**Section 228.25 Program Options, Placement, and Assessment**

a) Program Options and Placement

1)When an attendance center has an enrollment of 20 or more English learners of the same language classification the school district must establish a transitional bilingual education (TBE) program for each language classification represented by those students. (See Section 14C-3 of the School Code and Section 228.30(c) of this Part.) A further assessment of those students to determine their specific programmatic needs or for placement in either a full-time or a part-time program may be conducted. This subsection (a)(1) applies only to students enrolled in kindergarten or any of grades 1 through 12 in an attendance center.

2) When an attendance center has an enrollment of 19 or fewer English learner*s* of any single language classification other than English, the school district shall conduct an individual student language assessment to determine each student's need for home language instruction and may provide a transitional bilingual program in the languages other than English common to these students. If the district elects not to provide a transitional bilingual program, the district shall provide a locally determined transitional program of instruction (TPI) for those students. (Section 14C-3 of the School Code) (See Section 228.30(d) of this Part.) This subsection (a)(2) applies only to students enrolled in kindergarten or any of grades 1 through 12 in an attendance center.

3) When a preschool program of the school district has an enrollment of 20 or more English learners of any single language classification other than English in an attendance center or a non-school-based facility, the school district shall establish a TBE program for each language classification represented by the students. If the preschool program of an attendance center or non-school-based facility has 19 or fewer English learners of any single language classification other than English, then the school district shall meet the requirements of subsection (a)(2) when determining placement and the program to be provided.

b) English Language Proficiency Assessment

1) School districts must annually assess the English language proficiency, including aural comprehension (listening), speaking, reading, and writing skills, of all English learnersin kindergarten and any of grades 1 through 12(See Section 14C-3 of the School Code) using the English language proficiency assessment prescribed by the State Superintendent of Education. This assessment shall be administered during a testing window designated by the State Superintendent to determine individual students' continuing need and eligibility for bilingual education services. The annual assessment shall be based on the English Language Development Standards Kindergarten-Grade 12 (2020), published by the Board of Regents of the University of Wisconsin System on behalf of the WIDA Consortium, University of Wisconsin-Madison, 1025 West Johnson Street, Suite 785, Madison WI 53706, and posted at https://wida.wisc.edu/sites/default/files/resource/WIDA-ELD-Standards-Framework-2020.pdf. No later amendments to or editions of these standards are incorporated by this Section.

2) The State Superintendent shall inform school districts no later than July 1 of the scores to be used to determine whether a student is identified as “proficient” and modify the State Board's website accordingly.

A) Each student whose score on the English language proficiency assessment is identified as "proficient" shall exit the program of bilingual education services, subject to the provisions of Section 14C-3 of the School Code.

B) Each student whose score is identified as "proficient" in accordance with subsection (b)(2)(A) shall be identified as a former English learner.

3) Each student who is not enrolled in a program under this Part but who has been identified as an English learner shall be required to participate in the assessment each year until that student achieves a "proficient" score.

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