

Comment [KAS1]: The policy, Legal References, and footnotes are updated to reflect new English Learner program requirements under ESEA, as amended by ESSA.

Instruction

English Learners 1

The District offers opportunities for resident English Learners to ~~develop~~ achieve at high levels ~~of~~ in academic ~~attainment in subjects English~~ and to meet the same challenging State academic ~~content and student academic achievement~~ standards that all children are expected to ~~attain~~ meet. The Superintendent or designee shall develop and maintain a program for English Learners that will:

1. Assist all English Learners to achieve English proficiency, facilitate effective communication in English, and encourage their full participation in school activities and programs as well as promote participation by the parents/guardians of English Learners. ²
2. Appropriately identify students with limited English ~~speaking ability~~ language proficiency. ³

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

¹ State or federal law controls this policy's content. The assessment and accountability provisions in ~~NCLB~~ the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act, and State law include ~~limited English Learners proficient students~~ (20 U.S.C. §§6312, 6314, 6315, and 6318-6319 and). Note: Applicable regulations at 34 C.F.R. Part 200 have not been updated; amendments to the regulations are highly likely within the next year. ^{34 C.F.R. Part 200).}

~~NCLB~~ ESEA Title III, Part A, also known as the English Language Acquisition, Language Enhancement, and Academic Achievement Act, also provides funding to support schools' efforts to help children who are English learners ~~"develop~~ achieve at high levels ~~of~~ in academic ~~attainment in subjects so that all English learners can and~~ meet the same challenging State academic ~~content and student academic achievement~~ standards ~~as that~~ that all children are expected to meet," (20 U.S.C. §6812(2)(a) ~~et seq.~~). Reimbursement for programs is contingent on the submission and approval of a program plan and request for reimbursement in accordance with the requirements in 105 ILCS 5/14C-12 and 23 Ill.Admin.Code Part 228. This policy uses "English Learners" (EL) rather than "English Language Learners (ELL)" or "Limited English Proficient (LEP)." LEP and ELL are no longer terms used generally among educators and researchers in the field of English language acquisition (37 Ill. Reg. 16804). ISBE now uses the term *English learners*, which are synonymous with LEP and ELL. P.A. 99-30 ~~has~~ also deleted language from "English ~~language~~ learner."

For purposes of this policy, *English Learners* is synonymous with the ~~State law~~ School Code definition, which means: (1) all students in grades Pre-K through 12 who were not born in the United States, whose native tongue is a language other than English, and who are incapable of performing ordinary classwork in English; and (2) all students in grades Pre-K through 12 who were born in the United States of parents possessing no or limited English-speaking ability and who are incapable of performing ordinary classwork in English (105 ILCS 5/14C-2, amended by P.A. 99-30). Note: The Illinois Administrative Code definition of English Learners has not been amended since the effective date of P.A. 99-30 and still provides that English Learners means any student in preschool, kindergarten or any of grades 1 through 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: (1) the ability to meet the State's proficiency level of achievement on State assessments; (2) the ability to successfully achieve in classrooms where the language of instruction is English, or (3) the opportunity to participate fully in the school setting (-"Limited English proficient student" and "students with limited English proficiency," as used in Article 14C of the School Code, are now English learners and 23 Ill.Admin.Code §228.10).

The Office for Civil Rights (OCR) at the U.S. Dept. of Education (ED) and the Civil Rights Division at the U.S. Department of Justice (DOJ) have issued joint guidance to assist school districts and all public schools in meeting their legal obligations to ensure that English learners can participate meaningfully and equally in educational programs and services. The guidance is available at: www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf. In support of this guidance, the Office of English Language Acquisition released an *English Learner (EL) Tool Kit* to assist school districts in providing EL students with the support necessary to achieve their full academic potential. The *Tool Kit* is available at: www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html.

² This policy's first sentence and the first numbered paragraph both allow a school board to consider the goals for its English Learners programs; a board should amend the sample policy accordingly.

3. Comply with State law regarding the Transitional Bilingual Educational Program (TBE) or Transitional Program of Instruction (TPI), whichever is applicable. ⁴
4. Comply with any applicable State and federal requirements for the receipt of grant money for English Learners and programs to serve them. ⁵
5. Determine the appropriate instructional program and environment for English Learners. ⁶
6. Annually assess the English proficiency of English Learners and monitor their progress in order to determine their readiness for a mainstream classroom environment. ⁷
7. Include English Learners, to the extent required by State and federal law, in the District's student assessment program to measure their achievement in reading/language arts and mathematics. ⁸
8. Provide information to the parents/guardians of English Learners about: (a) the reasons for their child's identification, (b) their child's level of English proficiency, (c) the method of instruction to be used, (d) how the program will meet their child's needs, (e) how the program will specifically help their child learn English and meet age-appropriate academic achievement standards for grade promotion and graduation, (ef) specific exit requirements of the program, (fg) how the program will meet their child's individualized education program, if applicable, and (gh) information on parent/guardian rights. Parents/guardians will be regularly apprised of their child's progress and involvement will be encouraged. ⁹

Parent Involvement ¹⁰

Parents/guardians of English Learners will be informed how they can: (1) be involved in the education of their children, and (2) be active participants in assisting their children to attain English proficiency, achieve at high levels within a well-rounded education, and meet the challenging State academic standards expected of all students. ~~(1) given an opportunity to provide input to the program, and (2) provided notification regarding their child's placement in, and information about, the District's English Learners programs.~~

³ 23 Ill.Admin.Code §228.15. Districts must administer a home language survey to each student entering the district's schools for the first time within 30 days after the student's enrollment. The survey's purpose is to identify students of non-English background. ISBE's website contains useful information about communicating with parents/guardians, including sample Home Language Surveys and program letters in many languages (www.isbe.net/bilingual/htmls/tbe_tpi.htm).

For purposes of identifying students eligible to receive special education, districts must administer non-discriminatory procedures to English Learners coming from homes in which a language other than English is used (105 ILCS 5/14-8.02).

⁴ 105 ILCS 5/14C-3, amended by P.A. 99-30, and 23 Ill.Admin.Code §§228.25 and 228.30.

⁵ 20 U.S.C. §§6312, ~~6314, 6315, 6318, 6349~~ and 6801 et seq.; 34 C.F.R. Part 200; 105 ILCS 5/14C-1 et seq., amended by P.A. 99-30; and 23 Ill.Admin.Code Part 228.

⁶ 23 Ill.Admin.Code §228.25.

⁷ 23 Ill.Admin.Code §228.25(b).

⁸ 34 C.F.R. Part 200.

⁹ 20 U.S.C. ~~§7012(e)~~§6312(e)(3)(A) and 23 Ill.Admin.Code §228.40.

¹⁰ 20 U.S.C. ~~§7012(e)~~§6312(e)(3)(C) and 23 Ill.Admin.Code Part 228.

LEGAL REF.: 20 U.S.C. §§6312, ~~6314, 6315, and 6318-6319 and 6801.~~
20 U.S.C. §6801 et seq.
34 C.F.R. Part 200.
105 ILCS 5/14C-1 et seq.
23 Ill.Admin.Code Part 228.

CROSS REF.: 6:15 (School Accountability), 6:170 (Title I Programs), 6:340 (Student Testing and Assessment Program)