**Section 228.40 Students' Participation; Records**

a) Notice of Enrollment and Withdrawal

1) *Notice of Enrollment − No later than 30 days after the beginning of the school year or 14 days after the enrollment of any student in a transitional bilingual education program in the middle of a school year, the school district shall notify by mail the parents or legal guardians of the student that their child has been enrolled in a transitional bilingual education program* or a transitional program of instruction*. The notice shall be in English and in the home language of the student* and shall convey, *in simple, nontechnical language,* all of the information called for in Section 14C-4 of the School Code [105 ILCS 5/14C-4].

2) *Withdrawal by Parents − Any parent or legal guardian whose child has been enrolled in a program shall have the absolute right to withdraw the child from the program immediately by submitting a written notice of his or her desire to withdraw the child to the school authorities of the school in which the child is enrolled or to the school district in which the child resides.* (Section 14C-4 of the School Code)

b) Unless terminated as set forth in subsection (a)(2) of this Section, the duration of a student's participation in a program under this Part shall be as set forth in Section 14C-3 of the School Code.

1) If a student participates in a TBE or TPI in preschool or kindergarten, then that participation does not count towards the three-year total specified in Section 14C-3 of the School Code.

2) If a student exits a program after three years and is not proficient in English, then the school district shall meet the requirements of Section 228.27 of this Part.

c) Maintenance of Records and Reporting Procedures

1) Report Cards − The school shall send progress reports to parents or legal guardians of students enrolled in programs in the same manner and with the same frequency as progress reports are sent to parents or legal guardians of other students enrolled in the school district.

A) Progress reports shall indicate the student's progress in the program and in the general program of instruction.

B) Progress reports shall indicate when the student has successfully completed requirements for transition from the program into the general program of instruction if that information has not been reported separately in writing to the parents or legal guardian.

C) Progress reports for all students enrolled in a program under this Part shall be written in English and in the student's home language unless a student's parents or legal guardian agrees in writing to waive this requirement. The parents' waiver shall be kept on file in accordance with subsection (c)(3) of this Section.

2) Annual Student Reports − Each district must submit electronically the information requested by the State Superintendent using the Student Information System (see 23 Ill. Adm. Code 1.75) no later than June 30 of each year. Each district also must complete the Program Delivery Report, provided by the State Superintendent of Education, in which information on each program is compiled.

3) Records − School districts shall maintain records of each student enrolled in programs in the manner prescribed in 23 Ill. Adm. Code 375 (Student Records). These records shall include program entry/exit information, annual English language proficiency assessment scores and results from the prescribed screening instrument for students in kindergarten and any of grades 1 through 12 or the results from the prescribed screening procedures for students in preschool programs; other student information (e.g., language, grade level, and attendance); the rationale for a student's placement into a part-time program, where applicable, including documentation of the criteria, as set forth in Section 228.30(c)(3) of this Part, used to determine that a part-time program would be appropriate; and documentation of conferences and written communication with parents or legal guardians. Parents and legal guardians of students enrolled in programs shall have access to their students' records, as specified in 23 Ill. Adm. Code 375.

(Source: Amended at 37 Ill. Reg. 16803, effective October 2, 2013)