

REVISED AGENDA AND SCHEDULE OF MEETINGS
February 22-23, 2006

Please see revisions underlined in blue.

Time change in Education Policy Planning Committee
Agenda item added to the Plenary Agenda

NOTE: Staff presentations and detailed Board discussion typically take place during Committee meetings one month prior to State Board action in the plenary session.

Wednesday, February 22, 2006

- 10:00 a.m. Board Operations Committee of the Whole**
Board Room, 4th Floor
1-866-297-6391 (*listen only*); Confirmation # 1 3 8 2 0 5 3 4
- 12:00 p.m. Lunch Break**
- 12:45 p.m. Education Policy Planning Committee**
Board Room, 4th Floor
1-866-297-6391 (*listen only*); Confirmation # 1 3 8 2 0 5 3 4
- 1:15 p.m. Governmental Relations Committee**
Board Conference Room, 4th Floor
1-866-825-3967 (*listen only*); Confirmation # 1 3 8 9 1 2 0 4
- * 3:00 p.m. Ad Hoc Rules Committee of the Whole**
Board Room, 4th Floor
1-866-297-6391 (*listen only*); Confirmation # 1 3 8 2 0 5 3 4
- * 4:00 p.m. Finance & Audit Committee**
Board Room, 4th Floor
1-866-297-6391 (*listen only*); Confirmation # 1 3 8 2 0 5 3 4

* The meeting will begin at the conclusion of the previous session.

Thursday, February 23, 2006

- 7:15 – 9:00 a.m. ISBE Legislative Breakfast**
349C Stratton Office Building, Springfield, IL
- 9:30 a.m. ISBE Plenary Session (see revised agenda, attached)**
Board Room, 4th Floor, 100 North First Street, Springfield, IL
1-866-297-6391 (*listen only*); Confirmation # 1 3 8 2 0 5 3 6

NOTE: Chairman Ruiz will call for a break in the Board Plenary Session on Thursday at which time the Board will go into closed session over lunch.

All State Board of Education meetings listed on this agenda will be accessible to persons with disabilities. Persons planning to attend who need special accommodations should contact the Board office no later than the date prior to the meeting. Contact the Superintendent's office at the State Board of Education, Phone: 217-782-2221; TTY/TDD: 17-782-1900; Fax: 217-785-3972.

ILLINOIS STATE BOARD OF EDUCATION

**Board Room, 4th Floor
100 North First Street, Springfield, Illinois**

**Thursday, February 23, 2006
9:30 a.m.**

Public Conference Call Number: 1-866-297-6391 (listen only); Confirmation #: 1 3 8 2 0 5 3 6
The Plenary Session will also be audio broadcast via the Internet.

NOTE: Staff presentations and detailed Board discussion typically take place during Committee meetings one month prior to State Board action in the plenary session.

Plenary Business Meeting

A. Roll Call/Pledge of Allegiance

B. Resolutions & Recognition

1. Board Recognition Resolutions (pp.3-5)

C. Public Participation

D. Approval of Minutes

1. January 19, 2006 (pp. 6-21)

E. Announcements and Reports

1. Superintendent's Announcements
2. Chairman's Report
3. Committee Reports
4. Members' Reports

F. Superintendent's Report

*** Consent Agenda**

All action consideration items listed with an asterisk (*) are considered to be routine and will be enacted in one motion and vote. Any board member who wishes separate discussion on any item listed on the consent agenda may remove that item from the consent agenda, in which event, the item will be considered in its normal sequence.

Action Considerations

- *1. Rules for Initial Review
 - a. Part 226 (Special Education) (pp. 22-29)
- *2. Rules for Adoption
 - a. Part 401 (Nonpublic Special Education Facilities) (pp. 30-62)
 - b. Part 1110 (Education Purchasing Program) (pp. 63-78)
3. Approval of Approval of Spring Mandate Waiver Report (pp. 79-151)
4. Approval of ISAT Cut Scores (pp.152-154)
5. Update List of Supplemental Education Service Providers (**pp.155-157**)
6. Determination of Approval of Divernon Community Unit S.D. #13 Financial Plan (**pp. 158-164**)
7. Recognition Status of Elmwood Park CU School District 401 (as needed)
- 8. Revision of FY07 Budget Recommendation in response to Governor's Budget Address (as needed)**

Information Items

1. Monthly Informational Reports
 - a. Monthly Status Report on Rulemaking (pp. 165-171)
 - b. SBE Fiscal & Administrative Monthly Reports (pp. 172-186)

G. Adjourn

NOTE: Chairman Ruiz will call for a break in the Board Plenary Session at which time the Board will go into closed session over lunch.

**Illinois State Board of Education Meeting
MINUTES
February 23, 2006
100 North First Street
Springfield, Illinois**

<p>ROLL CALL/PLEDGE OF ALLEGIANCE</p>	<p>Mr. Jesse Ruiz, Chairman, called the meeting to order at 9:40 a.m. Chairman Ruiz asked Ms. Jean Ladage, Assistant to the Board, to call the roll. A quorum was present. Dr. Randy Dunn, State Superintendent of Education, was also in attendance.</p> <p>The Board members, Dr. Dunn, and anyone who wished to join them faced the American flag and recited the Pledge of Allegiance.</p> <p>Chairman Ruiz announced that the Board meeting was being audio-cast live over the Internet.</p> <p><u>Members Present:</u> Mr. Jesse Ruiz, Chairman Dr. Christopher Ward, Vice Chairman Dr. Vinni Hall, Secretary Dr. Andrea Brown Mr. Dean Clark Dr. David Fields Mr. Edward Geppert, Jr. Ms. Brenda Holmes Ms. Joyce Karon</p> <p><u>Members Absent:</u> None</p> <p>Chairman Ruiz asked that everyone please take note of the display in the hallway commemorating Black History Month and thanked all African American Educators and Leaders throughout the State of Illinois for their contributions to education everyday. Chairman Ruiz also pointed out that the winning poster commemorating Arts Education Week is also on display, as well as the other student contest poster entries that we received. The winner of the Art Education Week Poster Contest will be recognized at the March Board meeting.</p>
<p>RESOLUTION & RECGONITION</p>	<p>Dr. Chris Ward moved that the State Board of Education accept the recommendation of the Board Operations Committee to adopt the resolutions recognizing the following individuals:</p> <ul style="list-style-type: none"> o Tracie Tobin, Culinary Arts Instructor at Wilco Career Academy o Jaclyn Keeney, for her accomplishments while attending Marseilles' Milton Pope School, including the design of the official LaSalle County flag. <p>Dr. David Fields seconded the motion and it passed with a with a unanimous voice vote.</p>
<p>PUBLIC PARTICIPATION</p>	<p>Ms. Elizabeth Evans of the Illinois Network of Charter Schools urged the Board to reallocate the charter funding for classroom activities and to increase the appropriations for charter schools by \$500,000.00. Ms. Evans stated that this money would go directly into classrooms and would translate into about \$150,000.00 of funding per school, per year; which would allow for teachers, curricular materials, data and assessment tools to help improve performance. Ms. Evans stated that they realize that these are times of tight budget constraints and that we need to make sure that every dollar is used for its maximum impact on students. Ms. Evans thanked the Board for their time.</p>

Mr. Jay Runner from Facilitating Coordination in Agriculture Education presented the Board members with a textbook titled "Biological Science and Agriculture." The textbook was made possible by the Agriculture Education line item in the State Board of Education. Mr. Runner reminded that Board that when he spoke to them in the fall he presented to them a Biological Science and Agriculture (BSAE) CD that contained the curriculum they offer in agricultural education. This curriculum offers students the opportunity to receive lab science credit for admissions to nine Midwestern universities. This curriculum is very instrumental to helping students advance to post secondary education. BSAE curriculum has been adopted nationally and is used by 14 states which represent 30% of the agricultural education teachers in the nation. All states have purchased portions of the curriculum with the exception of three. This speaks highly of efforts in agriculture education in not only Illinois but in the nation. Mr. Runner also introduced **Ms. Betsy Pesh** who is the high school agriculture teacher at Hartsburg Emden CUSD #21. Ms Pesh spoke of the ways in which this curriculum has enhanced her agriculture program. Ms. Pesh noted that this curriculum also focuses on our state goals and learning standards and assists students in preparing for assessments. Ms. Pesh thanked the Board for funding agricultural education and for allowing her to speak with them today.

Chairman Ruiz thanked Mr. Runner and Ms. Pesh for their feedback on how some of the agricultural education funding had manifested itself into actual results. Dr. Vinni Hall commented on how exciting it is to see our standards develop into something authentic that has compelled students to learn. Superintendent Dunn commented that he hopes that over the years there will be more of these presentations to the Board with the same connections taking place. Dr. Dunn thanked Mr. Runner and Ms. Pesh for all the work they have done.

Mr. Bill Schreck, spoke on behalf of Illinois Future Farmers of America (FFA) as a past FFA advisor, a position he held during his 25 year tenure at ISBE as State Director of Agricultural Education. Mr. Schreck asked for the Board's support of House Bill 4986. HB 4986 would formally and officially confirm the importance of FFA and Supervised Agricultural Experience (SAE) as intracurricular components of agricultural education in Illinois, as defined by its federal charter – Public Law 81-740. HB 4986 would ensure that all districts that choose to offer a state and federally approved program of agricultural education in Illinois offer FFA and SAEs as intracurricular components. Mr. Schreck thanked the Board and reminded them that this week is National FFA Week and this would be a good time to support HB 4986.

Ms. Lisa Montgomery from the Chicago Public Education Fund asked the Board for additional funding for National Board Certification (NBC). Ms. Montgomery stated concern that since 2003 the funding for NBC has remained the same. It is imperative that this initiative not only be continued, but that additional funds are allocated to increase the number of National Board Certified teachers in Illinois classrooms. Ms. Montgomery thanked the Board for the past funding of National Board Certification and let them know what an honor it was to speak to them today.

Mr. Marvin Warner, Superintendent of Highland CUSD #5 in Madison County spoke in support of an increase of funding for National Board Certification. Superintendent Warner stated that Highland School District strongly supports National Board Certified Teachers by offering the teachers in their district an encouragement program to be National Board Certified Teachers. They now have seventeen teachers in the district that are National Board Certified Teachers and are working on a goal to have 50 nationally certified teachers. Superintendent

