

**ILLINOIS STATE BOARD OF EDUCATION**

**AD HOC RULES COMMITTEE OF THE WHOLE**

**Location: Office of the Capital Development Board  
Room 14-621 (Video Conference Room)  
100 W. Randolph Street  
Chicago, Illinois**

**January 26, 2009  
2:30 p.m.**

(This meeting will begin immediately following the previous session.)

**All open meetings will be audio cast on the Internet at: [www.isbe.net](http://www.isbe.net)**

**AGENDA** *(timeframes are estimated for planning purposes)*

1. Roll Call
2. Board Member Participation by Other Means
3. Public Participation 2:30 – 2:45 p.m.
4. Minutes of the December Ad Hoc Rules Committee Meeting **(pp. 2-3)**
- \*5. Rules for Initial Review 2:45 – 3:10 p.m.
  - a. Part 145 (Temporary Relocation Expenses) (Deb Vespa) **(pp. 4-6)**
  - b. Part 151 (School Construction Program) (Deb Vespa) **(pp. 7-12)**
  - c. Part 675 (Providers of Supplemental Educational Services) (Gina Hopper) **(pp. 13-42)**
- \*6. Rules for Adoption 3:10 – 3:15 p.m.
  - a. Part 260 (Reading Improvement Block Grant) (Marica Cullen) **(pp. 43-52)**
7. Committee Agenda Planning/Additional Items
8. Committee Wrap-up *(Superintendent Koch)*
9. 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

Thursday, December 18, 2008

9:30 a.m.

State Board of Education Office  
100 North First Street  
Springfield, Illinois

### Committee Members Present

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

### Absent

### Others

Susie Morrison  
Darren Reisberg  
Shelley Helton  
Sally Vogl

**Chairman Ruiz called the meeting to order at 9:35 a.m. After the roll call, he announced that all members were present and therefore no members would be participating by other means. No one had signed up for public participation.**

#### **4. APPROVAL OF MINUTES**

Vinni Hall moved approval of the minutes of the Committee's meeting of October 22, 2008, and Joyce Karon seconded the motion. It was adopted unanimously, and the minutes were approved as presented.

#### **5. RULES FOR ADOPTION**

Chairman Ruiz turned the meeting over to General Counsel Darren Reisberg, who stated that seven sets of rules were being presented for adoption and none for initial review. In light of the impending bad weather, he suggested that no lengthy overview be presented but that staff members could address any questions the Board members might have. There were no questions. Vinni Hall moved that the Committee recommend all these sets of rules for action during the plenary session, and the Chairman indicated that they would be voted on. The rulemakings in question were:

- the proposed repeal of Part 110 (Program Accounting Manual);
- the proposed repeal of Part 125 (Student Activity Funds and Convenience Accounts);
- proposed amendments to Part 130 (Determining Special Education Facility Per Capita Tuition Charge);
- a proposed amendment to Part 235 (Early Childhood Block Grant);
- proposed new Part 245 (Education of Homeless Children and Youth State Grant Program);
- the proposed repeal of Part 500 (Replacement of Required Rules); and
- proposed amendments to Part 525 (Regional Offices of Education and Intermediate Services).

**6. COMMITTEE WRAP-UP**

Mr. Reisberg summarized the Committee's actions, noting that the minutes of the October meeting had been approved and that the adoption of seven rulemakings had been recommended.

**7. COMMITTEE AGENDA PLANNING/ADDITIONAL ITEMS**




Mr. Reisberg indicated that he did expect several sets of rules to come before the Board for initial review in January.

**8. ADJOURNMENT**

David Fields moved that the meeting be adjourned. Dean Clark seconded the motion, and the meeting was adjourned at 9:40 a.m.

**ILLINOIS STATE BOARD OF EDUCATION MEETING**  
**January 26-27, 2009**

**TO:** Illinois State Board of Education

**FROM:** Christopher A. Koch, Ed.D., State Superintendent of Education   
Linda Riley Mitchell, Chief Financial Officer   
Darren Reisberg, General Counsel 

**Agenda Topic:** Action Item: Rules for Initial Review – Parts 145 (Temporary Relocation Expenses) and 151 (School Construction Program)

**Materials:** Recommended Rules

**Staff Contacts:** Deb Vespa, Division Administrator

**Purpose of Agenda Item**

The purpose of this agenda item is to present two sets of proposed amendments for the Board's initial review.

**Relationship to/Implications for the State Board's Strategic Plan**

These two rulemaking items are not specifically related to the strategic plan. The two sets of rules are simply being updated for the sake of technical correctness.

**Expected Outcome of Agenda Item**

The Board will be asked to adopt a motion authorizing the solicitation of public comment on the proposed amendments.

**Background Information**

Both these sets of amendments represent technical updating only. References to Part 110 of the rules (Program Accounting Manual) need to be replaced by references to the new rules covering the same topics (Part 100; Requirements for Accounting, Budgeting, Financial Reporting, and Auditing). Similarly, where the Fall Enrollment and Housing Report is mentioned by name, the enrollment count as of September 30 is being referenced instead. This reflects the elimination of the separate reporting requirement due to the advent of the Student Information System.

**Analysis and Implications for Policy, Budget, Legislative Action and Communications**

Policy Implications: Please see above.

Budget Implications: None.

Legislative Action: None needed.

Communication: Please see "Next Steps" below.

### **Pros and Cons of Various Actions**

Promulgation of these changes will bring the rules up to date, while failure to amend the rules would result in the persistence of incorrect cross-references and outdated terminology.

### **Superintendent's Recommendation**

The Superintendent recommends that the State Board of Education adopt the following motion:

The State Board of Education hereby authorizes the solicitation of public comment on the proposed rulemaking for:

Temporary Relocation Expenses (23 Illinois Administrative Code 145), and

School Construction Program (23 Illinois Administrative Code 151),

including publication of the proposed amendments in the Illinois Register.

### **Next Steps**

With the Board's authorization, staff will submit the proposed amendments for publication in the Illinois Register to elicit public comment. Additional means such as the Superintendent's message and the agency's website will be used to inform interested parties of the opportunity to comment.

