

July 25, 2024


AUTHORIZE THE COMMENCEMENT OF THE PUBLIC COMMENT PERIOD FOR THE AMENDMENT OF THE BILINGUAL EDUCATION POLICY

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Board authorize the commencement of the Public Comment Period from July 26, 2024 to August 26, 2024 for the Policy described in the disposition table below. Pursuant to Board Rule 2-6(c), the Board must authorize the commencement of the Public Comment Period.

Current Policy Section/ Current Policy Title	New Policy Section/ New Policy Title	Description of Revision/Disposition
Board Report 16-0323-PO1, Policy 603.1 Bilingual Education		Amend 603.1 Bilingual Education This policy is being amended as part of the required biennial review. Recommended additions/clarifications provide more context for schools around their responsibilities and communication with families. An expanded section on grading policy for ELs provides more guidance for schools to ensure equitable grading for students not yet proficient in English. The policy defines Students with Limited or Interrupted Formal Education (SLIFE), and updates outdated language in existing definitions.

Approved as to Legal Form: 

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AMEND THE BILINGUAL EDUCATION POLICY

THE CHIEF EXECUTIVE OFFICER RECOMMENDS

That the Board amend Board Report 16-0323-PO1, Bilingual Education policy, in response to the biennial policy review required by Board Rule 2-6.

PURPOSE

The purpose of this policy is to ensure that students in Pre-Kindergarten through grade 12 ~~whose home language is not English~~ whose language background is a language other than English and who are eligible for Bilingual Education services have equity in education and language acquisition opportunities through the District's Bilingual Education Services equitable access to instruction, grade-level educational opportunities and language development opportunities through District's Bilingual Education Services.

The Board acknowledges that cultural identity is inseparable from language and recognizes ~~bilingualism~~ multilingualism as a desirable goal ~~and for all students as well as~~ a reflection of cultural heritage. This Policy further strengthens the Board's commitment to recognize students' home languages and cultures as assets to build upon and to support academic success while they acquire English in preparation for success in college, career, and life.

The Board is committed to bilingual education as an effective vehicle for providing English Learners (ELs) with a full measure of access to an equitable educational opportunity as required by federal and state law.

This policy specifies Dual Language Education as a program model option for delivering bilingual education services, and the Board recognizes Dual Language Education as an effective model for building bilingualism and biliteracy in students.

This policy reflects the Board's emphasis on:

- Services for English Learners which are aligned to federal and state legal standards and reflect research-based approaches to EL instruction,
- Clarity and guidance on effective instructional design for English Learners,
- Research-based instructional practices for English Learners, and
- Meaningful parental participation in Bilingual Education Services.

DEFINITIONS

Bilingual Education Services: A program of instruction designed to promote meaningful access to core content through Transitional Bilingual Education, Transitional Programs of Instruction, or Dual Language Education. English Learners are provided with tools, resources, and program structures to ensure that students are fully engaged in rigorous instruction preparing them for college, career, and life.

English as a Second Language: Specialized instruction designed to provide English Learners with focused language development in English in the domains of listening, speaking, reading, and writing.
Home Language: The language spoken within a student's home; spoken by the student, the parents, the siblings, and/or other family members; also referred to as Language Classification or Native Language.
General Program of Instruction: Pre-Kindergarten through grade 12 educational programs offered to all students.

Language development: The process by which individuals acquire and refine their ability to understand, produce, and use language for communication. It occurs over time with appropriate instruction and support, gradually expanding vocabulary, grammar, and communication skills through interaction, exposure, and practice in various contexts.

Native Language: The language spoken within a student's home; spoken by the student, the parents, the siblings, and/or other family members; also referred to as Language Classification or Home Language.
Native Language Instruction: Instruction (including instructional materials) provided in the native language of the ELs within the program.

Scaffolding: An instructional approach based on providing a step-by-step process for building students' ability to complete tasks on their own.

Students with Limited or Interrupted Formal Education (SLIFE): Students with Limited or Interrupted Formal Education (SLIFE) are English learners who have experienced interrupted education or have limited formal education before enrolling in the district. ELs who are SLIFEs are provided with Bilingual education services offered at the school and must be provided equitable access to any additional programs that are available for CPS students.

Transition of the program: Process in which a student who satisfies English language proficiency requirements based on the state-prescribed assessment and is then enrolled in general program of instruction.