	<p>Warner said they can achieve their goal but will need the support of the Board and funding to keep their incentive program in place. Superintendent Warner thanked and urged the Board to continue to provide the financial support and to increase the funding for National Board Certification.</p> <p>Mr. Bob Blade (the first male National Board Certified Teacher in Illinois as well as a junior high language arts teacher for 33 years at Cumberland School District #77) spoke about the impact that National Board Certification has had on him as well as his students. Mr. Blade pointed out that research shows that students taught by a National Board Certified teacher out perform other students in various learning measures. Mr. Blade commented that he believes that every student in the state is entitled to a high quality teacher. Mr. Blade thanked the Board members for listening and considering his comments.</p> <p>Cynthia Woods from the Illinois Association of School Boards (IASB) spoke on Part 305 (School Food). Ms. Wood stated that she represents 97% of the school boards in Illinois. Ms. Wood indicated that even with the modifications, Part 305 is seen as a very burdensome policy. Ms. Wood let the Board know that IASB feels that this issue should be left to local control and urged them to reconsider this proposal. Ms. Wood thanked the Board for the opportunity to speak with them.</p> <p>Mr. Dean Clark spoke on behalf of Ms. Peg Agnos of LEND/SCOPE who was unable to speak at the meeting. Mr. Clark commented that Ms. Agnos would like the Board to know that LEND/SCOPE supports the recommendation for the cut scores and that they are in agreement with the staff recommendation.</p> <p>Chairman Ruiz commented that former board member Mr. Lyle Newman (1987-1997) was in the audience today. Ms. Brenda Holmes complimented Mr. Newman on his integrity while on the Board and serving as Chair of the Governmental Relations Committee. Ms. Holmes stated that she only hopes that she can emulate the same integrity that Mr. Newman did while on the Board. Ms. Holmes thanked Mr. Newman for his service and for coming to the Board meeting today.</p>
<p>APPROVAL OF MINUTES</p>	<p>Ms. Joyce Karon moved that the State Board of Education minutes be approved for the meeting of January 19, 2006. Dr. Chris Ward seconded the motion and it passed with a unanimous voice vote.</p>
<p>ANNOUNCEMENTS AND REPORTS:</p> <p>Superintendent's Announcements</p>	<p>Superintendent Dunn commented that he had been doing a lot of traveling around the state in support of Governor Blagojevich's jobs bill and school construction, which is so badly needed in Illinois. Dr. Dunn stated that he also looks forward to a number of events in support of Governor Blagojevich's "Preschool for All". The Preschool for All Program has tremendous potential and would put Illinois in a national leadership role.</p> <p>Superintendent Dunn stated that over the past month he has had the opportunity to attend two very interesting symposiums:</p> <ul style="list-style-type: none"> • The Public Finance Symposium sponsored by the Paul Simon Institute held on February 3rd at Southern Illinois University-Carbondale. • The O'Leary Symposium held on February 16th by the University of Illinois Urbana Champaign in Chicago. <p>Dr. Dunn added that on February 15-17th the agency hosted, along with the Illinois Resource Center, the No Child Left Behind Conference in Chicago. The conference was attended by about 1,500 educators and the feedback to Dr. Ginger Reynolds and Mr. Myron Mason reflected that the conference was a great success.</p>

<p>Chairman's Report</p>	<p>Chairman Ruiz reported that he had participated in the following meetings since the last Board meeting:</p> <p>January 23 Attended Getting Accountability Right: Constructive Alternatives for Teachers and Educational Leaders; Oak Brook</p> <p>January 30 ED-RED 35th Anniversary Dinner, along with Vinni Hall, Joyce Karon & Chris Ward, Dean Clark</p> <p>February 2 Spoke to 8th grade students of Hester Junior High, Franklin Park SD 84, at the JRTC</p> <p>February 9 Guest Speaker, St. Clair County area superintendents & board members, Belleville</p> <p>February 9 School Finance discussion with Constitutional Rights Foundation Student Advisory Council</p> <p>February 21 Education presentation to Mexican American Task Force</p> <p>Chairman Ruiz commented that he also attended several press interviews regarding Preschool For All following the Governor's Budget Address.</p>
<p>Committee Reports</p>	<p>Board Operations Committee of the Whole</p> <p>Dr. Chris Ward reported that he and the following committee members were in attendance: Dr. David Fields, Dr Vinni Hall, Ms. Joyce Karon, and Chairman Ruiz. Other members in attendance were Dr. Andrea Brown, Mr. Ed Geppert, and Ms. Brenda Holmes. Mr. Dean Clark was not able to attend.</p> <p>Dr. Ward commented that the committee discussed the following topics:</p> <ul style="list-style-type: none"> • Received a quarterly update from Superintendent Dunn on the Board's progress on the Strategic Plan. • Brief overview on increasing high school student performance in literacy and numeracy by staff members Mark Williams, Dana Kinley and Becky McCabe. • Reviewed and discussed school restructuring, district corrective action, and chronically dysfunctional districts. <p>Education Policy Planning Committee</p> <p>Dr. Fields reported that he and the following committee members were in attendance: Dr. Andrea Brown, Mr. Ed Geppert, Dr. Vinni Hall, and Ms. Joyce Karon. Dr. David Fields commented that the committee discussed the following topics.</p> <ul style="list-style-type: none"> • Approved the minutes for the January 2006 Education Policy Planning Committee Meeting. • Received a presentation by Dr. Steven Ross from the University of Memphis on the upcoming evaluation process of Supplemental Service Providers. • Becky McCabe provided information to the Committee on Private Facilities and PSAE Testing. • Gail Lieberman discussed the proposed changes to the NCLB Accountability Workbook. These changes will be presented to the Board in April. • Committee requested more information on the Comprehensive Professional Development Grant under IDEA <p>Finance and Audit Committee</p> <p>Mr. Edward Geppert reported that he and the following committee members were in attendance: Dr. Andrea Brown, Ms. Brenda Holmes and Mr. Dean Clark. Edward Geppert reported that the committee discussed the following topics:</p>

	<ul style="list-style-type: none"> • Received public participation comments from Ms. Paula Purdue of the Chicago Education Fund and Ms. Nancy Schwartz of NBPTS requesting that NBPTS line item be fully funded. • Approved the minutes for the January 2006 Finance & Audit Committee Meeting. • Committee will continue to track and report ISBE budgeted programs that assist school districts, for their effectiveness of the programs and dollars used to fund these programs. • Received a budget update from Linda Mitchell and Ronny Wickenhauser. • Received a report from Elliot Regenstien on Early Childhood and the Class Size Reduction Initiative. • Deb Vespa presented the Divernon CUSD #13 Financial Plan to the Board. The plan will be presented to the Board at the plenary session today. • Deb Vespa reported on the Annual Financial Reports and stated that the Board will be receiving the financial watch list at next month's board meeting. • Linda Mitchell gave an update on the Illinois School Purchasing Network. • Linda Mitchell stated that the Auditor General will soon have the Financial Compliance Audit completed and the Board can expect to receive a report on the audit in the near future. <p>Governmental Relations Committee Ms. Brenda Holmes reported that she and the following committee members were in attendance: Mr. Dean Clark, Mr. Jesse Ruiz & Dr. Chris Ward.</p> <p>Ms. Holmes reported that the members of the committee received and discussed the following topics:</p> <ul style="list-style-type: none"> • Received a status update from Josh Jacobs and Nicole Wills on ISBE proposed bills and other bills of interest. • Winnie Tuthill gave an overview of the Spring Mandate Waiver Report that will be voted on in the plenary session today. • Dr. Norm Durlinger and Dr. Erika Hunt from Illinois SAELP spoke on SB 2825. • Brian Schwartz, Acting Executive Director from the Illinois Principals Association addressed the committee in support of SB 2825. • Committee briefly discussed the Legislative Breakfast. Brenda Holmes thanked Nicole Wills, Josh Jacobs, Becky Watts and staff for all the work they did to prepare for the breakfast.
<p>SUPERINTENDENT'S REPORT</p> <p>Consent Agenda Items and Motions</p>	<p>Chairman Ruiz commented that all items listed with an asterisk (*) on the agenda are considered to be routine and will be enacted in one motion and vote. Any board member who wishes separate discussion on any item listed on the consent agenda may remove that item from the consent agenda, in which the event, the item will be considered in its normal sequence. Dr. Dunn gave the Board members a brief summary of the following general consent agenda items and his recommendation for action.</p> <p>Superintendent Dunn gave the Board members a brief summary on the items on the consent agenda.</p> <p>General Counsel Jon Furr reported to the Board regarding the background on the rules for initial review and gave a general update on the status of rules streamlining. Mr. Furr asked Dr. Chris Koch to provide information on the action that is proposed for Part 226 (Special Education).</p>

<p>Rules for Adoption</p>	<p>Dr. Koch stated that they are proposing to extend the timeline for Part 226.730 and 731 because most of the input they received reflected a conflict in the date of implementation, causing problems for school districts. Dr. Koch commented that today's action would withdraw the entire Part 226 set of rules and reissue them with the change as proposed. This would of course extend the public comment period once it is published, and the six-month period that was intended would still take place. Dr. Koch stated the rules may have to be posted in two actions, versus one, the latest date being March 17th allowing for public comment through September 17th.</p> <p>Dr. Vinni Hall asked what happens if the feds have not completed their rulemaking by then? Dr. Koch stated that the rulemaking for Part 226 would not be completed until federal regulations were issued.</p> <p>Chairman Ruiz removed Item F.1 a (Part 226 Special Education) from the consent agenda and stated that it will be considered as a separate item for discussion later in the meeting.</p> <p>Chairman Ruiz asked for a motion regarding the consent agenda items.</p> <p><u>Motion:</u> Mr. Ed Geppert moved that the State Board of Education hereby approve the consent agenda, with the exception of Item F.1 a (Part 226 Special Education) which will be presented later in the meeting. Mr. Dean Clark seconded the motion and it passed with a unanimous voice vote.</p> <p>The following motions were approved by action taken in the consent agenda motion:</p> <p style="text-align: center;"><u>Rules for Adoption</u> Part 401 (Nonpublic Special Education Facilities)</p> <p>The State Board of Education adopts the following motion:</p> <p style="padding-left: 40px;">Nonpublic Special Education Facilities (23 Illinois Administrative Code 401).</p> <p>Further, the Board authorizes the State Superintendent of Education to make such technical or nonsubstantive changes as the State Superintendent may deem necessary in response to suggestions or objections of the Joint Committee on Administrative Rules.</p> <p style="text-align: center;"><u>Rules for Adoption</u> Part 1110 (Education Purchasing Program)</p> <p>The State Board of Education hereby adopts the proposed rulemaking for:</p> <p style="padding-left: 40px;">Education Purchasing Program (44 Illinois Administrative Code 1110).</p> <p>Further, the Board authorizes the State Superintendent of Education to make such technical or nonsubstantive changes as the State Superintendent may deem necessary in response to suggestions or objections of the Joint Committee on Administrative Rules.</p> <p>END OF CONSENT AGENDA</p>
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<p>Rules for Initial Review Part 226 (Special Education)</p>	<p style="text-align: center;"><u>Rules for Initial Review</u></p> <p><u>Motion:</u> Mr. Ed Geppert moved that the State Board of Education hereby authorizes the withdrawal of the proposed amendments to the rules for Special Education (23 Illinois Administrative Code 226) that appeared in the <u>Illinois Register</u> on February 10, 2006, and the solicitation of public comment on the new version of the proposed amendments, including publication of this version in the <u>Illinois Register</u>.</p> <p>Ms. Joyce Karon seconded the motion and it passed with a majority voice vote; Dr. Vinni Hall and Ms. Brenda Holmes both cast “No” votes.</p> <p>Ms. Joyce Karon asked Dr. Koch for clarification on what year the class size restrictions would go into effect. Dr. Koch stated that they would be in effect for the year 2008-2009.</p>
<p>Approval of Spring Mandate Waiver Report</p>	<p>Ms. Brenda Holmes gave a brief update on the Waiver Reports and recommended that these waivers only be approved for one year. Mr. Dean Clark asked if Warren Township waiver was in agreement with staff recommendations of only one year. Brenda Holmes responded that Warren Township would also be limited to one year.</p> <p><u>Motion #1</u> Ms. Brenda Holmes moved that the State Board of Education hereby forwards the following waiver requests to the General Assembly with recommendations for legislative disapproval:</p> <p style="padding-left: 40px;">The request from Waukegan Community Unit School District 60 (WM100-3738) asking to waive the time limitations for substitute teachers; and</p> <p style="padding-left: 40px;">The request from Regional Office of Education #8 (WM100-3750) asking to waive the requirement for a five clock-hour day for those students attending its alternative schools.</p> <p>Dr. Vinni Hall seconded the motion and it passed with a unanimous voice vote.</p> <p><u>Motion #2</u> Ms. Brenda Holmes moved that:</p> <p style="padding-left: 40px;">The request from Mendon Community Unit School District 4 (WM100-3742-1) asking to waive daily physical education for students in grades 9 and above when they are enrolled in the behind-the-wheel portion of driver’s education should receive legislative approval for the 2006-2007 school year only. The remaining years of the waiver request (2007-08 through 2010-11) should be disapproved; and</p> <p style="padding-left: 40px;">The request from Herscher Community Unit School District 2 (WM100-3749-2) asking to waive daily physical education for students in grades 7 and 8 when they are participating in two of three elective fine arts courses, should receive legislative approval for the 2006-2007 school year only. The remaining years of the waiver request (2007-08 through 2010-11) should be disapproved; and</p> <p style="padding-left: 40px;">The request from Warren Township High School District 121 (WM100-3762), asking to charge a fee for driver’s education not to exceed \$700, with the understanding that the fee charged for the 2006-2007 school year will not exceed \$300, should receive legislative approval for the 2006-07</p>

school year only. The remaining years of the waiver request (2007-08 through 2010-11) should be disapproved and;

Ms. Brenda Holmes further moved that the State Board of Education hereby forwards the remaining 73 waiver requests summarized in the report to the General Assembly without comment.