ILLINOIS REGISTER

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STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER I: STATE BOARD OF EDUCATION  
SUBCHAPTER c: FINANCE

PART 145  
TEMPORARY RELOCATION EXPENSES

Section

- 145.10 Definitions
- 145.20 General Requirements
- 145.30 Allowable Expenses
- 145.40 Documentation (Repealed)
- 145.50 Accounting Requirements
- 145.60 Determination of Loan and Grant Amounts

145.TABLE A Accounting Entries (Repealed)

AUTHORITY: Implementing and authorized by Section 2-3.77 of the School Code [105 ILCS 5/2-3.77].

SOURCE: Adopted at 10 Ill. Reg. 15060, effective August 28, 1986; amended at 22 Ill. Reg. 19777, effective October 30, 1998; amended at 29 Ill. Reg. 10126, effective June 30, 2005; amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 145.50 Accounting Requirements**

When money appropriated for temporary relocation expenses is received by a school district, the money shall be deposited in the funds fund(s) from which such expenses were or will be paid and shall be accounted for in accordance with the applicable provisions of 23 Ill. Adm. Code 100 (Requirements for Accounting, Budgeting, Financial Reporting, and Auditing) Program Accounting Manual (23 Ill. Adm. Code 110).

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

ILLINOIS REGISTER

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STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER c: FINANCE

PART 151

SCHOOL CONSTRUCTION PROGRAM

SUBPART A: SCHOOL CONSTRUCTION PROJECT GRANTS

Section

- 151.10 Purpose
- 151.20 Eligible Applicants
- 151.30 Application for School Construction Project Grant Entitlement
- 151.35 Application for School Construction Project Grant Entitlement - Districts With A Population Exceeding 500,000
- 151.40 Award of Construction Project Grant Entitlement
- 151.50 Priority Ranking of Construction Grant Entitlements
- 151.55 Needed Capacity for Unit Districts
- 151.60 Grant Index
- 151.70 Debt Service Grants (Repealed)

SUBPART B: SCHOOL MAINTENANCE PROJECT GRANTS

Section

- 151.100 Purpose; Eligible Applicants
- 151.110 Definitions
- 151.120 Application for School Maintenance Project Grants
- 151.130 Award of School Maintenance Project Grants - Applicants With a Population of 500,000 or Fewer
- 151.135 Award of School Maintenance Project Grants - School Districts With a Population Exceeding 500,000
- 151.140 Terms of the Grant

AUTHORITY: Implementing the School Construction Law [105 ILCS 230] and authorized by Section 5-55 of that Law.

SOURCE: Emergency rules adopted at 22 Ill. Reg. 2616, effective January 16, 1998, for a maximum of 150 days; emergency rules modified in response to JCAR objection at 22 Ill. Reg.

ILLINOIS REGISTER

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STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

4500; emergency rules expired June 15, 1998; emergency rules adopted at 22 Ill. Reg. 6238, effective March 24, 1998, for a maximum of 150 days; emergency rules modified in response to JCAR objection at 22 Ill. Reg. 7703; emergency expired June 15, 1998; new Part adopted at 22 Ill. Reg. 12538, effective July 6, 1998; emergency amendment at 23 Ill. Reg. 11336, effective September 1, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 497, effective January 3, 2000; amended at 24 Ill. Reg. 5661, effective March 17, 2000; amended at 26 Ill. Reg. 886, effective January 15, 2002; amended at 32 Ill. Reg. 7410, effective April 22, 2008; amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: SCHOOL CONSTRUCTION PROJECT GRANTS

**Section 151.20 Eligible Applicants**

School districts that meet the requirements of the School Construction Law and this Subpart are eligible to apply for school construction project grant entitlements. A district's eligibility for a school construction project grant under the minimum enrollment requirements of Section 5-25(a) of the School Construction Law shall be determined using the district's enrollment in prekindergarten through grade 12 as of the last school day in September of the most recent school year ~~shown on the district's most recent Fall Enrollment/Housing Report.~~

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 151.50 Priority Ranking of Construction Grant Entitlements**

Priority ranking of construction grant entitlements shall be done if the appropriation for any fiscal year is insufficient to fund grants for all approved grant entitlements. In this case, districts holding construction grant entitlements shall be eligible for construction grants to be awarded by the Capital Development Board in order of the priority ranking described in this Section.

- a) Districts holding grant entitlements shall be eligible for grant awards in the order of:
  - 1) the six levels of priority described in Section 5-30 of the School Construction Law; and
  - 2) the district's ranking within its level of priority, determined according to subsections (b) through (d) of this Section.

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

b) A district's ranking within a level of priority shall be determined by multiplying the district's needed capacity as determined under subsection (c) of this Section by the ratio of the district's needed capacity to the district's enrollment as of the last school day in September of the most recent school year recorded on the district's most recent Fall Enrollment/Housing Report. The resulting figure shall constitute the district's ranking, with the largest figure having the highest ranking.

c) Needed Capacity

1) For each priority other than priority five, the district's needed capacity shall be calculated by subtracting its currently available capacity as determined under subsection (d) of this Section from its current enrollment or its projected enrollment, whichever is greater.

A) Projected enrollment shall be calculated by multiplying the district's current enrollment by the ratio of the district's current enrollment to the district's enrollment two years before.

B) For purposes of calculating needed capacity, projected enrollment shall not include any increase in enrollment attributable to a change in the district's boundaries.

2) For priority five, the district's needed capacity shall be the number of qualified individuals with disabilities who require a school construction project.

d) Determination of Available Capacity

1) The enrollment capacity of each room or space currently subject to occupancy by students for instructional purposes in a district-owned, permanent building, or in a building leased by the district if the lease is at least ten years from expiration, shall be determined by dividing the net floor area (in square feet) of such room or space by the appropriate loading factor, as follows:

Type of Room or Space	Loading Factor
Prekindergarten Classroom	40
Kindergarten Classroom	40

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Elementary General Classroom	35
Elementary Art Classroom	40
Elementary Music Classroom	30
Elementary Computer Classroom	35
Middle School General Classroom	35
Middle School Art Classroom	40
Middle School Family and Consumer Sciences Classroom	50
Middle School Music Classroom	25
Middle School Computer Classroom	40
Middle School Science Laboratory	40
Middle School Science Laboratory/Classroom	50
Middle School Industrial Technology Laboratory/Shop Not Classified Elsewhere	40
High School General Classroom	30
High School Art Classroom	35
High School Music Classroom	25
High School Computer Classroom	40
High School Family and Consumer Sciences Classroom	60
High School Science Laboratory	35
High School Industrial Technology Laboratory/Shop	75
High School Laboratory Not Classified Elsewhere	35
Special Education Classroom	50