POLICY TEXT

1. Applicability

This policy applies to all grades Pre-Kindergarten through 12 and to all Chicago Public Schools (CPS) Elementary and High Schools regardless of whether the school is currently serving English Learners, including charter, contract, and options schools. For purposes of this policy, "English Learners" means students, whether born in the United States or born elsewhere, whose home language background is a language other than English and whose proficiency in speaking, reading, writing, or understanding English may be insufficient to allow them (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.

The legal immigration status of a parent or child has no bearing on the rights of the student to enroll in a public school. The laws of Illinois and the United States guarantee all students equal access to a free public education through grade twelve until the age of 21, regardless of legal immigrant status. Every school is required to guarantee all students equal access to the full range of programs, services, and resources available.

While Policy 702.1 allows parents/guardians to have the option to transfer their child to the nearest school with a bilingual language program aligned to their needs, the child's neighborhood school has an obligation to enroll the child and provide appropriate bilingual education services regardless of whether those services have been available in the past.

2. Identification of English Learners Upon School Enrollment

- A. Home Language Survey
Every student, Pre-Kindergarten through grade 12, newly enrolling in a CPS District school or any of the District's Pre-Kindergarten programs must complete a Home Language Survey (HLS). The HLS shall be accessible in the home language (without undue burden on the family) and meet all state requirements (23 Admin Code Part 228.15). Parents/legal guardians have a right for an opportunity to have the HLS clearly explained to them at the time of completion.
- B. EL Screening and Placement
Regardless of proficiency in their home language, Every student whose Home Language Survey response includes "yes" to one or more of the questions must be screened for English language proficiency to determine eligibility and placement in Bilingual Education Services. For K-12 grade level students, screening shall utilize the state-prescribed screener. For Pre-K students, screening shall utilize the screener specified in the Bilingual Education Handbook. All students enrolled in Pre-Kindergarten whose Home Language Survey response includes "yes," must be rescreened upon enrollment in Kindergarten. A student shall be deemed eligible for enrollment in Bilingual Education Services based on ~~his or her~~ their screening results.
- C. Incoming Transfer Students
Program eligibility and placement of transfer students shall be based on the most recent state-prescribed English language proficiency assessment from the transferring school district if ~~available AND only if the score was obtained during the current or previous school year~~ and the home language and EL eligibility status in the state (ISBE) student information system supersedes any subsequent HLS and screening information. If assessment scores are not available, ~~or are available but out of date,~~ eligibility and placement shall be based on the state-prescribed Screener results from the transferring school district, provided that the score was obtained within the previous 12 months. A a student shall be re-screened if ~~no valid screener results are provided by the transferring school district~~ for the purpose of determining appropriate placement but not for determining eligibility.
- D. Parent/Guardian Requests
The parent/guardian of any student within the District who has not been identified as an English Learner after having been previously assessed for English language proficiency with a state approved screener, has the right to request that the student be ~~considered for placement in Bilingual Education Services~~ re-screened after at least a year since the previous assessment. If this request is made, the school must screen and place the student in an appropriate program based on the student's screening results.

3. Bilingual Education Services Enrollment and Duration of Participation

- A. Enrollment, Participation, and Transition
~~An English Learner shall be enrolled and participate in Bilingual Education Services until such time as the student achieves a level of English language proficiency on the state-prescribed assessment that enables the student to perform successfully in classes in which instruction is only conducted in English.~~ ELs must be assessed annually with the state-prescribed English language proficiency assessment to monitor their progress in listening, speaking, reading, and writing. A student shall be transitioned from the Bilingual Education Services when he or she has demonstrated a level of English language proficiency at or above the state-designated exit criteria, as provided in the Bilingual Education Handbook.
- B. Monitoring Transitioned Students
The principal shall ensure the monitoring and documentation of progress made by students in meeting the state academic standards following their transition to the General Program of

Instruction as specified in the Bilingual Education Handbook. ~~If academic~~ Academic evidence later suggests that a transferred student is still in need of English language support, the student ~~may be re-enrolled into Bilingual Education Services collected during this monitoring process~~ shall be used as evidence when determining any additional language and academic support needed.