Mr. Ed Geppert seconded the motion and it passed with unanimous voice vote.

Chairman Ruiz stated that staff will submit the Spring 2006 Waiver Report to the General Assembly before March 1st.

Approval of ISAT Cut Scores

Superintendent Dunn gave a brief update on the ISAT cut scores and referred further questions to Becky McCabe, Division Administrator for Student Assessment and Sam Krug of Metrittech.

Ms. Brenda Holmes asked Sam Krug if it will be possible to compare 2005-2006 scores to the 2006-2007 scores and have accurate data. Mr. Klug answered that there are equations that will carry the 2005 scales to the 2006 scales and the data will be comparable.

Ms. Joyce Karon and Dave Fields asked Becky McCabe if the change in the cut scores in 8th grade will lessen the expected proficiencies of students. Becky McCabe and Superintendent Dunn responded that would not be the case, but that the cut scores would be more in line with the expectations of other proficiency levels.

Mr. Ed Geppert thanked Becky McCabe and staff for having the courage to bring this issue forward and for allowing for a sense of fairness for the teachers and students in this state who have been asked to be reviewed and published against an unfair standard over a number of years.

Motion:

Dr. Vinni Hall moved that the State Board of Education hereby approves the recommendation of the State Testing Review Committee and accepts the cut scores as presented. Mr. Ed Geppert seconded the motion and it passed with a unanimous voice vote.

Scale Score Ranges That Define Student Performance Levels on the 2006 ISAT Scales

READING

Grade	Academic Warning	Below Standards	Meets Standards	Exceeds Standards
3	155-	156-190	191-226	227+
4	157-	158-202	203-236	237+
5	160-	161-214	215-246	247+
6	166-	167-219	220-256	257+
7	173-	174-225	226-266	267+
8	179-	180-230	231-277	278+

MATHEMATICS

Grade	Academic Warning	Below Standards	Meets Standards	Exceeds Standards
3	162-	163-183	184-223	224+
4	171-	172-199	200-246	247+
5	179-	180-213	214-270	271+
6	193-	194-224	225-275	276+
7	206-	207-234	235-280	281+
8	220-	221-245	246-287	288+

SCIENCE

Grade	Academic Warning	Below Standards	Meets Standards	Exceeds Standards
4	157-	158-186	187-236	237+
7	196-	197-213	214-259	260+

Update List of Supplemental Education Service Providers

General Counsel Jon Furr gave a brief summary to inform the Board of the review of applications from entities seeking to be approved Supplemental Education Services providers.

Ms. Brenda Holmes asked how much the contract will cost and for how many years. Mr. Furr responded by stating that the contract would not exceed more than \$200,000.00 and it would extend until October 2006 with a right to renew for additional years.

Ms. Joyce Karon stated that in her opinion, an SES provider that does not provide adequate services should not be allowed to continue. Mr. Furr stated that they will review this very closely when it is presented back to the Board for discussion.

Mr. Dean Clark moved that the following motion be adopted:

Whereas the *No Child Left Behind Act of 2001* requires that the State Board of Education promote maximum participation of Supplemental Educational Service providers and maintain an updated list of approved providers, I move that the applicants indicated on Attachment 1 be approved for addition to the Illinois List of Approved Supplemental Educational Service Providers.

Mr. Dave Fields seconded the motion and it passed with a majority voice vote; Dr. Vinni Hall cast a "No" vote.

**Recognition Status
of Elmwood Park CU
School District 401**

Superintendent Dunn informed the Board members of staff concerns regarding the practice of Elmwood Park Community Unit School District #401 in denying enrollment to students based on a student's immigration status. Superintendent Dunn stated that in December, the agency took action to reduce the recognition status of Elmwood Park Community Unit School District #401 to "on probation." After a review of the corrective action plan submitted by the district, staff found it to be unacceptable and not in accordance with the clear instructions given to the District.

Dr. Dunn then asked General Counsel Jonathan Furr, Deputy General Counsel Darren Reisberg and staff attorney Irma Snopek to come forward. Mr. Furr asked the representatives of Elmwood Park Community Unit School District #401 to introduce themselves to the Board. Dr. Frank McKenzie, Superintendent of Elmwood Park Community Unit School District #401 was available via conference phone call. Mr. Jack Murphy, Legal Counsel for Elmwood Park Community Unit School District #401 and Tom Zelek, Business Manager for Elmwood Park Community Unit School District #401 were present at the Board meeting.

General Counsel Jon Furr stated that on December 20, 2005, the Illinois State Board of Education's Accountability Division took action to reduce the recognition status of Elmwood Park District 401 to "on probation" due to the district's practice of denying enrollment to students based on their immigration status. Staff attempted to get the district to change its position prior to taking this action, but the district held firm. At least two students had been denied schooling on this basis, and therefore staff felt a need to move as quickly as possible.

Staff informed District 401 that this practice violates:

- the School Code, 105 ILCS 5/10-20.12, which requires that all persons in the district between ages 5-21 be afforded a free education;
- Our administrative rules, which prohibit discrimination based on nationality and denial of access to school to students who are undocumented aliens; and
- *Plyler v. Doe*, the relevant U.S. Supreme Court case on this subject, which prohibits discrimination against children seeking public education because of their immigration status.

In *Plyler*, the Supreme Court struck down a Texas statute authorizing local districts to deny enrollment to children not "legally admitted" to the country. Justice Brennan clearly stated that all persons, whether legal or illegal aliens, are covered by the equal protection clause of the 14th amendment to the U.S. Constitution. He also stated there are arguments for why a State can withhold benefits from adults that are illegally in this country. But those same arguments don't apply to their minor children, as they "can affect neither their parents' conduct nor their own status." He went on to describe the importance of public education, and how not allowing access to schools imposes a lifetime hardship. Ultimately, Justice Brennan found there is no legitimate goal of the State justifying denying enrollment to students solely based on immigration status.

Elmwood Park admits that *Plyler* requires it to enroll undocumented immigrants living in the district. It even admits that if a minor living in the district has an expired tourist visa, the minor must be admitted. But it's holding on to this claim that if their tourist visa is valid, that and that alone is sufficient reason to deny enrollment. We strongly believe their logic can't be justified under *Plyler v. Doe*. A minor has no control of their immigration status – whether they're a legal alien, on a tourist visa, or illegal. The district is trying to single out a single class of persons to deny

enrollment based on immigration status, but the equal protection clause of the U.S. Constitution does not allow this.

The District has claimed that because the parents obtained a tourist visa for the child, that shows intent to return to their country and not remain in the district. This claim doesn't hold up. By the same logic, an undocumented immigrant would have the intent to never live in the district in the first place. Yes, the parents will be violating the terms of the tourist visa by establishing residency in the district, but the Supreme Court has said that is not a basis for denying schooling to minors.

The District has also claimed that if it allows enrollment, it can be subject to sanctions by the federal government. They have no basis for this claim. In fact, INS has publicly stated Elmwood Park won't be sanctioned for enrolling these students.

Mr. Furr continued to explain that on Tuesday, February 21, in response to ISBE's placing District 401 "on probation," counsel for District 401 submitted to ISBE's Legal Department a "Proposed Corrective Plan." This plan states that District 401 intends to continue to ask all prospective enrollees about their immigration status and not enroll any child who has a valid B Class visa. We have consistently made clear to District 401 that we consider such acts to be illegal, and hence this plan is unacceptable. Therefore, the Superintendent has recommended that the State Board nonrecognize District 401 under 23 Ill. Adm. Code 1.20.

Mr. Jack Murphy, Legal Counsel for Elmwood Park stated that a B Class visa is a tourist or a business visa that allow a person to come into the country for six months only and then they must return to their country. Federal law prohibits B Class visa holders from enrolling in a course of study; meaning that you can't attend school. This federal law is being enforced by our government because three of the 911 terrorist entered our country by B Class visas and enrolled in classes in violation of their B Class visas. Mr. Murphy stated that the district is trying to do is conform their conduct to what the federal law says. Mr. Murphy stated that all the district has submitted a corrective plan stating that they will limit the questions to: Are you on a B2 visa, and if so, we would like to examine the document to see if it is expired and if it is an expired B2 visa they will admit the student to the school. If it is still a valid B2 visa then the student will be denied enrollment to the school. Mr. Murphy stated that to be nonrecognized is a drastic measure to be taken by the Board and that it would deny the district its general state aid payment next week of \$331,000.00. If it continued through the end of the year the district would lose \$3.3 million. The school district's total budget is about \$30 million and there is no way to replace that kind of money. Mr. Murphy asked that the district not be nonrecognized. Mr. Murphy commented that the corrective plan is a good one and asked that the Board give Elmwood the time to settle the case with the State Board or to hold off any decision to nonrecognize the district until the court proceeding had a chance to play itself out.

Chairman Ruiz commented that the district's counsel is advising them to discriminate against children. Chairman Ruiz stated that the case in *Plyler* was talking about children. Children did not transport themselves from anywhere to here, their parents did. September 11 acts were done by college-age men. There is a big difference. Chairman Ruiz stated that they should have not been asking immigration status according to *Plyler*.

Mr. Murphy stated that they respectfully disagree with his analysis of *Plyler*. Mr. Murphy stated that if the district violates federal law, this will leave district officials

open to civil litigation for willfully and wantonly violating federal law. Dr. Hall stated that she believes that an elementary school does not fall under the course of study the federal law is referring to. Mr. Murphy stated that there are definitions and that he did not have them at hand but could supply them later. Mr. Murphy said he believes that they are talking about all schooling.

Dr. Hall asked how many students this has affected. Mr. Murphy stated that it affected two this year and it comes up about once or twice a year. Chairman Ruiz asked Dr. McKinzie how long the district has been asking students about immigration status. Dr. McKinzie responded that it was about four or five years ago that they began looking at the whole immigration issue.

Mr. Zelek commented that Elmwood School District does have a large immigrant enrollment with students from many different countries and that they are welcome and admitted into the school. The school district feels that if it takes the position if you have a valid tourist visa that is good for 6 months that it needs to comply with the federal law.

Dr. Chris Ward asked if the local board developed a policy that governs the decisions made in regards to this issue. Dr. McKinzie stated that the board is aware that they are doing this based upon legal counsel's interpretation of federal law but they do not have a specific local board policy that states they should ask about B2 visas.

Ms. Brenda Holmes asked about the estimated timeline for the Judge's decision. Mr. Furr stated that there is a hearing scheduled for next Tuesday, February 27th on the district's motion for a temporary restraining order against the State Board of Education. Mr. Furr stated that if the district decides to appeal the decision made today, it would be brought back to the State Board for final action. After that time, there is an administrative review process.

Mr. Murphy commented that the Judge's ruling could be in the next few weeks or a shorter period of time. Mr. Murphy stated that if the district loses funds it will certainly hurt all of the students in the district.

Motion

Dr. Chris Ward moved that the State Board of Education hereby changes the recognition status of Elmwood Park Community Unit School District #401 to "nonrecognized" under Section 1.20 of the State Board's Administrative Rules. Mr. Ed Geppert seconded the motion.