- 2) Buildings and additions with a functional age over one hundred years old shall be assigned an enrollment capacity of zero. The functional age of a building and each of its additions shall be individually determined by multiplying its actual age by one of the following condition factors, to be determined using the Building Condition Evaluation Form supplied by the State Board of Education:

Condition of Building or Addition	Condition Factor
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STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Excellent	0.2
Satisfactory	0.4
Substandard	1.0
Poor	1.5
Very Poor	2.0

3) As used in this subsection (d), “permanent building” means a building mounted on a slab or a permanent foundation. A permanent foundation is a closed-perimeter formation consisting of materials such as concrete, mortared concrete block, or mortared brick extending into the ground below the frost line which may include but not be limited to cellars, basements, or crawlspaces but does not include the sole use of piers.

4) Available capacity shall be calculated by multiplying enrollment capacity as determined in subsections (d)(1) through (d)(3) of this Section by the following utilization factors:

A) elementary schools	0.9
B) middle or junior high schools	0.85
C) high schools	0.8

e) A new order of priority ranking shall be established among the applicants for each fiscal year. If a district is not awarded a construction grant in a fiscal year for which it has received an entitlement, the district must update its application to establish its priority ranking for the following fiscal year.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART B: SCHOOL MAINTENANCE PROJECT GRANTS

**Section 151.140 Terms of the Grant**

a) Grants shall be subject to the Illinois Grant Funds Recovery Act [30 ILCS 705]. Any grant funds not expended or legally obligated within two years after disbursement by the State shall be returned to the State Board of Education within 45 days.

ILLINOIS REGISTER

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STATE BOARD OF EDUCATION




NOTICE OF PROPOSED AMENDMENTS

- b) Grant funds may only be used for the project described in the approved application and shall be accounted for in compliance with applicable accounting rules set forth at 23 Ill. Adm. Code 100 (Requirements for Accounting, Budgeting, Financial Reporting, and Auditing) 110 (Program Accounting Manual). The applicant must provide local matching funds in an amount equal to the grant. If actual project expenditures are less than expected so that the amount of the grant is greater than 50 percent of the total project expenditures, the applicant shall refund the amount of the grant that is in excess of 50 percent of actual project expenditures. The applicant shall file a final expenditure report with the State Board of Education that describes the use of the grant funds.
- c) The applicant shall comply with the School Construction Law, this Subpart and all other applicable laws and regulations in completing a project.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**ILLINOIS STATE BOARD OF EDUCATION MEETING**  
**January 26-27, 2009**

**TO:** Illinois State Board of Education

**FROM:** Christopher A. Koch, Ed.D., State Superintendent of Education   
Susie Morrison, Deputy Superintendent   
Darren Reisberg, General Counsel 

**Agenda Topic:** Action Item: Rules for Initial Review – Part 675 (Providers of Supplemental Educational Services)

**Materials:** Recommended Rules

**Staff Contacts:** Gina Hopper, Division Administrator  
Marci Johnson, Division Supervisor  
Dr. Gary Greene, Principal Consultant

**Purpose of Agenda Item**

The purpose of this agenda item is to present the proposed amendments for the Board's initial review.

**Relationship to/Implications for the State Board's Strategic Plan**

This set of amendments is not specifically related to the strategic plan, although the provision of supplemental educational services contributes to attainment of Goal 1 regarding students' academic achievement and preparation for success.

**Expected Outcome of Agenda Item**

The Board will be asked to adopt a motion authorizing the solicitation of public comment on the proposed amendments to Part 675.

**Background Information**

This set of amendments includes changes in various, chiefly unrelated provisions that are intended to respond to issues that have arisen recently in the implementation of supplemental educational services (SES).

- In Section 675.30 (Code of Ethics), a statement is being added to make clear the applicability of these requirements to contractors and other entities acting in conjunction with providers, a prohibition on marketing directly to students is being added, and a provision is being added to emphasize districts' obligation to treat all providers equitably. In addition, the circumstances under which school district employees may be hired by providers is being clarified, resulting in fewer limitations on employees of a given district with respect to working for providers serving other school districts.
- The basis for evaluating providers stated in Section 675.90 is being changed to replace district-specific status with a statewide status for each of the subjects in which a provider offers tutoring. It is felt that parents would be confused to find providers with contradictory effectiveness status levels, as might very well happen if reporting were to continue on a district-by-district basis.
- Since the USDE has informed states that they must allow providers to be approved to tutor in science and that other subjects may be included in the future, specific references

to reading and mathematics are being eliminated in favor of generic references to subjects. See especially Section 675.50.

- In Section 675.175, subsections (b) and (c) are being revised to account for delays that are outside districts' and providers' control that would cause them to miss relevant deadlines. A new subsection (d) will also provide a means by which districts can document their compliance with a requirement of NCLB when parents do not respond.
- Based on recent clarification from the U.S. Department of Education, revisions in Sections 675.210 and 675.220 will allow for the inclusion of costs related to transportation.
- The structure of the assessment of parental satisfaction (Appendix B) is being changed from focusing on positive responses from parents to focusing on negative responses instead. This will continue to entail meeting the same standard but will avoid penalizing providers for low response rates by parents. Also in Appendix B, the criterion related to attendance is being restated to refer to providers' "average attendance" rather than to the "attendance rates", in order to state more clearly how this component of the evaluation is being implemented.

Miscellaneous other revisions will provide clarifications, remedy omissions, and state expressly practices that have been developed in response to particular circumstances.

#### **Analysis and Implications for Policy, Budget, Legislative Action and Communications**

Policy Implications: Please see above.

Budget Implications: None.

Legislative Action: None needed.

Communication: Please see "Next Steps" below.

#### **Pros and Cons of Various Actions**

Promulgation of these changes would result in a variety of improvements in the rules, as outlined above. Leaving the rules unchanged would leave several issues unaddressed and, in particular, would require adherence to the existing evaluation rubric rather than the revised approach and would exclude tutoring in any subject other than reading and mathematics.