4. Parent/Guardian Notification

The principal shall ensure that the required annual Bilingual Education Services eligibility notices, as provided in the Bilingual Education Handbook, are issued to the parents/guardians no later than 30 calendar days after the beginning of the school year (or within 14 calendar days of enrollment for students who enroll after the 30th calendar day from the first day of school). The annual notifications will include information required in 105 ILCS 5/14C and will be provided in both English and the parent/guardian's preferred language.

5. Bilingual Education Services Refusal or Withdrawal by Parent/Guardian

A. Program Refusal

A parent/guardian may elect to refuse ~~enrollment of their child in the Bilingual Education Program~~ all or some components of Bilingual Education Services for their child after the child is determined to be eligible but before the child has received any Bilingual Education Services. The principal or designee shall ensure that parent/guardians refusing only some components of services can do so without having to refuse all Bilingual Education services. Such decisions must be documented and indicated in the student's EL records, following guidance from the Office of Multilingual-Multicultural Education.

B. Program Withdrawal

A parent/guardian may elect to withdraw their child from receiving all or some components of Bilingual Education Services at any time during the child's participation in the program.

C. Procedure for Program Refusal or Withdrawal from Bilingual Education Services

A parent/guardian requesting a refusal or withdrawal must submit a handwritten, signed, and dated request to the school. The principal or designee shall ensure that, upon receipt of such request, he or she schedules a conference with the parent/guardian to review: (i) the reasons for the refusal or withdrawal, (ii) the student's English language proficiency level scores, academic progress, and teacher input, AND (iii) the requirement for the student to continue to take the state-prescribed English language proficiency assessment each year until the student meets the state-designated exit criteria. The principal or designee shall follow the procedures for parent/guardian refusal and/or withdrawal found in the Bilingual Education Handbook, including the handling of requests where the parent/guardian fails to participate in a conference.

D. Procedure for Re-enrollment in Bilingual Education Services

English Learners whose parents/guardians have previously refused or withdrawn enrollment from Bilingual Education Services may be re-enrolled upon request after the parent/guardian submits a handwritten, signed, and dated request to the school.

E. Monitoring Progress of Students Refused or Withdrawn

Schools must monitor the academic progress of all students whose parent/guardian has refused or withdrawn their child's enrollment from Bilingual Education Services and ensure such students ~~continue to have access to appropriate English Learner academic supports as set out in the Bilingual Education Handbook~~ with consideration given to their current English language proficiency.

6. Bilingual Education Programs and Requirements

A. General

In order to maintain compliance with statutory requirements for serving English Learners, schools shall establish and maintain one or more of the following Bilingual Education programs:

1. Transitional Bilingual Education (TBE): This bilingual program model provides native language instruction and English as a Second Language (ESL) instruction for ELs. TBE programs must provide native language and English instruction in core content areas, including Language Arts, Social Science, Science, and Math. English as a Second Language instruction compliant with state standards, must be provided daily, with proper modifications and accommodations to help meet the language needs of the students. Instruction must also include the history and culture of the native land of the student or their parents and the United States. ~~The Full or partial components of a TBE program is~~ are provided to a student on either a full-time or part-time basis as determined by the student's attainment on the state-established English language proficiency level and other characteristics as defined in the state criteria for part-time placement. Instruction in a TBE program must be aligned to all adopted Illinois Content and Language Standards.
2. Transitional Program of Instruction (TPI): This program model provides ESL instruction in core content areas for ELs. A TPI must provide ESL instruction daily with proper modifications and accommodations to help meet the language needs of ELs. ELs must receive scaffolding and, when possible, native language support during instruction in core content areas, including Language Arts, Social Science, Science, and Math. Instruction should include the history and culture of the native land and of the United States. Instruction in a TPI must be aligned to all adopted Illinois Content and Language Standards

Dual Language Education (DLE): This program model satisfies the state requirements for TBE and is provided at schools that have been approved to provide DLE. DLE provides both English Learners and non-ELs with instruction in both English and another language with the goal of all students becoming bilingual and biliterate. The DLE program may be offered in a one-way immersion setting serving English Learners who are all from the same language classification or in a two-way immersion setting comprised of English Learners from one language classification and non-EL students.

B. Bilingual Education Programs Offered at Each School

1. Each school shall provide for grades K-12:
 - a. A Transitional Bilingual Educational (TBE) Program when the school has an enrollment of 20 or more English Learners of the same language classification across all grades K-12.
 - b. A Transitional Program of Instruction (TPI) when the school has an enrollment of 19 or fewer English Learners of the same language classification across all grades K-12.
2. Each school serving Pre-Kindergarten students shall provide:
 - a. A Transitional Bilingual Educational (TBE) Program when the school has 20 or more ELs of the same language classification enrolled in the school's Pre-Kindergarten program.