Dr. Andrea Brown asked if the State Board has ever placed a school on nonrecognition or probation status when refusing to enroll a student for residency or behavior disorder. Donna Luallen stated that they work on residency issues on a daily basis, whether a homeless student or a student who has not been enrolled in school because the district believes the child is not a resident. Ms. Luallen stated that they talk to the district and let them know that the child needs to be enrolled immediately and then they can conduct a residency hearing. Ms. Luallen commented that they have not had a district not follow what they have been asked to do and that staff have seen immediate enrollment on all occasions until now.

Mr. Dean Clark commented that he is concerned about the children this would affect, not only the children who have been denied enrollment but also the children in the district who will lose funding. Mr. Clark would like to see this issue resolved as soon as possible and stated that he wants us to keep all children in mind when

	<p>making this decision today. Chairman Ruiz stated that if the Board votes to put Elmwood Park Community Unit School District on nonrecognized status and the district decides to change its practice, the State Board could call a Board meeting and change their status back to recognized.</p> <p>The motion passed with the following unanimous roll call vote</p> <table border="0" style="margin-left: auto; margin-right: auto;"> <tr><td>Chris Ward</td><td>Yes</td></tr> <tr><td>Jesse Ruiz</td><td>Yes</td></tr> <tr><td>Andrea Brown</td><td>Yes</td></tr> <tr><td>Dean Clark</td><td>Yes</td></tr> <tr><td>Dave Fields</td><td>Yes</td></tr> <tr><td>Ed Geppert</td><td>Yes</td></tr> <tr><td>Vinni Hall</td><td>Yes</td></tr> <tr><td>Brenda Holmes</td><td>Yes</td></tr> <tr><td>Joyce Karon</td><td>Yes</td></tr> </table> <p>Chairman Ruiz stated that he is deeply concerned that this legal counsel has advised multiple school districts to follow this practice. Chairman Ruiz commented that he hopes the attorney understands that this is an unacceptable practice and that they should think about what they are advising their clients.</p>	Chris Ward	Yes	Jesse Ruiz	Yes	Andrea Brown	Yes	Dean Clark	Yes	Dave Fields	Yes	Ed Geppert	Yes	Vinni Hall	Yes	Brenda Holmes	Yes	Joyce Karon	Yes
Chris Ward	Yes																		
Jesse Ruiz	Yes																		
Andrea Brown	Yes																		
Dean Clark	Yes																		
Dave Fields	Yes																		
Ed Geppert	Yes																		
Vinni Hall	Yes																		
Brenda Holmes	Yes																		
Joyce Karon	Yes																		
Break	<p>Chairman Ruiz stated that the Board would take a five minute break. The meeting reconvened at 12:05 p.m.</p>																		
Determination of Approval of Divernon Community Unit S.D. #13 Financial Plan	<p>Deb Vespa stated that the Divernon School District is working toward reorganization and some additional borrowing for the next year out. The district is also hoping to get into some reductions in expenditures in the next couple of years if the reorganization is not a success. Ms. Vespa asked Superintendent Mark Spaid if he had any further comments. Mr. Spaid, Superintendent of Divernon Community Unit School District #13, thanked Deb Vespa and her staff for working with him and the district. He also thanked the agency for sending people to Divernon to provide assistance.</p> <p><u>Motion:</u> Mr. Ed Geppert moved that The Illinois State Board of Education hereby approves the Financial Plan submitted by Divernon Community Unit School District 13. Mr. Dean Clark seconded the motion and it passed with a unanimous voice vote.</p>																		
Members' Report	<p>Dr. Vinni Hall reminded everyone that the ISBE Chicago Office will be celebrating Black History Week on Monday, February 27th. Dr. Hall thanked Cleo Boswell and Don Evans for there help in planning Black History Week and noted that she, as well as Chairman Ruiz, will be in attendance.</p> <p>Dr. Dave Fields congratulated Dr. Randy Dunn for being recognized by the University of Illinois as a Distinguish Alumni. Dr. Dunn will be recognized on April 2nd.</p>																		
Information Items	<p>Chairman Ruiz asked that the Board members please read the Monthly Status Report on Rulemaking and the State Board of Education Fiscal and Administrate Monthly Reports printed in the Board meeting materials each month for information purposes. There were no inquires this month regarding these reports.</p>																		

<p>Closed Session</p>	<p>Dr. Vinni Hall moved that the Board enter into closed session under the exceptions set forth in the Open Meetings Act of the State of Illinois as follows:</p> <p style="padding-left: 40px;">Section c 1 for the purpose of considering the appointment, employment, compensation, performance or dismissal of an employee;</p> <p style="padding-left: 40px;">Section c 11 for the purpose of considering pending or probable litigation against or affecting the Board; and</p> <p>Dr. Vinni Hall further moved that the Board might invite anyone they wish to have included in this closed session.</p> <p>Ms. Joyce Karon seconded the motion and it was passed with a unanimous roll call vote.</p> <p>The open meeting recessed at 12:12 p.m. and the Board went into closed session at 12:15 p.m. The open meeting reconvened at 1:15 p.m.</p>
<p>Motion for Adjournment</p>	<p>Mr. Ed Geppert moved that the meeting be adjourned. Dr. Dave Fields seconded the motion and it passed with unanimous voice vote. The meeting adjourned at 1:20 p.m.</p>

Respectfully Submitted,

Dr. Vinni Hall
Board Secretary

Mr. Jesse Ruiz
Chairman

Finance & Audit Committee

Wednesday, February 22, 2006

4:00 p.m.

(This meeting will begin at the conclusion of the previous session.)

Board Room, 4th Floor
100 N. First Street, Springfield, IL

Public Conference Call Access Number: 1-866-297-6391 (*listen only*); Confirmation # 1 3 8 2 0 5 3 4

AGENDA

1. Public Participation
2. Minutes of January Finance & Audit Committee Meeting of the Whole (**pp. 2-3**)
3. School Restructuring due to NCLB & Corrective Action Against Chronically Dysfunctional Districts (Jonathan Furr, Ginger Reynolds) (**see memo in Board Operations Committee Packet p. 8**)
4. Tracking and Reporting SBE Budgeted Programs to Assist School Districts (**p. 4**)
(Linda Mitchell, Ronny Wickenhauser)
5. FY07 Budget Update (Linda Mitchell, Ronny Wickenhauser) (**p. 5**)
- *6. Discussion of Divernon Community Unit S.D. #13 Financial Plan (Debby Vespa) (**Plenary pp. 158-164**)
7. Update on School Financial Conditions (Linda Mitchell, Debby Vespa) (**pp. 6-13**)
8. Additional Items
9. Adjourn

* Items listed with an asterisk (*) will be discussed in committee and action may be taken in the plenary session.

FINANCE & AUDIT COMMITTEE

February 22, 2006

Board Room

Springfield, Illinois

Committee Members Present

Ed Geppert, Chair

Dr. Andrea Brown

Dean Clark

Brenda Holmes

Staff Present

Linda Riley Mitchell

Deb Vespa

Ronny Wickenhauser

Toni Waggoner

Other Board Members Present

Dr. Vinni Hall

Dr. David Fields

Joyce Karon

Jesse Ruiz

Dr. Chris Ward

Other Participants

Elliot Regenstein, Governor's Office

1. PUBLIC PARTICIPATION

Chairman Geppert asked if there was anyone wishing to address the Committee.

- Paula Perdue – Chicago Public Education Fund
Testimony provided on NBPTS. Testified that the NBPTS line item is \$2.96 million short in FY06 and will need an additional \$5.0 million in FY07.
- Nancy Schwartz – NBPTS
Testified that Illinois has more Board certified teachers than 43 or 44 other states in the country. Stated that NBPTS needs to be fully funded.

Dr. Vinni Hall commented that she supported this program and mentioned that these teachers could help serve the goals of the Strategic Plan.

Joyce Karon asked about the number of NBPTS teachers.

2. MINUTES OF THE JANUARY FINANCE & AUDIT COMMITTEE MEETING

Chairman Geppert asked if anyone had objections or corrections to the January meeting minutes. No objections or corrections were stated and the minutes will be placed on file.

3. SCHOOL RESTRUCTURING DUE TO NCLB AND CORRECTIVE ACTION AGAINST CHRONICALLY DYSFUNCTIONAL DISTRICTS

Chairman Geppert stated that the conversation that took place on this subject in the Board Operations Committee would suffice for this agenda item.

4. TRACKING AND REPORTING SBE BUDGETED PROGRAMS TO ASSIST SCHOOL DISTRICTS

Linda Riley Mitchell stated that this agenda item was added to provide a forum for Board members to discuss how to evaluate the performance of school districts. Ms. Mitchell suggested one comparison might be to compare revenues in each district compared to student performance in each district or to measure average cost per student in a district and match that to test scores.

Chairman Geppert added that this agenda item was placed on the agenda to get guidance from other Board members on ways that school districts might be monitored.

Dr. Andrea Brown mentioned that this was discussed in the Education Policy and Planning Committee. Dr. Brown stated that we are already looking at various measures of school

district performance. Dr. Brown suggested that Ms. Mitchell work with Assistant Superintendent Ginger Reynolds on matching school performance with dollars.

Ms. Mitchell suggested that some data, though dated, is available from the EFAB study. Dean Clark mentioned that it would be a good starting point.

5. FY07 BUDGET UPDATE

Linda Riley Mitchell stated that ISBE had already had two appropriation hearings in the House. She stated that a hearing was scheduled in the Senate on the following day (February 23). Brenda Holmes and Dr. Andrea Brown attended the first hearing in the House. Ms. Mitchell directed Board members to the packet of information that they were provided that included information given to the appropriation committee and updated GSA information. Ms. Mitchell also mentioned that she and Dr. Dunn had attended a budget briefing on the Governor's budget. Ms. Mitchell stated that the Governor proposed a \$400 million for education.

Ronny Wickenhauser discussed the changes between the December GSA estimate and the new GSA estimate and noted that the difference between the estimates was less than \$1.0 million. Mr. Wickenhauser directed Board members to their packets to an item that compared the ISBE budget recommendation to the Governor's budget recommendation, but noted that the Governor included a lump sum increase rather than a line item increase.

Brenda Holmes asked for clarification of what the Governor included in his budget. Mr. Wickenhauser noted the specific changes between the Governor's budget and the ISBE budget.

Chairman Geppert noted that ISBE's recommendation was not included in the Governor's budget but that the Governor recommended \$400 million for education, so there is nothing specific to suggest that ISBE's recommendation will not be considered.

Mr. Wickenhauser walked the Board from the \$347 million in general funds recommended by the Board compared to the \$400 million requested by the Governor, noting that the Governor proposed an additional \$15 million for early childhood to begin the Universal Preschool Program and \$10 million for a Class Size Reduction initiative. Mr. Wickenhauser noted that these two items added to the Board allocation left approximately \$28 million "unallocated" by the Board.

Chairman Geppert suggested that the Board give guidance to the Governor and the General Assembly on the additional \$28 million. Chairman Geppert stated that the Board could recommend supporting the Governor's new initiatives (Universal Preschool and Class Size Reduction) and perhaps make line item recommendations for the \$28 million difference between the Board's recommended budget-including the Governor's proposed initiatives-and the \$400 million proposed by the Governor for education.

Brenda Holmes stated that she did not object to supporting the new programs if there was a better understanding of the Governor's new programs. She commended the Governor for proposing \$400 million for education, but indicated that she did need more information on the Governor's new programs.