#### **Superintendent's Recommendation**

The Superintendent recommends that the State Board of Education adopt the following motion:

The State Board of Education hereby authorizes the solicitation of public comment on the proposed rulemaking for:

Providers of Supplemental Educational Services (23 Illinois Administrative Code 675),

including publication of the proposed amendments in the Illinois Register.

#### **Next Steps**

With the Board's authorization, staff will submit the proposed amendments for publication in the Illinois Register to elicit public comment. Additional means such as the Superintendent's message and the agency's website will be used to inform interested parties of the opportunity to comment.

ILLINOIS REGISTER

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STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER 0: MISCELLANEOUS

PART 675

PROVIDERS OF SUPPLEMENTAL EDUCATIONAL SERVICES

SUBPART A: GENERAL PROVISIONS

Section	
675.10	Purpose and Scope
675.20	Definitions
675.30	Code of Ethics
675.40	Programmatic Requirements
675.50	Application Requirements
675.60	Application Process
675.65	Mid-Year Changes
675.70	Reporting Requirement
675.80	Retention of Records; Access to Premises
675.90	Evaluation of Providers' Performance, Providers' Status, Sanctions, and Removal
675.100	Public Information
675.110	Removal When No Services Offered
675.150	Provider's Relationship with District
675.175	Timetable for Implementation of the Program

SUBPART B: FINANCIAL REQUIREMENTS

Section	
675.200	Financial Framework for SES
675.210	District Program Cost
675.220	Non-Reimbursable Expenses and Revenue Offsets
675.230	Reports of Actual Costs
675.240	Establishment of Contract Amount and Payment Provisions
675.245	Basis for Invoices and Payments
675.250	Appeals
675.APPENDIX A	Calculation of Effect Size
675.APPENDIX B	Evaluation Rubric

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STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

675.APPENDIX C Decision Matrix

AUTHORITY: Implementing Section 1116(e) of Public Law 107-110, the No Child Left Behind Act of 2001 (20 USC 6316(e)) (34 CFR 200.45 through 200.48), and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.6].

SOURCE: Emergency rules adopted at 29 Ill. Reg. 9516, effective June 17, 2005, for a maximum of 150 days; emergency expired November 13, 2005; adopted at 29 Ill. Reg. 19942, effective November 23, 2005; amended at 30 Ill. Reg. 14325, effective August 18, 2006; amended at 32 Ill. Reg. 4046, effective February 26, 2008; amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: GENERAL PROVISIONS

**Section 675.30 Code of Ethics**

The requirements of this Section shall apply not only to each provider but also to any subcontractor or other entity, whether paid or unpaid, who acts in conjunction with or on behalf of an approved provider for the purpose of performing any function related to a program of supplemental educational services, including, but not limited to, marketing the program, tutoring students, providing snacks, conducting assessments, and completing individual learning plans.

- a) Providers must accurately and completely describe services to consumers in terms that are easy to understand. Providers' statements regarding the number of hours of service offered in their programs must match the number of hours for which districts have contracted. That is, a provider shall not charge a district for a portion of the hours of service offered and indicate that the remaining hours of service are to be provided free of charge.
- b) Providers must create and use promotional materials and advertisements that are consistent with their approved applications and free from deception. Upon request, providers shall submit all promotional materials and advertisements related to the SES program to ISBE or the school districts in which they wish to serve.
- c) Providers must not misrepresent to anyone the location of a provider's program or the approval status of a program. If the location of services is contingent upon a minimum student enrollment or the approval of a district, the provider shall indicate the applicable contingencies in its marketing materials.

ILLINOIS REGISTER

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STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- d) Providers must not publicly criticize or disparage other providers.
- e) Providers must not distribute a district enrollment form that has the selected provider's name pre-printed as part of the form. Providers must not distribute enrollment forms with directions for how to complete the forms.
- f) Providers must not market their programs directly to students in the absence of those students' parents or guardians, except in the course of district-sponsored provider fairs, school assemblies, or other events permitted pursuant to this Part.
- g) Providers must maintain a system of addressing consumer grievances and concerns and must immediately report any grievances to both the district and ISBE.
- ~~h)~~g) Providers must not compensate district employees in exchange for access to facilities, to obtain student lists, or for any illegal purpose. Providers must not solicit or accept an exclusive arrangement with any district or school (including, but not limited to, an exclusive right to conduct in-school assemblies or other marketing activities).
- ~~i)~~h) Except as otherwise provided in this subsection (i) (h), employees of a particular district personnel may be hired by a provider serving that district for instructional purposes only. District personnel hired for instructional purposes shall not recruit students to a provider's program, engage in marketing activities on behalf of a provider, distribute or collect enrollment forms, or otherwise promote or encourage students to enroll in a provider's program.
  - 1) District personnel without responsibility for or involvement in the district's administration of SES may be employed to perform solely clerical functions having no relationship to the marketing of a provider's program or the recruitment of students.
  - 2) Where a school district or a school is also a provider of SES, an individual may be employed as coordinator or site manager for the SES program it provides if the individual will have no other responsibilities apart from oversight and management of that SES program, which may include marketing and recruitment, subject to the following additional requirements.

ILLINOIS REGISTER

---

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- A) The individual employed by the district for this purpose shall not present marketing or recruitment information on any occasion unless all other providers approved for the schools served are offered the same opportunity to present information or recruit students.
  - B) The district shall ensure that the individual has no greater access to parents and students at provider fairs, school assemblies, and other, similar occasions than is afforded to all other providers. "Access" means the amount of speaking time available, the space used, and any other resources allocated to providers.
  - C) The individual's duties related to the SES program for which the district is the provider shall be entirely distinct from those of any other district employee who performs oversight with respect to the provision of SES generally, such as serving as the district's liaison to all SES providers within a school or schools.
- j)† Each restriction applicable to a school district employee under this Section shall apply equally to a member of any governmental or nonprofit organization formed to support or advise a particular school in which the provider seeks to offer services.
- k)† Each parent of an eligible student who is hired by a provider must have a written job description and must be compensated on the same basis as all other employees of the provider who perform similar work. No parent may receive any commission or other benefit related to the enrollment of his or her child in a provider's program, nor may a parent be subject to any employment action by the provider on account of the parent's selection of an SES program for his or her child.
- l)† Providers must not make payments or in-kind contributions to a district, exclusive of customary fees for facility utilization.
- m)† Providers must not offer or advertise economic incentives or gratuities of any kind to parents or students to solicit them to select the provider for SES. Providers may not offer any incentives to potential students in the course of informational

ILLINOIS REGISTER

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STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

sessions, but may offer promotional materials of negligible value, such as pencils, balloons, or magnets.