- b. A Transitional Program of Instruction (TPI) when the school has an enrollment of 19 or fewer ELs of the same language classification enrolled in the school's Pre-Kindergarten program.

C. Staffing and Qualifications

The Principal shall ensure that all teachers who are programmed to instruct ELs (in TBE, TPI, or DLE Bilingual Education Services) hold the appropriate Professional Educator License (PEL, formerly Type 03, 04, 09, or 10) with a Bilingual and/or ESL Endorsement/Approval and the appropriate content area endorsements. Teachers specifically assigned to Bilingual Education Services must hold the appropriate PEL and endorsement(s)/approval(s) for their necessary for specific components of the students' program model. CPS teachers holding an Educator License with Stipulations (ELS) Transitional Bilingual ~~(formerly Type 29 certificates)~~ who satisfy the requirements to become qualified have to complete an approved program to qualify for receipt of the appropriate endorsement/approval within five years from the date they receive the ELS Transitional Bilingual. The principal shall ensure that teachers holding ELS-TBE are progressing toward obtaining the bilingual endorsement and are receiving guidance and support around EL instruction. The principal shall ensure the school is adequately staffed to serve all English Learners enrolled.

D. Grading Protocol for English Learners

~~The Board has high expectations for all students regardless of the language they speak and their cultural background. No English Learner shall receive a failing grade due to limited English proficiency. A failing grade must be based solely on the English Learner's level of academic performance in the appropriate bilingual education programs, if the student's academic language dominance is proven to be in their home language.~~

The Board has high expectations for all students. Language and cultural background are not exceptions to high grading expectations. Equitable and meaningful access to core content aligned to EL program requirements are required components of grading for ELs.

Applicable to district-managed schools: When determining grades, no English Learner shall receive a failing grade due to limited English proficiency. A failing grade must be based solely on the English Learner's level of academic performance in the appropriate bilingual education program. While not an exhaustive list, the practices listed below contribute to equitable grading practices for ELs:

1. **Success Criteria and Differentiation:** English Learners are to receive grades based on specific success criteria for instruction that has been differentiated to their linguistic proficiency. Teachers use a variety of instructional approaches and strategies tailored to meet the diverse needs of ELs, ensuring that assessments are provided with equitable access in order to demonstrate their knowledge and skills.
2. **Varied and Multimodal Assessments:** Various types and modalities of assessments, including oral presentations, projects, portfolios, and other forms, are used to align with language instruction. These diverse assessment methods provide ELs with ample opportunities to demonstrate their understanding and progress in all four domains of language.
3. **Monitoring and Support:** Ongoing monitoring of ELs' academic and linguistic progress will be conducted, with targeted interventions provided as indicated.

- E. Course Credit. Students in TBE and TPI programs shall receive full credit for courses taken in these programs, which shall count toward promotion and fulfillment of district graduation requirements. ESL courses in high school count toward English course requirements toward graduation and students should not be required to enroll in English courses in addition to the ESL courses they are enrolled in.

7. English Learners With Disabilities

A. IEP Evaluation

The principal or designee shall ensure that the language(s) used to evaluate a child to determine eligibility for an Individualized Education Program (IEP) shall be consistent with the child's native language or other mode of communication. If the language use pattern involves two or more languages or modes of communication, the student shall be evaluated by qualified specialists using each of the languages or modes of communication used by the student.

B. IEP and Related Services

The IEPs developed and implemented should reflect the linguistic, cultural, and instructional needs of students and, to the maximum extent appropriate, students will be placed in non-restrictive environments ~~which that~~ provide for integration with nondisabled peers in bilingual classrooms. Bilingual or ESL endorsed personnel will participate in all IEP meeting(s) for English Learners, fulfilling the role of a Bilingual Specialist, including interpreting the English language proficiency assessments (ACCESS) and providing input on how their proficiency impacts their instructional needs.

Bilingual Special Education services: ELs with disabilities are entitled to receive both services: EL program (Bilingual) and Special education. There are 6 Bilingual Special education models that schools can use to describe how to provide Bilingual services/support when ELs are receiving Special education services.