Dr. Randy Dunn stated that he could answer some questions and suggested that Elliot Regenstien of the Governor's Office was available to answer questions. Mr. Regenstien testified that there are potential initiatives that would make up the difference between the ISBE proposed budget and the Governor's proposed budget. Mr. Regenstien spoke on the Class Size Reduction initiative, noting that there is specific legislation (Senate Bill 2822, House Bill 4974) detailing the proposal. Mr. Regenstien then summarized the Class Size Reduction pilot project.

Brenda Holmes asked for clarification on whether the "Board" or the "Agency" would be responsible for prioritizing the programs. Mr. Regenstien stated that the legislation did not clarify but obviously the "Board" could be involved as much or as little as they saw fit. Ms.

Holmes questioned when the initiative would start. Mr. Regenstein responded that it would start in the 2006-07 school year. Ms. Holmes then questioned whether or not this could happen in such a short time period. Joyce Karon mentioned that schools had already finished planning for the following year. Ms. Holmes asked if the funds could only be used on salaries. Mr. Regenstein responded that the intent of the money was to pay teacher salaries and benefits

Mr. Regenstein also discussed the Governor's Universal Preschool Program and indicated that there would be legislation but he did not know when it would be available. Mr. Regenstein stated that the basic change was expanding the current early childhood program from at-risk students to all 3 and 4 year old kids. He then summarized some of the details of the program.

Dr. Vinni Hall commented that targeted early childhood programs are not as successful as diverse programs. Dr. Hall asked about the impact of the Governor's program on the Head Start program. Mr. Regenstein agreed that the program should be diverse and that Illinois should be spending money on early childhood rather than determining who should or should not be in preschool. Mr. Regenstein stated that Governor's preschool program was built on the assumption that the Head Start program would not change. Mr. Regenstein noted that the Head Start people had been involved in the conversations on the Universal Preschool program.

Dr. Andrea Brown stated that there has not been a good job done at prioritizing at risk students and that there needs to be marketing of the program to ensure all at risk kids are being reached. Mr. Regenstein noted that a voluntary program will never reach everyone, but noted that outreach will continue to ensure that families that want their kids in preschool know that preschool is available.

Brenda Holmes conveyed her appreciation to Mr. Regenstein on the work that has been done.

Jesse Ruiz noted his support of preschool programs.

6. DISCUSSION OF DIVERNON COMMUNITY UNIT S.D. #13 FINANCIAL PLAN

Deb Vespa stated that she and staff have been working diligently with the Divernon school district on their pending consolidation question with Pawnee. Ms. Vespa also stated that there has been contact with the Pawnee school district as to whether they would ask for consolidation or dissolution/annexation of Divernon.

Ms. Vespa summarized the financial plan for Divernon, assuming that no consolidation/dissolution/annexation takes place.

Dr. Andrea Brown asked if the agency had provided a projection of the incentive funds to Pawnee. Ms. Vespa stated that those projections had been provided and that ISBE was continuing discussions with Pawnee. Dr. Brown asked if they had considered an elementary district and a high school district. Ms. Vespa stated that was not being considered.

Dean Clark asked why the projection of GSA foundation level revenue went down in the out years. Ms. Vespa stated it was based on estimated enrollment and EAV.

7. UPDATE ON SCHOOL FINANCIAL CONDITIONS

Linda Riley Mitchell stated that the purpose of the agenda item was to provide an update of this process to the Board and that the list would be brought before the Board next month.

Deb Vespa reported that all but four districts had submitted their Annual Financial Reports. Ms. Vespa directed the Board to information that summarizes how a district's financial status is determined. Ms. Vespa indicated that there are four categories: Recognition, Review, Early Warning and Watch.

8. ADDITIONAL ITEMS

Linda Riley Mitchell gave an update on the Illinois School Purchasing Network. Ms. Mitchell noted that 55% of the districts are participating. Ms. Mitchell noted that of the 477 districts participating, 280 have placed orders. Ms. Mitchell reported that the sales in the first six months of the fiscal year have been \$5.4 million, with an estimated savings to the districts of \$649,000. Ms. Mitchell also mentioned that there are 216 sites and 16,000 employees in Illinois of companies that are part of the Illinois School Purchasing Network.

Ms. Mitchell stated that the Auditor General is finalizing the financial and compliance audit process and that as soon as it is done a report would be made to the Board.

9. ADJOURN

A motion for adjournment by Jess Ruiz was made and seconded by Dean Clark and the Finance and Audit Committee adjourned with a unanimous vote.

Board Operations Committee of the Whole

Wednesday, February 22, 2006

10:00 a.m.

Board Room, 4th Floor
100 N. First Street, Springfield, IL

Public Conference Call Access Number: 1-866-297-6391 (*listen only*), Confirmation # 1 3 8 2 0 5 3 4

AGENDA

1 Public Participation

*2. Discussion Items

- a. Minutes of the January Board Operations Committee Meeting (**pp. 2-4**)
- b. Review New Nominations for Resolutions of Recognition (*Chris Ward*) (**p. 5**)
- c. Strategic Plan Quarterly Update (**p. 6**)
- d. Status of Emerging Issues
 - 1) Increasing High School Student Performance in Literacy and Numeracy (**p. 7**)
(Mark Williams, Becky McCabe, Dana Kinley)
 - 2) School Restructuring due to NCLB and Corrective Action Against Chronically Dysfunctional Districts (*Jon Furr, Ginger Reynolds*) (**p. 8**)

3. Decision Items

4. Additional Items

5. Adjourn

* At the conclusion of any discussion item in which the committee is ready to make a decision, a discussion item may be immediately moved for a decision.

** Items listed with a double asterisk (**) will be discussed in committee and Board action may be taken in the plenary session.

BOARD OPERATIONS COMMITTEE

Wednesday, February 22, 2006

10:00 a.m.

Springfield, Illinois

Committee Members Present

Chris Ward, Chair
David Fields
Vinni Hall
Joyce Karon
Jesse Ruiz

Other Board Members Absent

Dean Clark

Other Board Members Present

Andrea Brown
Ed Geppert
Brenda Holmes

Staff Present

Randy Dunn
Jean Ladage
Jon Furr
Marsha Moffett
Ginger Reynolds
Becky McCabe
Mark Williams
Dana Kinley

Committee Members Absent

None

1. **PUBLIC PARTICIPATION:** Chairman Chris Ward asked if there was anyone that wished to speak to the committee for public participation. **Mr. Lonnie Johns** asked to be heard on the topic of Board decision-making.

2.a. **COMMITTEE MINUTES**

Joyce Karon moved that the minutes of the Board Operations Committee for the December committee meeting be approved. Dave Fields seconded the motion and it passed with voice vote approval.

2.b. **REVIEW NEW NOMINATIONS FOR RESOLUTIONS OF RECOGNITION.** There were no new nominations for recognition.

2.c. **STRATEGIC PLAN** – This issue was tabled until Superintendent was able to join the committee meeting.

2.d. **EMERGING ISSUES**

Increasing High School Student Performance in Literacy & Numeracy

Becky McCabe, Mark Williams and Dana Kinley gave the Board an overview of the briefing paper for this topic.

Dr. Chris Ward asked Dr. Dunn and staff to let Board members know if their discussion gets out ahead of what the agency's capacity is. He asked staff to share their best thinking of the conference.

- Kick-Off Conference scheduled for June 19 & 20 in Bloomington, titled "The High School Challenge: Rigor, and Relevance Meet Reality. A notice has been mailed to high schools.
- Scheduled feature speakers include the following:
 - Monday 2-hr keynote: Dr. Willard R. Daggett, President International Center for Leadership in Education
 - Lunch speaker: Ed Rust, Chairman and CEO of State Farm
 - Dr. Daggett – table groups
 - Afternoon - PSAE & how it impacts schools
 - End the day: Illinois Interactive Report Card
 - Social Hour – provided by vendors
 - Tuesday - Senator Obama and Secretary Spellings (HQ teachers or HS issues)
 - Keynote Kati Haycock, Director, Education Trust
 - Afternoon – Ralph Martiere – Making sure kids are ready for the workforce
 - End the day - Panel discussion (IL professional organizations)– what does this mean for Illinois?
- Staff project four follow-up meetings to be hosted regionally throughout the state
- Donations from business partners. Planning on 200 people at \$165 for registration

Suggestions/Comments:

Other speakers mentioned for consideration were Grant Wiggins, Carol Ann Tomlinson and Jay McTighe. Additionally, a topic that shouldn't be ignored is the violence in high schools. Consideration should be given in regards to including issues of physical assaults, bullying, drugs, depression, etc.

It was suggested that the conference be videotaped to be shared with others.

It was also suggested that the briefing paper be made available as soon as possible to jumpstart the discussion in the field. The briefing paper should also be shared with the speakers. Speakers should be asked to tailor their comments to reflect how Illinois practitioners can use the information when they return to their home districts, think about how they can bring about systemic change that will improve student achievement

Daggett could have a worksheet for attendees summarizing what they heard from him and have an area on the worksheet for them to list what they will do with that information when they get back.

The purpose of the conference is not to provide answers for individual teachers -- but for systems analysis. The timing of this conference may be the agency's best ally in encouraging practitioners to explore real systems change. It will hopefully explore how leaders and educators can merge best practices, skills and knowledge to bring about systemic change. However, presenters should link what they talk about to the next step -- implementation at Illinois high schools. This will be an opportunity for practitioners from across the state to hear from national-level speakers at a very reasonable expense, and to walk away from the conference with a common language. The fact that there is a "changing of the guard" in that many administrators and teachers are retiring, will allow fresh ideas to emerge. High schools are feeling the pressure and the State of Illinois now has a state agency that is willing to respond with assistance, not merely regulation.

The poorest districts (schools on status) are the ones that need to attend. Staff will explore possibilities for allowing representatives of those districts to attend at no charge. It is imperative that the achievement gap not get bigger. The State Board and the agency need to be aggressive. The briefing paper addresses issues, but the Board and agency need to act. The students that are in high school are there now. The data gives the evidence to the urgency of the issue.

Board members understand that the kind of change we're talking about will take five years at best. It will require gentle pressure relentlessly applied. Dr. Dunn mentioned that he plans to use his time during this conference to convince attendees that Illinois truly does have a crisis in educating at the high school level. Illinois needs to do something different.

Regional Follow-up

- Regional follow-up should include a focus on the PSAE, which is our data base for measuring Illinois goals and benchmarks. There is a critical need to emphasize the importance of the PSAE exam. Unless it is important to the institution, school and student, the data will never be valid.
- As the regional meetings get underway and best practices are shared, it will be important to quickly tie those best practices to a curricular area. What are the system changes that will have to change in my district to make that occur?

Financial Commitment

- Staff requested guidance from the Board regarding how far they will be allowed go with the regional meetings. How much funding can be dedicated to the regional meetings/coaches/implementation?
- Staff also commented that it is a pleasure to work with Board members who know and have lived education.

STRATEGIC PLAN

Superintendent Dunn distributed copies of the Strategic Plan Quarterly Update that the Board members received in January.

Mr. Geppert asked Dr. Dunn if there were any areas of the Plan that need to be scaled back due to agency capacity, or any areas in which the Board should apply more attention.

Dr. Dunn indicated that the biggest concern is in the area of Early Childhood. With the increases seen in the last three years there is additional work. That is compounded now with the Preschool For All proposal that is being proposed. Dr. Dunn asked Kay Henderson to join the Board in the discussion around the proposed program. Ms. Henderson explained the bottom line difference in Preschool For All and the program that is currently in place is that the proposed plan drops the screening for four-year olds.

It was suggested that Superintendent Dunn plan meetings with key members of the House and Senate Appropriations Committee to ensure they understand the purpose behind the line item for the Strategic Plan. SB 3000 was passed with bi-partisan support. That legislation required the State Board of Education to adopt and implement a Strategic Plan. The Superintendent and Board members should also make a special effort to make the education community aware of the purpose for that line item.