- n)m) During the provision of SES, providers may offer only nominal rewards to students for achievement of program milestones or objectives that cannot be attained through attendance alone, or for above-average attendance when given after the mid-point of the provider's program. Providers shall not spend more than \$50 per pupil on rewards, exclusive of rewards that consist of materials and equipment used directly in the provision of services.
- o)n) Providers must not encourage or induce students or parents to switch providers once enrolled.
- p)θ) Providers must not attempt to influence or bias parents when performing an evaluation of the provider's services and achievement of the objectives in the student's Individual Learning Plan.
- q)ρ) A provider shall not use information provided by parents of students served under this Part for any commercial purpose without securing the parent's prior written consent for the intended use of the specified information, except that a provider may use parental contact information to communicate about SES with the parents of students served by that specific provider in any prior year.
- r)ε) School district personnel shall treat all providers of SES impartially. Whether or not the employing district or school is a provider, school personnel shall not:
- 1) promote or disparage specific SES providers;
  - 2) distribute SES enrollment forms that include a pre-printed provider's name;
  - 3) obstruct parents in exercising their right to select an SES provider;
  - 4) seek to influence parents' choices among SES providers;
  - 5) alter or destroy registration forms submitted by parents without specific authorization from the parents; or

ILLINOIS REGISTER

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STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 6) encourage students to drop out of an SES program or switch providers once enrolled.
- s) Districts must ensure that school personnel give providers of SES access to school facilities using a fair, open, and objective process, on the same basis and terms as are available to other groups that seek access to school facilities.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 675.50 Application Requirements**

Each application for approval to provide SES in Illinois shall consist of the components described in this Section and shall be submitted as specified by the State Superintendent.

- a) A summary of services that indicates:
  - 1) the subject areas available (~~i.e., reading and/or mathematics~~);
  - 2) the grade levels served;
  - 3) the total program hours per student, provided that, for any program proposing fewer than 30 instructional hours per subject, the applicant must supply specific evidence that the program has resulted in increased student achievement in that subject, including verification from school district administrators in which the program has been previously provided;
  - 4) the proposed locations of service delivery;
  - 5) the minimum number of students required by the eligible applicant in order to offer SES to a district and an indication of any districts in which that minimum will apply to each site served rather than to the district in the aggregate;
  - 6) whether the eligible applicant can provide services to students of limited English proficiency and, if so, the languages in which the eligible applicant provides instruction and the maximum number of LEP students the eligible applicant can serve in each district;

ILLINOIS REGISTER

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STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 7) whether the eligible applicant can provide services to students with disabilities and, if so, the accommodations or modifications the eligible applicant can offer and the maximum number of students with disabilities the eligible applicant can serve in each district;
  - 8) the time of day and months during which SES will be offered;
  - 9) the ratio of instructors to children, as determined by the provider; and
  - 10) the districts the eligible applicant seeks to serve.
- b) A rationale for the eligible applicant's SES program, including:
- 1) Evidence that the program complies with Section 675.40 of this Part; and
  - 2) Evidence of effectiveness that complies with either subsection (b)(2)(A) or subsection (b)(2)(B) of this Section.
    - A) General Method
      - i) Evidence that the curriculum and pedagogy program proposed in the application ~~have~~ has a positive impact on students' achievement in the relevant subject area reading and/or math, particularly for low-income, underachieving students, as demonstrated by scores on the State assessment or on a nationally recognized assessment; and
      - ii) At least five but no more than ten letters of reference from previous clients (families, districts, or teachers) offering testimonial information on the positive impact of the program proposed in the application and including contact information, starting and ending dates of service provided, and school and district names for each reference.
    - B) Alternate Method
      - i) Evidence that the eligible applicant has a minimum of three years' experience serving youth in the community where the eligible applicant intends to offer SES, through

ILLINOIS REGISTER

---

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- activities such as tutoring, mentoring or other extracurricular programs;
- ii) Evidence that the curriculum and pedagogy to be used by the eligible applicant have ~~has~~ been demonstrated to have a positive impact on students' achievement in the relevant subject area reading and/or math, particularly for low-income, underachieving students, as demonstrated by scores on the State assessment or on a nationally recognized assessment;
  - iii) At least five but no more than ten letters of reference from previous clients (families, districts, or teachers) offering testimonial information on the positive impact of the youth services provided by the eligible applicant and including contact information, starting and ending dates of service provided, and school and district names for each reference; and
  - iv) An agreement to limit services to no more than 200 children during the first two years of SES.
- c) The specific procedures to be used and frequency of reports of student progress to teachers, district staff, and parents/families (including a description of how information will be provided to parents and families in a format and language they can understand).
  - d) A description of the qualifications of instructional staff, including such resumes and other information on qualifications as ISBE may require. If the applicant intends to assign tutors who reside outside the United States, the application shall identify their countries of residence and, for each of those countries, the national and either regional or local law enforcement authorities from which fingerprint-based checks of criminal history records will be obtained that will be comparable to those required under Section 10-21.9 of the School Code [105 ILCS 5/10-21.9]. Individuals residing in countries where checks of these types are not available shall not be assigned as tutors.
  - e) Proof of liability insurance in amounts deemed sufficient by ISBE to protect the district and ISBE in light of the number of students to be served by the provider.

