**Section 228.30 Establishment of Programs**

a) Administrative Provisions

1) Program Facilities – Other than for preschool education programs, TBE and transitional program of instruction (TPI) programs *shall be located in the regular public schools of the district rather than in separate facilities*. (Section 14C-6 of the School Code)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 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 to* students *enrolled in a* TBE *program a meaningful opportunity to participate fully in the extracurricular activities of the public schools in the district.* (Section 14C-7 of the School Code)

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 if all English learners 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. The designated administrative agent shall adhere to the procedures contained in 23 Ill. Adm. Code 100 (Requirements for Accounting, Budgeting, Financial Reporting, and Auditing) as they pertain to cooperative agreements.

6) Preschool and Summer School – *A school district may establish preschool or summer school programs for* English learners *or join with other school districts in establishing* these *programs* for English learners*. Summer school* TBE *programs shall not substitute for programs required during the regular school year.* (Section 14C-11 of the School Code) A school district that offers a summer school program or preschool program shall provide transitional bilingual education programs or transitional programs of instruction for English learners in accordance with Article 14C and this Part.

b) Instructional Specifications

1) Student-Teacher Ratio – The student-teacher ratio in the ESL and home 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 student 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 these placements. Preschool programs established pursuant to Section 2-3.71 of the School Code that provide bilingual education services shall meet the requirements of 23 Ill. Adm. Code 235.30 (Early Childhood Block Grant) rather than the requirements of this subsection (b)(1).

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). (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* that student's *level of educational attainment.* (Section 14C-6 of the School Code) Evidence of compliance with this requirement shall be:

A) individualized instructional programs; or

B) grouping of students for instruction according to grade level.

4) Beginning with the 2022-2023 school year, instruction in Spanish language arts, when provided under subsection (c) or (d), shall be aligned to the Illinois Spanish Language Arts standards that are appropriate to the ages or grade levels of the students served, which are set forth in 23 Ill. Adm. Code 1.Appendix D.

5) Language Grouping – School districts may place English learners who have different home languages in the same class, provided that, in classes taught in the home 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) Program Integration – *In courses or 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, English learners shall participate fully with their English-speaking* classmates*.* (Section 14C-7 of the School Code)

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

1) Each full-time TBE program shall consist of at least the following components:

A) *Instruction in subjects* that *are 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, except as otherwise provided in subsection (c)(3);

B) Instruction in the language arts in the student's home language;

C) Instruction in English as a second language, which must align to the applicable English language development standards set forth in Section 228.10*; and*

D) *Instruction in the history and culture of the country, territory, or geographic area* that *is the native land of the* students or the *parents of English learners who are enrolled in the program and in the history and culture of the United States.* (Section 14C-2(f) of the School Code).

2) Programs may also include other services, modifications, or activities such as counseling, tutorial assistance, learning settings, or special instructional resources that will assist English learners 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, the Illinois Early Learning and Development Standards – Children Age 3 to Kindergarten Enrollment Age (see 23 Ill. Adm. Code 235, Appendix A).

3) Beginning September 1, 2013, 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, in accordance with the requirements of this subsection (c)(3) and only when the placement is instructionally beneficial for the student.

A) The placement will be deemed instructionally beneficial for the student when 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) and the assessment results indicate that the student has sufficient proficiency in English to benefit from a part-time program.

i) Evidence of sufficient proficiency shall be achievement of the minimum score to be used for this purpose set by the State Superintendent either on the prescribed screening instrument required in Section 228.15(e) or the English language proficiency assessment required in Section 228.25(b). The State Superintendent shall inform districts of the minimum score to be used for the prescribed screening instrument or the English language proficiency assessment, and post the minimum score on the State Board's website. If the minimum score is modified, the State Superintendent shall inform school districts no later than July 1 of the scores to be used and modify the State Board's website accordingly.

ii) Preschool programs shall use as evidence of sufficient proficiency either a minimum score for an established screening instrument or a minimum level of performance documented through established screening procedures.

B) If the student's score either on the prescribed screening instrument required in Section 228.15(e) or the English language proficiency assessment required in Section 228.25(b) is below the minimum identified pursuant to subsection (c)(3)(A), the student may be placed in a part-time program only if one of the following conditions is met and the placement is instructionally beneficial for the student:

i) Native Language Proficiency

A native language proficiency test documents that the student has minimal or no proficiency in the home language and a parent provides written confirmation that English is the primary language spoken in the home.

ii) Academic Performance in Subjects Taught in English

A student's grades, teacher recommendations and State or local assessment results in the previous school year indicate that the student has performed at or above grade level in one or more core subject areas (i.e., reading, English language arts, mathematics, physical sciences, social sciences) that were taught exclusively in English.

iii) Academic Performance

A student in a departmentalized setting has student grades, teacher recommendations and State or local assessment results in the previous school year that indicate that the student has performed at or above grade level in at least two core subject areas that were taught in a U.S. school in the student's native language or via sheltered instruction in English.

iv) Students with Disabilities

A student with a disability has an Individualized Education Program developed in accordance with 23 Ill. Adm. Code 226.Subpart C that identifies a part-time transitional bilingual education program as the least restrictive environment for the student.

v) Limited Native Language Instruction

A student's native language has no written component or written instructional materials are not available and cannot be developed. In this case, native-language instruction may be limited to those components that exist in the language or to those components for which materials are available. Oral native language instruction or support shall be provided based on the student's needs. School districts shall maintain evidence of their attempts to secure written instructional materials, as applicable, and present that evidence to State Board staff upon request.

C) 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 home language as determined by the student's needs.

4) *Parent and Community Participation – Each district* or cooperative *shall establish a parent advisory committee* consisting of *parents,* legalguardians*, transitional bilingual education teachers, counselors, and representatives from community groups.* 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)

A) The committee shall:

i) meet at least four times per year;

ii) maintain on file with the school district minutes of these meetings;

iii) review the district's annual program application to the State Superintendent of Education; and

iv) *autonomously carry out their affairs, including the election of officers and the establishment of internal rules, guidelines, and procedures*. (Section 14C-10 of the School Code)

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 a language that the parent members can understand and shall encompass, but need not be limited to: information related to instructional approaches and methods in 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 assessment of the student's language skills on the basis of either the prescribed screening instrument or, as applicable, the procedures required in Section 228.15(e) or the English language proficiency assessment required in Section 228.25(b) in conjunction with other information available to the district regarding the student's level of literacy in that student's home language, will determine the structure of the student's instructional program.

2) Program Components – A transitional program of instruction must include instruction or native language support in the student's home language to the extent necessary, as determined by the district on the basis of the prescribed screening instrument or procedures, as applicable, required in Section 228.15(e) or the English language proficiency assessment required in Section 228.25(b), to enable the student to keep pace with age or grade peers in achievement in the core academic content areas. A transitional program of instruction shall include instruction in ESL, which must align to the applicable English language development standards set forth in Section 228.10. A transitional program of instruction also may include, but is not limited to:

A) language arts in the students' home language; and

B) 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.

(Source: Amended at 46 Ill. Reg. 13258, effective July 13, 2022)