School Restructuring, District Corrective Action, and Chronically Dysfunctional Districts

General Counsel Jon Furr encouraged the Board to make a concerted effort, as this paper is discussed, to think of the three areas as three very distinct issues. The approach that will be taken with each of these issues will be very different.

- School Restructuring
- District Corrective Action
- Systemically Noncompliant Districts

Likewise, it was suggested that as discussion continues, staff make a clear distinction between action the agency is able to take, and when there is a need for State Board members to take action.

Superintendent Dunn commented that the Board and the agency will have tremendous latitude to act when it is determined that action is to be taken on these districts. Under NCLB the state education agency will have to be able to assist school districts to improve, regardless of the district's official status.

In order for the agency to assist schools to improve, the schools need the tools to reach high expectations. Assistance should be targeted to where the problems are in that district.

When the results are release for the next round of testing, we will have a whole new group of SOS schools. They should know the situation and we should be able to fully address any questions. In individual Board members' conversations or appearances with public constituents, it should be noted that the numbers are going to grow.

Mr. Furr again emphasized the need to keep the three issues distinct. There are over 200 schools in the restructuring planning process now. NCLB corrective action is another entirely different issue. Corrective action for systemically noncompliant districts is the third issue.

Board members asked for detailed information about schools on the Academic Watch List. Among the information members requested are what the issues are and what the districts have done, the length of time on the watch list. That information should be similar to what we're getting for school districts in Financial Difficulty. When the time comes that the Board members need to step in, we want to see the details and be able to make an informed decision.

It would be helpful if members could re-examine the list that Myron Mason provided last Spring which included the districts that were on Academic Watch and Academic Warning. Perhaps there is a way to find out what the RESPROs have done and if and what the districts took advantage of.

In regards to systemically noncompliant districts, are there problems in specific areas of the state? Are there commonalities? What services have they been offered and have they attempted to correct any or all of these problems?

Staff requested clarification on the list of 200 districts in corrective action. Is the Board requesting that detailed information on each of those schools? Schools in Restructuring have a variety of different things happening in each of those 200 schools. Then there are districts not meeting federal regulations/ AYP for a myriad of reasons. Finally, what we are referring to as the “systemically noncompliant” are districts in which the agency has seen many problems across agency departments.

Superintendent Dunn indicated that he and Dr. Reynolds would discuss with Myron Mason what information is feasible and would get information to the Board before the next meeting. Obviously all of the detail requested will not be ready before the next meeting, but staff will do their best to provide some information.

Next month

Board Operations Committee of the Whole will again revisit both issues.

Board members would like to be able to see additional information as well as any new draft of the issue papers before the next meeting.

- Notebooks each issue
- Worksheet for each distinct issue – Potential action (mild/moderate/severe) by the state agency
- Examples, without district names & numbers with issues seen across the agency

Additional Items

Dr. Vinni Hall mentioned the display in the back of the Board Room commemorating Black History Month. Chairman Ruiz & Dr. Hall will be at the Chicago Office on Monday, February 27 for a special celebration. Dr. Dunn thanked Don Evans, Becky Watts and Cleo Boswell for working on this celebration.

Ms. Joyce Karon moved to adjourn the committee meeting. Mr. Jesse Ruiz seconded the motion and the meeting adjourned at 11:55 a.m.

Education Policy Planning Committee

Wednesday, February 22, 2006

12:45 p.m.

Board Room, 4th Floor
100 N. First Street, Springfield, IL

Public Conference Call Access Number: 1-866-297-6391 (*listen only*), Confirmation # 1 3 8 2 0 5 3 4

AGENDA

1. Public Participation
2. Minutes of the January Education Policy Planning Committee Meeting (**pp. 2-3**)
3. Evaluation of Supplemental Education Service Providers (**pp. 4-12**)
(Jon Furr , Dr. Steven Ross and Dr. Allison Potter, Center for Research in Education Policy,
University of Memphis)
4. Private Facilities and PSAE Testing (Ginger R., Becky M., Chris Koch, Gail Lieberman) (**p. 13**)
5. Preliminary Discussion regarding NCLB Workbook Changes (*Gail Lieberman*) (**pp. 14-15**)
6. Additional Items

* Items listed with an asterisk (*) will be discussed in committee and action may be taken in the plenary session.

EDUCATIONAL POLICY PLANNING COMMITTEE

February 22, 2006

12:45 p.m.

Board Room, 4th Floor

100 North First Street, Springfield, IL

Committee Members Present

Dave Fields, Chair
Andrea Brown
Ed Geppert
Vinni Hall
Joyce Karon

Other Board Members

Brenda Holmes*
Jesse Ruiz*
Chris Ward*

Others

Supt. Dunn
Ginger Reynolds
Jon Furr

Board Members Absent

* In attendance for a short time.

The Education Policy Planning Committee convened at 12:58 p.m.

1. **PUBLIC PARTICIPATION:** There was no public participation.
2. **MINUTES OF THE JANUARY 2006 EPPC MEETING:** The Committee approved the minutes for the January 2006 EPPC Meeting.
3. **EVALUATION OF SUPPLEMENTAL EDUCATION SERVICE PROVIDERS (Jon Furr, Dr. Steven Ross and Dr. Allison Potter, Center for Research in Education Policy, University of Memphis):** Dr. Steven Ross gave a power point presentation to the Committee on the proposed evaluation process of Supplemental Education Service Providers. Dr. Ross stated that this is a very comprehensive evaluation and that the scope of activities is how providers do over time to increase student achievement and that states need to evaluate these activities. He further added that they are looking at customer satisfaction regarding implementation. They will be talking to parents and tracking student performance. Dr. Ross then added that it will be important to disseminate the evaluation results. Then, Dr. Ross said it is the parent's decision to select their SES provider they want their student to go to. Additionally, an analysis will be provided over time to see how the providers are doing. We want to make very informed decisions. He then stated that we will also be looking at cost-effectiveness.

Board Member Joyce Karon commented on her concern that this will put a strain on our data staff, since it would add more work for them.

One of the important indicators to monitor is the attendance rates, because students who do not consistently attend the program are not likely to benefit from it. Dr. Ross also spoke about the development and validation of a survey to administer to parents to determine their satisfaction of providers.

Dr. Hall commented on if we would survey some of the educators instead of just parents and how would educators view this evaluation? Jon Furr responded that we do want to look into a survey between district personnel, etc and the providers.

Dr. Ross continued by saying that part of the evaluation plan is to establish language between the SES and the STAR System, with automated scoring and reporting options. He further added that the pool of students who are receiving SES are students in K through 8. Then, he stated that it is very important to do a rigorous study on where the child started and look at data where it is available from the prior year. He said statewide, there are some limitations to do this.

Dr. Ross also spoke about the SES Decision Tree (on how to make decisions about provider retention/removal). The following is the process:

- Provider is in good standing (meets standards);
- Provider maintains good standing, which have positive results, but do not reach standards, with reservations, for one year;
- Provider's results are below standards, but survey results are positive and shows satisfaction, they will be on Probationary 1 status, which requires an improvement plan and achievement gains are expected in one year;
- Provider's achievement gains are negative and survey results show marginal satisfaction, they will be placed on Probationary 2 status, which requires achievement gains and an improvement plan is necessary; and
- Provider's achievement effects are negative and have negative survey ratings, requires the removal of the provider from the state approved provider list.

4. **PRIVATE FACILITIES AND PSAE TESTING (Ginger Reynolds, Becky McCabe, Chris Koch and Gail Lieberman):** Becky McCabe provided the Committee with information about the need to exempt students from state testing when they are unable to test at their serving schools, because that school is not authorized to administer a state test and secondly, for safety reasons, because they cannot be transported back to their home school to test.

Becky further added that when public school students are being educated at private facilities that are not authorized to administer state tests, the only way these students can participate is to return to their home school to test. The IEP teams are responsible for deciding how students can be transported safely back to their home school so they can participate in state testing and interventions that need to be in place to keep students safe must be documented in their IEPs. She further added that school districts have very little control of the private facilities.

Ginger Reynolds added that we have to test 95% of the students. Board Member Andrea Brown asked how many students would be exempt? Gail Lieberman responded by saying that maybe 1200 students from the 11th grade.

Becky then added that the ISBE staff has done everything they can, but wanted the Committee to know the status. She stated that this item is being proposed to the Committee for consideration and discussion to determine if it should be moved forward as a request to USDE.

5. **PRELIMINARY DISCUSSION REGARDING NCLB WORKBOOK CHANGES (Gail Lieberman):** Gail discussed with the Committee the status of the Illinois Accountability Workbook and commented on the upcoming process. She stated that the original adoption of the Workbook was submitted in 2003 and changes have been made in 2004 and 2005. She further added that our goal is how to make the accountability system more valid. Gail then stated that the biggest change to consider is doubling the elementary population being tested, but that there may not be a lot of changes to the Workbook this year. In addition, Gail stated that in 2005, the approved revisions were in four areas: Subgroup size/use of Confidence Intervals, District Grade Span Review regarding Improvement Status, Special Education Proxy and the New Definition of Full Academic Year.

Gail further added that the Board was apprised at several meetings in 2005 regarding staff work with USDE on the Workbook. In addition, a meeting will be convened in late February to discuss potential changes and seek ideas for clarifications or revisions for 2006. From there, language will be crafted and staff will review with the Board in March what the areas are for consideration. The document as revised will be submitted to the USDE by April 1, 2006. Gail then stated that once the final language has been approved, staff will return to the Board for final discussion and action.

6. **ADDITIONAL ITEMS:** Chairman Fields asked the Committee if there were any items or information they requested to be put on the agenda for next month's EPPC meeting.

Andrea Brown and Dr. Hall would like to have more information on the RTI. Andrea also inquired on some grants that are to be awarded that Dr. Dunn is working on and she is also interested in the social/emotional content delivery system.

ADJOURN: The Educational Policy Planning Committee Meeting adjourned at 2:22 p.m.

Governmental Relations Committee

Wednesday, February 22, 2006

1:15 p.m.

Board Conference Room, 4th Floor
100 N. First Street, Springfield, IL

Public Conference Call Access Number: 1-866-825-3967 (*listen only*); Confirmation # 1 3 8 9 1 2 0 4

AGENDA

1. Public Participation
2. Minutes of the January Governmental Relations Committee Meeting (**pp. 2-6**)
3. Legislative Update (*Nicole Wills, Josh Jacobs*) (**p. 7**)
- *4. Review Spring Mandate Waiver Report (*Jonathan Furr, Winnie Tuthill*) (**Plenary Packet pp. 79-151**)
5. Legislative SAELP Recommendations on Principalship (**pp. 8-40**)
(*Dr. Norm Durlinger & Dr. Erika Hunt, SAELP Project, Brian Schwartz, Acting Executive Director, Illinois Principals Association*)
6. State Board Legislative Breakfast (*Nicole Wills, Josh Jacobs*) (**p. 41**)
7. Additional Items

* Items listed with an asterisk (*) will be discussed in committee and action may be taken in the plenary session.

GOVERNMENTAL RELATIONS COMMITTEE

February 22, 2006

Springfield, Illinois

Committee Members Present

Brenda Holmes, Chair
Chris Ward
Jesse Ruiz
Dean Clark

Other Board Members

N/A

Staff Present

Randy Dunn
Donna Luallen
Nicole Wills
Josh Jacobs
Jon Furr
Winnie Tuthill
Sally Veach
Toni Waggoner

Committee Members Absent

Others Present

Darrell Morrison, IEA
Laura Arterburn - IFT
Peg Agnos, LEND/SCOPE
Dr. Norm Durflinger, IL-SAELP
Dr. Erika Hunt, IL-SAELP
Brian Schwartz, IPA
Superintendent Diane Robertson
Robin Miller, LUDA
Elliot Regenstein, Governor's Office
Agnes Nunn, Springfield School District 186

1. PUBLIC PARTICIPATION:

2. Information Item

The committee notes were made apart of the record.