ILLINOIS REGISTER

---

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- f) Evidence that the eligible applicant possesses a sound management structure.
- g) Evidence that the provider has adequate financial, organizational and technical resources to administer the proposed program. This evidence shall include, but need not be limited to, completed federal tax returns (or the equivalent for non-profit entities) for the two most recent years and either an audit report or audited financial statements completed within two years prior to submission of the application.
- h) Proof of legal authority to conduct business in Illinois.
- i) Information on the eligible applicant's estimated per-pupil program cost, calculated as set forth in Section 675.210 of this Part for a sample or hypothetical district for which the provider assumes cost factors to be representative. If the provider's costs will vary based on the number of students enrolled, costs must be provided for various enrollment ranges. Providers must specify the assumptions upon which occupancy costs are shown for services in district facilities.
- j) Such certifications, assurances, and/or additional information as ISBE may require in order to verify any information reported by the eligible applicant or otherwise to fulfill its duties with respect to the administration of SES.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 675.70 Reporting Requirement**

- a) Each provider shall be required to use a tracking system for student enrollment and progress developed by ISBE. This tracking system shall also be used to determine the amount billable to the district for the provider's services.
- b) Within 60 days after a provider's conclusion of SES for the SES reporting period, the provider shall submit a report to the State Superintendent ~~ISBE~~ including the information identified in this subsection (b), which shall be submitted as specified by the State Superintendent:
  - 1) information on the students served who received at least 18 hours of services;

ILLINOIS REGISTER

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STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 2) details of any complaints received from teachers or parents and the resolution of those complaints; and
  - 3) the percentage of the provider's Illinois students meeting the academic goals set out in their Individual Learning Plans.
- c) On or before May 1 of each year, each approved provider shall submit the information identified in this subsection (c) as specified by the State Superintendent:
- 1)4) updates and revisions to any information set forth in the provider's approved application (including the submission of all information required by Section 675.50 of this Part not previously reported by the provider); and
  - 2)5) an assurance that all other information set forth on the provider's approved application, as may be updated from time to time, remains true and correct.
- d)e) Upon the request of any district served by a provider, the provider shall, within 10 days after receipt of the district's request or after the provider's submission of the report ~~to ISBE~~, whichever is later, furnish to the district the information specified in subsections (b)(2) and (3) of this Section as applicable to that district. However, a provider shall not be obligated to supply this information for any SES reporting period more than one year after the end of that period.
- e)d) The State Superintendent ~~ISBE~~ may request additional information from a provider that may be necessary for the State Superintendent ~~ISBE~~ to verify any information reported by the provider or otherwise to fulfill the its ~~its~~ duties of the State Board with respect to the administration of SES.
- f)e) Providers failing to submit timely and complete reports shall not be included on the list of eligible providers for the following SES reporting period.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 675.90 Evaluation of Providers' Performance, Providers' Status, Sanctions, and Removal**

ILLINOIS REGISTER

---

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- a) For each SES reporting period, ISBE shall evaluate each provider's performance in each district the provider serves based upon students' achievement, students' attendance, and parents' satisfaction. Separate evaluations shall be performed for each subject tutored by a provider (~~i.e., reading and mathematics~~). Achievement shall be measured by calculating an "effect size" in accordance with the provisions of Appendix A to this Part based upon the assessment results attained by students who have received at least 18 hours of instruction in the same provider's program. Attendance shall be measured by the information submitted to ISBE through its tracking system for students' enrollment and progress and by means of a survey administered by ISBE to all providers. Parental satisfaction shall be measured by a survey administered by ISBE to parents of students receiving services. Providers and school districts shall cooperate with ISBE to facilitate the administration of all surveys.
- b) For each of the criteria outlined in subsection (a) of this Section, ISBE will determine, based upon the evaluation rubric set forth in Appendix B to this Part, whether the provider's performance in each subject tutored falls into the category of "insufficient information", "below standards", "meets standards", or "above standards". Based on these determinations, ISBE will assign each provider the status of "good standing", "probationary status 1", or "probationary status 2", in accordance with the decision tree displayed in Appendix C to this Part. Each provider's status shall be determined on a statewide basis for each subject tutored ~~assigned separately with respect to each district served~~.
- c) If a provider's compliance with State or federal requirements or interactions with districts or parents indicate areas for improvement that are not serious enough to warrant corrective action under subsection (h) of this Section, the provider's status may also be assigned "with reservations". A provider assigned any status with reservations that fails to address the identified areas for improvement during the next SES reporting period shall be placed into corrective action in accordance with subsection (h) of this Section.
- d) A provider assigned the status of good standing shall not be required to take any action in response, other than addressing any reservations during the next SES reporting period.
- e) A provider assigned to probationary status 1 shall submit a remedial action plan describing the policies and practices the provider will immediately implement to return its status to good standing, including:

ILLINOIS REGISTER

---

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) specific, measurable steps to be taken;
  - 2) a timeline for these activities; and
  - 3) a budget for these activities.
- f) A provider assigned to probationary status 2 shall submit a reconstitution plan setting forth substantial changes the provider will immediately implement to return its status to good standing, including:
- 1) a fundamental revision to the program described in the provider's approved application;
  - 2) professional development activities for all the provider's instructional staff serving the district;
  - 3) a plan of outreach to promote effective parental involvement in the provider's program;
  - 4) for each aspect described pursuant to subsections (f)(1) through (3) of this Section:
    - A) the specific, measurable steps to be taken;
    - B) a timeline for these activities; and
    - C) a budget for these activities; and
  - 5) a process for monitoring progress and revising the plan as needed.
- g) A provider that receives three consecutive determinations of probationary status 1 or lower with respect to any particular district shall be removed from the State-approved list for that district, except that a provider that receives two consecutive determinations of probationary status 2 shall be removed.
- h) The State Superintendent of Education may require corrective action of a provider if compliance issues are raised through ISBE's monitoring of the provider's program. Providers placed in corrective action under this subsection (h) shall,

ILLINOIS REGISTER

---

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

within 30 days after receiving notice to this effect, submit to the State Superintendent of Education for approval a corrective action plan detailing how the provider intends to improve the deficiencies in its program. A provider shall be removed from the State-approved list if it fails to meet the requirements of its corrective action plan by the end of the SES reporting period following the provider's placement into corrective action.

- i) The State Superintendent of Education may immediately suspend a provider's services if ISBE determines that a threat exists to the health or safety of students or if necessary to investigate or remedy concerns regarding compliance issues or illegal practices allegedly engaged in by the provider.
- j) The State Superintendent of Education may remove a provider from the State-approved list upon 30 days' written notice if the provider has engaged in illegal or deceptive practices, violated any assurance or aspect of its application to ISBE, violated any assurance or aspect of a plan submitted to ISBE in accordance with this Section, falsified any information on its application or other reports to ISBE, or otherwise violated State or federal law.
- k) Any corrective action or termination rights ISBE has pursuant to this Part may be exercised solely with respect to the provider's program in one or more schools or districts, if the performance issues are localized.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 675.175 Timetable for Implementation of the Program**

The requirements of this Section shall pertain to a district's initial enrollment period for SES in each school year. Districts are strongly encouraged to undertake parental notification and student enrollment in advance of the timelines set forth in this Section. No provision of this Section shall be construed to limit a district's ability to offer multiple enrollment periods during the course of a school year. The deadline for each district's initial enrollment period shall be no later than 60 days after the first day of school or 60 days after the district's receipt of notification from ISBE as to its status, whichever occurs later.

