(2) (Students' Participation; Records) shall not be counted for this purpose.

A) For the purpose of this subsection (a), "composite English proficiency level" means the level associated with the overall scale score achieved on the English language proficiency assessment. The overall scale score is calculated using individual scores achieved in each of the four domains of listening, speaking, reading and writing, with greater value being placed on literacy development (i.e., reading and writing scores are weighted).

B) The Illinois annual progress target shall be 54.4 percent of students showing progress for school year 2010-11, which shall increase to 69.6 percent by school year 2015-16.

C) The percentage of a district's or cooperative's students who show progress shall increase by a minimum of 3 percent each year.

D) The provisions of this subsection (a)(1) shall apply provided that the number of students enrolled during the time in which the State-prescribed English language proficiency assessment is administered and being served in bilingual education programs is no fewer than 45 at the district or cooperative level, as applicable.

E) A student's composite English proficiency level shall be counted for this purpose only if he or she has participated in at least two consecutive administrations of the State-prescribed English language proficiency assessment, except as provided in this subsection (a)(1)(E).

i) For a student who previously was enrolled in an Illinois school district and who re-enrolled in an Illinois school district during the current school year, the level of attainment for making progress shall be determined as prescribed in subsection (a)(1) of this Section using the student's current composite English proficiency level on the State-prescribed English language proficiency assessment compared to the student's most recent, previous composite English proficiency level achieved when he or she was enrolled in an Illinois district.

ii) For a student enrolled in an Illinois school district and who, for any reason other than not having been enrolled in an Illinois school district at the time of testing, does not have composite English proficiency levels from two consecutive administrations of the State-prescribed English language proficiency assessment, the level of attainment for making progress shall be calculated by multiplying the number of years between the two most recent administrations of the State-prescribed English language proficiency assessment in which the student has participated by .5. For example, a student who took the test in school year 2010-11 and school year 2008-09 must increase his or her composite English proficiency level by 1.0 of a proficiency level in order to be considered as making progress (.5 of a proficiency level x 2 years = 1.0 of a proficiency level).

2) "Proficiency" relates to the percentage of students who attained the scores identified by the State Board of Education as demonstrating English language proficiency and eligibility to exit an English learner program. The scores of students tested but whose parents have withdrawn them from bilingual education programs in accordance with 23 Ill. Adm. Code 228.40(a)(2) (Students' Participation; Records) shall not be counted for this purpose.

A) The Illinois annual proficiency target shall be six percent of students attaining English proficiency for school year 2009-10, with the target increasing to 15 percent by school year 2015-16.

B) The percentage of the district's or cooperative's students attaining proficiency shall increase by 1 or 2 percent each year. The State Superintendent shall inform districts and cooperatives annually of the percentage to be used.

C) The provisions of this subsection (a)(2) shall apply provided that the number of students enrolled during the time in which the State-prescribed English language proficiency assessment is administered and being served in bilingual education programs is no fewer than 45 at the district or cooperative level, as applicable.

3) "Adequate yearly progress" or "AYP" has the meaning given to that term in Section 1.40 of this Part, except that, for purposes of this Section, AYP is specific to the scores earned on the reading and mathematics portions of the State assessment by students with limited proficiency in English, to their participation in the State assessment, and to their attendance or graduation rate, as applicable. The AYP objective shall apply only when the number of students served is treated as a subgroup under Section 1.60(a) of this Part.

b) In order to avoid penalizing districts and cooperatives for the decision bias that is associated with drawing inferences from a small distribution, a 95 percent "confidence interval" shall be applied to the data involved in each calculation discussed in subsection (a) of this Section. (A confidence interval is a mathematical approach designed to compensate for the unreliability of data derived from consideration of small groups.)

c) The scores of all students served by a cooperative shall be analyzed as one group for purposes of determining whether the cooperative has met AMAOs in a given year. When a district changes cooperative membership, the scores of its students from the most recently completed school year will be used to determine whether the new cooperative has met progress under subsection (a)(1) of this Section. The determination for a cooperative shall also apply to each of its member districts.

d) Section 6842(b) of ESEA requires entities funded under Title III that fail to reach AMAOs for two consecutive years to prepare improvement plans designed to ensure that the entities will meet those objectives in the future. Each entity that is subject to this requirement shall submit its plan no later than six months after it receives notification from ISBE of its failure to meet AMAOs for the second consecutive year. Should a district or cooperative elect not to apply for Title III funding in the subsequent year, it shall be required to submit an improvement plan before it next applies, unless data on the performance of itsstudents demonstrate that the entitymet AMAOs in the most recent year preceding its new application for funding. ISBE shall not approve an application for Title III funds from an entity that is subject to this requirement until its plan has been submitted.

e) When an entity funded under Title III has failed to reach AMAOs for four consecutive years, ISBE shall, as required by section 6842(b)(4) of ESEA:

1) require the entity to modify its curriculum, program, and method of instruction; or

2) make a determination regarding the entity's continued receipt of funds under Title III and require the entity to replace educational personnel relevant to the entity's failure to meet the achievement objectives.

f) The sanctions chosen pursuant to subsection (e) of this Section shall be identified based upon ISBE's analysis of the factors that prevented the entity from attaining the AMAOs, including those factors presented in the improvement plan submitted in accordance with subsection (d) of this Section. In particular, ISBE shall deny continued Title III funding to an entity that:

1) fails or refuses to serve students according to relevant legal and/or regulatory requirements; or

2) prolongs or repeats instances of noncompliance to a degree that indicates an intention not to comply with relevant requirements.

(Source: Amended at 38 Ill. Reg. 6127, effective February 27, 2014)