3. LEGISLATIVE UPDATE

- **ISBE Legislation**
- SB 2829 (Less Red Tape) –Two items have been removed from SB 2829 since the Board first considered the legislation: holiday waivers and the supplemental General State Aid report (removed per Senator del Valle's request). There has also been discussion on the inclusion of the Statement of Affairs piece. The discussion has been about what should be included in the newspaper. Also, the separate meeting requirement of the bill has also been slightly changed. Under the new provisions of the bill, all waivers except waivers for physical education would be allowed to be considered during a regularly scheduled Board meeting with designated time set aside for public comment. All P.E. waivers would still have to be heard at a separate hearing other than the regularly scheduled board meeting.
 - HB 4614 – ISBE has been working with Representatives McCarty and Eddy on HB 4614, which also changes requirements for the publication of the Statement of Affairs. At this time, Representative Eddy is proposing another bill that will deal with the maximum charges allowed on lines in a newspaper, but HB 4614 in and of itself at this time looks like it will mirror the Less Red Tape.
- SB 2796 (Due Process Legislation). Staff has worked working with individuals that have concerns about the legislation.
- SB 2795 (Reorganization legislation). Jon has been working with interest groups, bonding authorities, etc on an amendment.
- SB 2336 (School Breakfast clean-up). Passed unanimously from the Senate and Representative Susanna Mendoza has signed on to be the sponsor in the Senate.
- HB 5550 (Textbook Bonding). This legislation passed out of the House Education committee with no questions and is on third reading in the House.
- Representative Giles also picked up two other ISBE legislative initiatives (HB 5549-Testing Window and HB 5551-22 GSA payments) but he has not carried either bill as priority legislation, so neither is moving at this time.
- **Other Legislation:**

- HB 1577 (Opportunity Scholarship Act). ISBE opposed the bill which was heard in the House Executive Committee. IEA and IFT both testified in opposition to the legislation. ISBE also testified in opposition, both on the principal of the issue and concerns with the assessment requirements in the legislation. Our understanding is that the legislation will not go anywhere beyond second reading.
- HB 4401 and HB 4784 would allow counselors and psychologists that have achieved National Board certification to receive a Master's certificate and be eligible for the \$3,000 stipend. Neither bill is moving at this time.
- HB 4643 (Truants Alternative) This legislation was tabled by the sponsor. The sponsor will be running a resolution that would create a taskforce to look at the way Truants Alternative grant funds are disseminated. Representative Jefferson has also put in a member initiative appropriation bill to increase the TAOEP line to \$22 million.
- HB 4735 – This legislation deals with an issue that has affected Huntley School District and an issue that occurred with the limiting rate and the effect on General State Aid. ISBE opposed this legislation because it would require retroactive payments to one particular school district for General State Aid.
- HB 4832 (Community Education Act) Representative Flider came before the Board in October to present legislation on this program. We worked with a number of different divisions to amend the language so it doesn't force districts to participate and the grants are subject to appropriation.
- HB 4974 (SB 2882) – Proposes a class-size reduction grant program
- HB 5244 – This legislation establishes the I-Connect Computer program. ISBE is this legislation with the Lt. Governor's Office.
- HB 5370 – This legislation changes the waiver process, but the action the Board would take will not change – only that of the General Assembly. This bill would also require the waiver resolution to start in alternating chambers every year. The School Management Alliance opposed this legislation because they believe there is a greater chance that a school district would lose the flexibility to have a waiver because the process would be even more confusing. The bill is expected to die in the Senate.
- HB 5547 (Summer Food Service Program) Would require schools to offer a summer food service program. The House Education Committee asked for a lot more work to be done on the bill, though it did pass out of the committee. We will be providing some information on which schools will be affected by the program and how it will operate. There will be an amendment for this legislation before crosses chambers. There is no *specific* cost to this program. Federal funds can be accessed for participating per meal.
- SB 2191 (Financial Literacy) ISBE opposed the original bill because the requirements of the bill are already found in the Learning Standards and the legislation would have required ISBE to develop specific curriculum for financial literacy. However, the sponsor passed the legislation out of committee over our objections. She has since worked with us to amend the bill so that ISBE's opposition has been removed. The Consumer Education part of the statutes has been amended to expand upon the classifications for certain financial literacy subjects. Ed Geppert stated that NASBE is in the middle of a financial literacy study at this time.
- SB 2257 (Special Ed Orphanage Funding). ISBE has opposed this legislation. This legislation would allow students who were orphans who have been adopted to continue to be reimbursed under the 100% reimbursement from the Special Education Orphanage Line instead of under GSA, extraordinary, etc. Staff has ran a cost estimates on this change. This next fiscal year it would be an additional \$12 million in this line and the cost would increase for about 10 years until the line stabilizes. In FY 2010 the cost would be about \$53 million more than the current line. These figures are based on numbers from DCFS that are then are plugged into our formula.
- SB 2546 – This legislation deals with the collection of data for students entering teacher preparation programs. The Board of Higher Education slipped neutral on this legislation and ISBE did not take a position. Senator del Valle's intent is to collect

data on students who are intending to become teachers, not to highlight one school over another in regards to passage/graduation rates.

- Chris Ward commented on Senator Lauzen's legislation that would require background checks of private school students (SB 2468). Josh stated that the FBI would not do these background checks, so the issue is moot on the federal level. The other part of the bill would require a state check, which could be done. Unless this legislation is amended onto another bill, it should not be going anywhere because the committee deadline has passed.

4. SPRING MANDATE WAIVER REPORT

Winnie Tuthill stated that staff had made five recommendations for denial or limitation for Spring 2006 waiver requests. Waukegan Community Unit School District 60 submitted a renewal application for substitute teachers. The Waukegan associate superintendent sent in information and testimony on the application. In May 2003, the General Assembly denied a waiver request for five-years. More recently, the district has asked for five year renewals & it's been limited to one year. The district says it won't keep any one substitute teachers in any classroom for more than 90 days. Winnie Tuthill stated that the district says that it has a difficult time getting teachers into the district. It has attempted to hand carry applications to applicants, gone to job fairs, etc. Chairman Jesse Ruiz made a motion that the committee agree with staff and recommend denial of the waiver request. Chris Ward seconded the motion. The motion was carried 3-1 to recommend denial to the General Assembly. (Dean Clark was the no vote)

Almost all the P.E. waivers applications are for renewals. The General Assembly has approved about 98% of all the P.E. waivers that they have received. In this current application, three districts have submitted waivers without the requested assessment data. Sparta CUSD 140 was not recommended for denial by staff because the district would be offering fairly close to the equivalent of how much instruction it offers in other areas. Staff has made a recommendation for denial for two applications: Mendon Community Unit School District 4 and Herscher Community Unit School District 2.

1). Mendon Community Unit School District 4 stated in the renewal waiver that the waiver would effect grades 9-12 by pulling students out, primarily in grade 10, from P.E. for the time a student needed behind the wheel instruction. At a maximum, this would be the equivalent of 18 days of P.E. in the students career, not necessarily to be done consecutively. Superintendent Diane Robertson from Hendon presented before the board. She passed out information on the curriculum goals with regards to physical education & health and a copy of the waiver application. She stated that a few years ago the district was at the bottom of the financial watch list. Although the district had to make huge cuts in their budget, they did not ask for a waiver for physical education because they believe in the importance of daily P.E. The Superintendent stated that during their application process, she failed to understand the type of assessment data that was needed. She asked that the Board recommend approval for the five-year renewal waiver application or if the Board felt it couldn't do that, a recommendation to limit the waiver to one-year and the district would apply again with the proper assessment data.

2). Herscher Community Unit School District 2 has submitted a renewal application that would effect students in grades 7 and 8 only. The districts would pull kids out of P.E. if they are participating in two of three fine arts courses. According to the district, at the most 15% of junior high students have been eligible for this waiver.

Chris Ward made a motion to transmit a recommendation to the General Assembly that the waiver for Mendon be limited for one year. Chairman Jesse Ruiz seconds the motion. The motion carries 4-0.

Dean Clark made a motion to make a recommendation to the General Assembly that the renewal waiver request for Herscher be granted for one year. Chris Ward seconds the motion. Approved 4-0.

Warren Township High School District 121 sent in a waiver application that would allow the district to charge a fee up to \$700 for driver's education. The General Assembly has approved two waivers for up to \$500. Based on discussions that Winnie has had with the district, the district now states that for the coming school year, it will not charge above \$300. Staff has recommended to the Board that it transmit a recommendation to the General Assembly to approve the waiver for one year and disapprove it for the remaining four years. Dean Clark made a motion that the committee agree with the staff

recommendation to limit the application to a one year waiver and limit the fee to \$300. Seconded by Chris Ward. Approved 4-0.

Regional Office of Education # 8 (Carroll, Jo Daviess, Stephenson) submitted a waiver for General State Aid. It propose to offer a program that is 3 ½ hours in length, computer concentrated with a small staff to student ratio, but it would like to continue to receive General State aid for the full five hours mandated by the School Code. The separate districts involved have applied for this waiver before. It has been both denied and approved. The ROE has also applied for the waiver on behalf of the districts for a 3 hour day to count for full GSA, which was denied by the General Assembly. Staff recommends the Board recommend denial of the waiver request because other Regional Safe Schools are able to provide a full 5-clock hour day and offer the kind of services that keep these kind of young people in their seats. Dean Clark moves the committee concur with the staff recommendation to recommend denial of this waiver application. Chris Ward seconds the motion. Approved 4-0.

5. SAELP RECOMMENDATIONS ON PRINCIPALSHIP

Dr. Norm Durlfing and Dr. Erika Hunt from the IL SAELP Project and Brian Schwartz, Exec Director of Illinois Principals Association presented. The concept of SAELP is to work to improve instructional leadership. The current legislation that SAELP prepared, SB 2825, did not come out of rules, but the group is working to see if the language can be amended onto another bill.

There are 6 main provisions of the bill:

1. Creation of a statewide program to pair all new principals with a mentor who will help guide the principals to become instruction leaders in the respective schools;
2. Requires the State board of Education to examine the state's professional development system to identify gaps and improve continuing support for principals;
3. Requires mandatory evaluation of all principals in the state (with the exception of CPS);
4. Creates a statewide program for principals to become master principals;
5. Establishes an alternative route for National Board Certified Teachers to become certified principals; and,
6. Establishes a Teacher Leader Endorsement that teachers can gain through leadership coursework

Part of the information provided by SAELP included a proposed budget of approximately \$1.9 million – most of which would go to cover the costs of mentoring. Supporters of this legislation include the Illinois Principals Association, CPS and the IEA.

Brian Schwartz stated that IPA supports the bill and that the compilation of the bill was a collaborative effort with a number of stakeholders with the ultimate goal to provide better training for principals.

Chairwoman Brenda Holmes asked what functions the Board would have to do in relation to the requirements on page 17 of the legislation. Dr. Durlfing stated that the mandatory evaluation of all principals will not relate the Board, although the Board may have to be a check-off of the compliance reports. With regards to the alternative route to NBPTS and the teacher leader endorsement, the agency would probably have to develop rules.

Chairwoman Holmes also questioned the inclusion of the exemption from the state mandates. Dr. Durlfing stated that in a coming amendment this provision is taken out so that the legislation is subject to appropriation.

Dr. Durlfing asked that ISBE support the legislation.

6. STATE BOARD LEGISLATIVE RECEPTION

Staff stated that the legislative reception would be held from 7:15 to 9:00 at the Stratton Building the next morning and that in addition to sending out the invitation letters, staff handed out reminder cards to all legislators earlier that day.

7. ADJOURN: Committee adjourned at 2:45 p.m.

Ad Hoc Rules Committee of the Whole

Wednesday, February 22, 2006

3:00 p.m.