- a) In any school year when the performance of a district's schools obligates the district to offer supplemental educational services, the district shall distribute to parents of eligible students a notification to this effect, accompanied by a selection form for use by the parents. Each district's notification and selection

ILLINOIS REGISTER

---

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

form must be approved by the State Superintendent of Education annually to ensure that it includes the material required by Section 1116(e)(2)(A) of NCLB, is free of unrelated information, and, to the extent practicable, is written in language that will be understandable to parents.

- 1) No later than three weeks prior to the date on which the district plans to distribute its notification to parents, each district shall submit to the State Superintendent either:
  - A) the intended notification and the intended enrollment form, if separate; or
  - B) an assurance that its approved notification and enrollment form from the previous year will not be changed other than with respect to dates or available providers.
- 2) Within four ~~two~~ weeks after receipt of a district's intended notification materials or assurance, the State Superintendent shall either approve the communication or specify areas of insufficiency that must be corrected before the notification can be released.
- 3) This notification shall be distributed in such a way as to reach parents no later than two weeks prior to the close of the district's initial enrollment period, and shall inform parents regarding all the approved providers that will be serving the schools attended by their respective students.
- 4) Concurrently with distribution of the notification to parents required under this subsection (a), each district shall post on its website:
  - A) the number of students eligible for SES in each school year beginning with 2007-08;
  - B) the number of students who participated in SES in each school year beginning with 2007-08, provided that a student is considered to have participated if the district paid a provider for any services performed in connection with that student;
  - C) a list of the providers that are approved and have agreed to serve the district in the current school year; and

ILLINOIS REGISTER

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STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- D) a list of the locations where each provider will offer services during the current school year.
- b) Prior to negotiating contracts with districts, each provider shall submit to ISBE, in the form specified by the State Superintendent, good-faith estimates of its per-pupil district program costs, as specified in Section 675.240 of this Part and based in each case on the approximate number of students expected to enroll in the provider's program. The State Superintendent shall make these estimates available to districts without delay. As soon as reasonably practicable, but in no event later than 45 days after the deadline for a district's initial enrollment period, the district shall submit to each provider a district-approved list of students whose parents have selected that provider, a fully executed contract, and any other information or approvals the provider may need from the district in order to comply with the requirements of this Part. The district may receive an extension of no more than 10 days' time by establishing to the satisfaction of the State Superintendent that the delay is due to circumstances beyond the district's control. ~~The district shall also use its best efforts to deliver a fully executed contract to each provider, based on the provider's estimated per-pupil district program cost, within this timeframe.~~
- c) No later than 30 days after the district's delivery to the provider of a student list and fully executed contract and any other materials needed pursuant to subsection (b) of this Section, each school district shall verify that each provider with which the district has executed a contract has begun the provision of tutoring to the students whose families chose that provider. If any provider has not begun to provide services, the provider may receive an extension of no more than 10 days' time by establishing to the satisfaction of the State Superintendent that the delay is due to circumstances that are beyond the provider's control and will be alleviated within 10 days. Otherwise, at the end of the 30-day period, the district shall notify the parents of the affected students to this effect and offer the parents a one-week opportunity to choose another approved provider. In any such instance, the district shall conclude any needed contractual revisions within one further week and ensure that the new provider begins serving each affected student no later than two weeks after receiving the applicable contract and the list of students. The other provisions of this subsection (c) notwithstanding, a district that has collected indications of parents' second choices may assign students to the programs selected and notify parents that this has occurred.

ILLINOIS REGISTER

---

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- d) Section 1116(e)(3)(A) of NCLB requires consultation by a district with a student's parents and the student's provider to develop a statement of specific achievement goals for the student, a statement regarding how the student's progress will be measured, and a timetable for improving the student's academic achievement in the subjects tutored. For any student with respect to whom this consultation has not occurred by the time the provision of tutoring is to begin pursuant to subsection (c) of this Section, the plans for the student shall stand as developed by the district and the provider, and the district shall maintain records demonstrating that district personnel made reasonable efforts to consult with a parent, such as through telephone contact, e-mail, home visits, or contact at school events.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART B: FINANCIAL REQUIREMENTS

**Section 675.210 District Program Cost**

- a) A provider's district program cost shall consist of amounts reported for each of the cost categories described in this subsection (a) that the provider seeks to charge to the district in accordance with its contract.
- 1) Direct program expenses caused directly by and related directly to the provision of SES within a district and costs attributable to fulfilling certain State mandates imposed by this Part (collectively, "direct program expenses"). Subcategories of direct program expenses include:
- A) Program staff salaries or wages, payroll taxes, and fringe benefits (limited to staff having direct contact with students who receive services);
  - B) Program consultants having direct contact with students who receive services;
  - C) Program-related materials, supplies (e.g., replacement copies of consumable curricular materials, such as workbooks), and equipment (items costing more than \$500 and having a useful life of more than one year must be capitalized and depreciated on a straight-line basis);

ILLINOIS REGISTER

---

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- D) Costs related to the administration of student assessments;
  - E) Instructional Staff Training Services – Workshops and demonstrations designed to contribute to the professional competence of the instructional staff;
  - F) Snacks for program participants, provided that such snacks do not consist of confections, candy, potato chips, carbonated beverages, fruit drinks containing less than 50 percent pure fruit juice, tea, coffee, or other foods or beverages designated as “competitive foods” by the State Board of Education pursuant to 23 Ill. Adm. Code 305 (School Food Service);
  - G) Program Insurance – All liability, malpractice, personal injury, and other types of insurance not reported as property insurance or as employee benefits;
  - H) Rewards for student achievement provided in accordance with Section 675.30(m) of this Part;
  - I) Student retention activities;
  - J) Data entry related to State or local requirements for reporting on enrollment and attendance;
  - K) Transportation of students to and from SES activities;
  - L) State cost reporting and auditing requirements; and
  - M)~~L~~) Other (must be specified).
- 2) Occupancy expenses for facilities housing SES program activities. Subcategories of occupancy expenses include:
- A) Lease, rental, or property taxes (less any revenues received from portions of a building not used for SES programs);