9. Parental Involvement

A. Chicago Multilingual Parents Council (CMPC)

The Board established the CMPC in accordance with Article 14C-10 which requires the district to establish a parent/guardian advisory committee to afford parents/guardians of English Learners the opportunity to express their views and which ensures that Bilingual Education Services are planned, operated, and evaluated with the involvement of, and in consultation with, parents/guardians of children served by the District's Bilingual Education Services. Membership on the CMPC is based on citywide elections as set forth in the bylaws of the CMPC.

B. Bilingual Advisory Committee (BAC) of the Local School Council (LSC)

In accordance with 105 ILCS 5/34-2.2(f), each LSC of a school that ~~provides bilingual education~~ is required to provide Transitional Bilingual Education (TBE) program(s) shall create a BAC or recognize an existing BAC as a standing committee. The Chair and a majority of the members of the Bilingual Advisory Committee shall be parents/guardians of students in the school's Bilingual Education Services. The parents/guardians on the advisory committee shall be selected by parents/guardians of students in the Bilingual Education Services, and the committee shall select

a Chair. The advisory committee for each secondary school shall include at least one full-time bilingual education student. The BAC shall serve only in an advisory capacity to the LSC.

~~G. Chicago Multilingual Parents Council (CMPC)~~

~~The Board established the CMPC in accordance with Article 14C-10 which requires the district to establish a parent/guardian advisory committee to afford parents/guardians of English Learners the opportunity to express their views and which ensures that Bilingual Education Services are planned, operated, and evaluated with the involvement of, and in consultation with, parents/guardians of children served by the District's Bilingual Education Services. Membership on the CMPC is based on citywide elections as set forth in the bylaws of the CMPC.~~

10. Oversight

The Office of ~~Language and Cultural Education (OLCE)~~ Multilingual-Multicultural Education (OMME) and the Department of Internal Audit and Compliance shall oversee implementation and compliance with this policy, federal and state law in doing so, shall:

- a. Provide technical assistance and support to assist schools with implementation of the policy and programming
- b. Assist schools in obtaining support services through various Central Office departments and Network offices
- c. Conduct periodic evaluations on school implementation of bilingual education services
- d. Monitor individual Bilingual Education Services refusal and withdrawal requests received from parents/guardians

11. Bilingual Education Handbook

~~The Chief Education Officer or designee is authorized to develop, issue, and update the Bilingual Education Handbook and any related guidelines, standards, and toolkits to ensure the effective implementation of this policy and compliance with federal and state law. The principal or designee shall ensure compliance with this policy and the requirements set out in the Bilingual Education Handbook including but not limited to those related to documentation, student data management, parent/guardian notices, timelines and deadlines, grading, and qualifying assessment exemptions.~~

12. Definitions

~~Bilingual Education Services: A program of instruction designed to promote meaningful access to core content through Transitional Bilingual Education, Transitional Programs of Instruction, or Dual Language Education. English Learners are provided with tools, resources, and program structures to ensure that students are fully engaged in rigorous instruction preparing them for college, career, and life.~~

~~English as a Second Language: Specialized instruction designed to provide English Learners with focused language development in English in the domains of listening, speaking, reading, and writing.~~

~~Home Language: The language spoken within a student's home; spoken by the student, the parents, the siblings, and/or other family members; also referred to as Language Classification or Native Language.~~

~~General Program of Instruction: Pre-Kindergarten through grade 12 educational programs offered to all students.~~

~~Language Acquisition: The process in which students develop listening, speaking, reading, and writing language skills.~~

~~Language Classification: The language spoken within a student's home; spoken by the student, the parents, the siblings, and/or other family members; also referred to as Home Language or Native Language.~~

~~Native Language: The language spoken within a student's home; spoken by the student, the parents, the siblings, and/or other family members; also referred to as Language Classification or Home Language.~~

~~Native Language Instruction: Instruction (including instructional materials) provided in the native language of the ELs within the program.~~

~~Scaffolding: An instructional approach based on providing a step-by-step process for building students' ability to complete tasks on their own.~~

~~Transition: Process in which a student who satisfies English language proficiency requirements based on the state-prescribed assessment and is then enrolled in general program of instruction.~~

Cross References:

Legal References:

23 Illinois Administrative Code Part 228

105 ILCS 5/Art. 14C

ESSA Title III