(This meeting will begin at the conclusion of the previous session.)

Board Room, 4th Floor
100 N. First Street, Springfield, IL

Public Conference Call Access Number: 1-866-297-6391 (*listen only*); *Confirmation #* 1 3 8 2 0 5 3 4

AGENDA

1. Public Participation
2. Minutes of the January Ad Hoc Rules Committee Meeting (**pp. 2-5**)
- *3. Rules for Initial Review
 - b. Part 226 (Special Education) (Chris Koch, Beth Hanselman, Sally Vogl) (**Plenary pp. 22-29**)
- *4. Rules for Adoption
 - a. Part 401 (Nonpublic Special Education Facilities) (**Plenary pp. 30-62**)
(Beth Hanselman, Darren Reisberg)
 - b. Part 1110 (Education Purchasing Program) (**Plenary pp. 63-78**)
(Karen Helland, Wilma VanScyoc)
5. Informational Update: Less Red Tape (Shelley Helton) (**pp. 6-12**)
6. Additional Items
7. Adjourn

* Items listed with an asterisk (*) will be discussed in committee and action may be taken in the plenary session.

Ad Hoc Rules Committee of the Whole

Wednesday, February 22, 2006

4:00 p.m.

State Board Room-4th Floor
Springfield, IL

Committee Members Present

Jesse Ruiz
Andrea Brown
Dean Clark
Ed Geppert
Vinni Hall
Brenda Holmes
Joyce Karon
David Fields
Chris Ward

Absent

Others

Randy Dunn
Jonathan Furr
Sally Vogl
Chris Koch
Wilma VanScyoc
Karen Helland

1. **PUBLIC PARTICIPATION:**

The following persons provided public participation:

- A. Bev Johns, Jacksonville, IL.** Ms. Johns' public participation related to the proposed rule changes to Part 226 (Special Education). Ms. Johns urged the Board to stop and wait until the federal rules are final before asking for public comment on Illinois rules. Ms. Johns stated the Board had just seen the beginning of the reaction against the proposed rules from parents and teachers, noting that "Unless you favor turning over education in Illinois to the federal government, we need special education rules to meet the unique needs of Illinois students, parents and Illinois teachers." Ms. Johns commented on the difficulty of responding to proposed Illinois rules that reference federal rules, as final federal rules do not exist. Ms. Johns stated that the U.S. Secretary of Education stated earlier this month that they are reviewing thousands of comments on the proposed federal rules and have not as of yet even submitted a draft of final federal rules to the Office of Management and Budget. Ms. Johns asked the Board to please vote to withdraw the Part 226 rules.
- B. Laura Arterburn, IFT, and Daryl Morrison, IEA** Ms. Arterburn's public participation related to the proposed changes to Part 226 (Special Education). Her concerns were related to the class size requirements in Part 226.730. Ms. Arterburn requested that implementation of this Section not occur until 2008. Ms. Arterburn suggested the Board wait for the federal regulations to be completed before moving forward.

Mr. Morrison indicated the Board needs to consider how regular education teachers will be affected by the 226 rules. Mr. Morrison said that he has received numerous emails concerning school districts that are looking at even trying to reorganize their whole department to get around this proposed rule. Mr. Morrison states there needs to be ongoing input, hearings and communication on the proposal.

Board Member Vinni Hall asked Mr. Morrison if any of their groups have come up with any solutions or suggestions for this Board. Mr. Morrison responded that the IEA has a special ed committee, that was addressed by Dr. Koch. At the moment, the IEA is focused on ensuring an open dialogue about the rules.

Ms. Arterburn said the IFT Special Education Committee is meeting next month and asked Dr. Koch to join them. She indicated the committee is having a great deal of

difficulty deciphering what the rules will in fact do, and the committee is concerned about what will be contained in the final federal regulations.

2. MINUTES OF THE JANUARY AD HOC RULES COMMITTEE OF THE WHOLE

The January Ad Hoc Rules Committee meeting minutes were unanimously approved.

3. DISCUSSION OF RULES FOR INITIAL REVIEW

**PART 226
(Special Education)**

Dr. Christopher Koch and Sally Vogl came to the Board table. Ms. Vogl and Dr. Koch indicated that the version of the rules authorized for public comment has led to significant concern from the field regarding special education personnel issues related to the class size requirements. Dr. Koch determined that the best option to address these concerns is to withdraw the proposed rulemaking and start again with a change to address personnel requirements. By taking this approach, the Board will obtain comments on the changes to address this issue and still allow for a six-month period of public comment. The Board will also be even closer to the time when we might expect more clarity from USDE on other issues not connected to class size.

Board Member Brenda Holmes asked for more clarity on the technical aspects of the withdrawal. Ms. Vogl stated the proposed rules published in the Illinois Register on February 10 would be withdrawn. All would be republished, except that Section 226.730 would be revised and a new Section 226.731 would be included. A six-month comment period would run from approximately the middle of March to the middle of September.

Dr. Koch indicated the '08-'09 implementation timeframe for the revised class size requirements would give districts the ability to make necessary staffing changes. Dr. Koch explained that class size and case load regulations are not provided for in federal law. These are considered State issues. Dr. Koch said he mentioned before that there is an intent and interest to reconcile the flexibility that was provided for in Chicago under the *Corey H.* settlement agreement, giving that flexibility to the rest of state.

Board Member Vinni Hall reiterated her concerns about the proposed requirements, as special education is a function of the enrollment. Dr. Koch suggested we come up with a proposal and let people react. Dr. Hall expressed her concern about the federal requirements not being in place.

3. DISCUSSION OF RULES FOR ADOPTION

**PART 401
(Nonpublic Special Education Facilities)**

Sally Vogl commented that only a small number of letters of public comment came in on this set of rules. Ms. Vogl said while a fair number of changes were made in response to those comments, she considered it accurate to state that most of those were for purposes of clarification of what the rules mean or have always been intended to mean rather than making any significant policy differences as compared to the proposed version. Ms. Vogl stated the changes dealt with alternatives to the employment of certified personnel, which is permitted in certain cases, and the applicability of various health/life/safety requirements according to where the educational program is offered. Ms. Vogl also noted the discussion last month regarding the applicability of the requirements for highly qualified teachers, and the agency's position that these requirements do not apply to teachers in nonpublic facilities. Ms. Vogl said rather than stating that in the rules, communications have gone out to make that position clear. Ms. Vogl also noted the way in which the review cycle for providers with multiple programs had been addressed.

Dr. Hall asked about the changes to the section on related services. Ms. Vogl indicated the final language is a more precise and correct way of stating the requirements under various provisions of state law. The old language being changed left the impression that facilities are able to employ personnel who are not certified. That is correct in some instances but it is not strictly correct the way it was written. The prior version referred to "administrative" positions, even though there is no statutory authorization for persons to hold administrative positions who aren't certified.

PART 1110
(Education Purchasing Program)

Karen Helland (staff person with Education Purchasing Program), Wilma VanScyoc (an attorney in the Legal Department) came to the Board table.

General Counsel Jonathan Furr told the Board these rules were placed on first notice last April. We only received a few items of public comment. Mr. Furr explained that while these rules were on first notice, JCAR raised some questions and had requested clarification on the process that we would use to certify contracts. With the hiring of Ms. Helland, the agency was in a position to conduct a thoughtful process regarding how to respond to JCAR's concerns.

Sally Vogl commented that the only issue that was raised by external comment was whether the definition of supplies should or should not include insurance. Because it is not excluded by the statutory language establishing this program, there is not a reason why the definition in the rules should be in any way different from that used in the Procurement Code. Consequently, even though there isn't any goal at this point to institute any kind of bulk purchasing with regard to insurance, neither should it be excluded it at the request of those commenting to that effect.

JCAR had requested greater specificity reading several aspects of the program, including how districts would participate and how contracts would come to be certified. Attorney Wilma VanScyoc walked the Board through the provisions of the proposed rules. Section 1110.50 discusses the registration process for the program. No one is required to participate in any of the contracts that we might certify or procure under this rule. It would be strictly the school district's option as to whether or not to participate. The Regional Offices of Education and other educational entities composed of multiple school districts are authorized to participate in the program. Section 1110.60 discusses categories of contracts. Section 1110.70 details the process by which school districts or vendors might submit contracts for consideration for certification. The information that requested under this Section is information that will be needed in order to determine whether or not the contract has been properly bid and selected. This came directly as a result of the comments from JCAR.

Section 1110.80 lists the criteria that would be weighed and balanced by the State Superintendent in making a determination as to whether or not a contract should be certified. Section 1110.90 is a provision dealing with cooperative purchasing programs. It has become apparent that there are existing cooperative programs that may have contracts that have already gone through a government procurement process and would be of interest as part of this program. This provision would allow certification of those contracts as those cooperatives procure them on an ongoing basis at any time. Ms. Vogl clarified that the Section 1110.90 language in the rule, and not that in the summary and analysis, contained the last best version that more clearly expressed the rule's meaning. Ms. VanScyoc stated that the last two Sections deal with evaluation of certified contracts and withdrawal of certification.

Dr. Hall asked about the amount of purchasing that stays in Illinois. Ms. VanScyoc noted the portion of the rule that addresses that concern. If in weighing the factors for certification, the Superintendent determines that two or more contracts are substantially similar, the Superintendent must give preference to the Illinois-based company. If there are no Illinois-based companies, preference is given to the company that employs the most people in Illinois.

Ms. Holmes asked for clarification on the Board's role and how this relates to the Board's approval authority for contracts over one million dollars. Mr. Furr stated that the Board's approval authority relates to contracts by our agency. The certification process relates to contracts bid by other governmental bodies (and potentially nongovernmental bodies) and brought to us for certification to extend to school districts. If the agency decides to bid out a contract in which school districts can participate, the bid would be performed in accordance with ISBE's normal procurement practices. If the contract exceeded one million dollars, it would require Board approval.

Ms. Holmes asked whether the agency had reviewed the House and Senate transcripts on the debate of SB3000 with respect to the issue of insurance. Mr. Furr explained his understanding of the legislative history of the education purchasing program. Much of the discussion about the education purchasing program with SB3000 was in the context of making some of the contracts mandatory for school districts. The mandatory component was not included in the legislation that was passed. The discussions about the insurance issue may have been in the context of a mandatory program. The language that was adopted cannot be read to have any express or implied limitation on a particular category of contracts. Insurance is obviously a type of contract districts enter into. Although the agency has no intention to certify insurance contracts, Mr. Furr could not justify creating an exclusion based on the statutory language.

Ms. Holmes responded saying she had spent a considerable part of her life putting together SB3000, and the earlier versions did have health insurance available for school districts. Originally it was mandatory, but was removed to build consensus in terms of getting a bill passed. Ms. Holmes expressed her understanding of legal interpretation principles is that transcripts are what the courts look at in terms of legislative intent. She stated that there is absolutely no question that the General Assembly was not in any mood to have a statewide entity take over or even offer health insurance for educators, teachers, and school districts. Ms. Holmes indicated it could be a problem with JCAR.

Mr. Furr stated that the starting point is always the statutory language itself, and that transcripts are used only to the extent the legislative language is not clear. Here, an exclusion of insurance was not set out in the legislation and cannot be fairly inferred from the legislative language. Chairman Ruiz supported this approach to statutory interpretation. Ms. Holmes commented that she did not think legislators would agree with that approach. Board member Ed Geppert stated he had no issue with including a reference to insurance in the rules but did not foresee that the Board ever would certify insurance contracts.

4. UPDATE ON LESS RED TAPE

Mr. Furr provided a brief update on the Less Red Tape initiative.

5. ADJOURNMENT

Vinni Hall made the motion to adjourn. Ed Geppert seconded the motion.

Meeting adjourned at 4:15 p.m.