ILLINOIS REGISTER

---

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- B) Operations and maintenance of buildings and equipment (including janitorial, building and grounds, and other maintenance supplies, equipment maintenance, utilities, telecommunications, and property/building insurance);
  - C) Housekeeping, maintenance, and security (including staff salaries, payroll taxes, and fringe benefits);
  - D) Mortgage and installment interest;
  - E) Operating interest; and
  - F) Other (must be specified).
- 3) Curriculum development expenses – Activities designed to aid providers in purchasing or preparing new curricular materials, refining or updating ~~developing~~ the existing curriculum, preparing and utilizing special curriculum materials, and understanding and appreciating the various techniques that stimulate and motivate pupils, including:
- A) Salaries or wages, payroll taxes, and fringe benefits for staff engaged in curriculum development; and
  - B) Other (must be specified).
- 4) Administrative and general expenses not directly attributable to the provision of SES within a district (other than costs reported for curriculum and training), including expenses for all staff, facilities, supplies, and equipment not used in direct connection with SES program activities (i.e., staff not having regular contact with SES students, and supplies and equipment not used during the delivery of SES at a particular site). Subcategories of administrative and general expenses include:
- A) Salaries or wages, payroll taxes, and fringe benefits for all executive, administrative, managerial, office, and clerical employees not having direct contact with students who receive services;

ILLINOIS REGISTER

---

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- B) Legal and accounting services and other administrative consultants;
- C) Operations and maintenance of buildings and equipment – not assigned to program;
- D) Materials, supplies, and equipment – not assigned to program;
- E) Lease, rental, or property taxes for facilities not serving as a primary location for the delivery of SES (less any revenues from the rental of portions of the facility);
- F) Corporate royalty fees;
- G) Advertising and marketing expenses;
- H) Meals and entertainment expenses;
- I) Distributions to shareholders or retained earnings; and
- J) Other (must be specified).

b) Multiple Districts Served

If a provider serves multiple districts (either within or outside of Illinois), the provider's expenses in the categories outlined in subsections (a)(3) and (4) of this Section must be prorated, first in accordance with the percentage of time applicable to SES in general, and second in accordance with the percentage of students served within each district. (Example: a provider's program manager earns an annual salary of \$100,000 and spends 50 percent of her time managing the provider's SES programs throughout the nation and the remainder of her time performing educational consulting services for districts. The provider serves 5,000 students in its SES programs nationwide, 1,000 of whom are within an Illinois district. \$10,000 of her salary may be reported as an actual cost of providing SES within that district.  $(\$100,000 \times .5 \times .2 = \$10,000)$ .) All of the foregoing allocations must be in accordance with the following cost principles, as applicable:

ILLINOIS REGISTER

---

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) OMB Circulars (5 CFR 1310 (2005)) available at [www.whitehouse.gov/omb/circulars/index.html](http://www.whitehouse.gov/omb/circulars/index.html):
  - A) OMB Circular A-87 (Cost Principles for State, Local and Indian Tribal Governments);
  - B) OMB Circular A-21 (Cost Principles for Educational Institutions);
  - C) OMB Circular A-122 (Cost Principles for Non-Profit Organizations).
- 2) Federal Acquisition Regulation (applicable to for-profit providers) (48 CFR 9904 (2005) available at [www.access.gpo.gov/nara/cfr/waisidx\\_01/48cfr9904\\_01.html](http://www.access.gpo.gov/nara/cfr/waisidx_01/48cfr9904_01.html)).

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 675.220 Non-Reimbursable Expenses and Revenue Offsets**

- a) The expenditures discussed in this subsection (a) shall be non-reimbursable costs and shall not be calculated or reported as part of a provider's district program cost.
  - 1) Expenses resulting from transactions with related organizations that are greater than the expense to the related organization. Providers may be required to submit evidence to substantiate or refute any claim of relatedness in determining allowable costs.
  - 2) Non-straight-line depreciation.
  - 3) Bad debt.
  - 4) Special benefits to owners, including owner and keyman life insurance, except insofar as required by lending institutions.
  - 5) Charity grants.
  - 6) Interest payments related to a provider's assets that are unrelated to an SES program.

ILLINOIS REGISTER

---

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 7) Costs incurred by owners for non-SES activities, including that portion of overhead that should be allocated to these activities.
- 8) Printing expenses unrelated to the program.
- 9) Lobbying activities.
- 10) ~~Transportation of students to and from SES activities.~~
- 11) Meals provided to students enrolled in SES programs.
- 11)12) Confections, candy, potato chips, carbonated beverages, fruit drinks containing less than 50 percent pure fruit juice, tea, coffee, or other foods or beverages designated as “competitive foods” by the State Board of Education pursuant to 23 Ill. Adm. Code 305.
- 12)~~13~~) Fines and penalties.
- 13)~~14~~) Payments of principal on mortgages or loans.
- 14)~~15~~) Asset acquisition costs for items whose costs exceed \$500 and have a useful life of one year or more.
- 15)~~16~~) Legal expenses incurred for non-program activities or for litigation against governmental entities.
- 16)~~17~~) Severance pay.
- 17)~~18~~) Sales tax (in the case of not-for-profit organizations).
- 18)~~19~~) Income tax.
- 19)~~20~~) Costs of any kind prohibited by the Code of Ethics set forth in Section 675.30 of this Part.
- 20)~~21~~) Economic incentives or gratuities of any kind to parents.

ILLINOIS REGISTER

---

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- b) Any revenue received by the provider for the provision of SES from any source other than the district shall be offset against the provider's district program costs.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 675.230 Reports of Actual Costs**

- a) Each provider shall report to the State Board of Education, no later than September 30 following the end of the SES reporting period or 45 days after the end of the provider's fiscal year, whichever is later, and using a form provided by ISBE, the provider's district program cost for each district the provider served. The cost report shall also indicate the payments received or invoiced to the district for the SES reporting period, as well as the difference between these payments and the district program cost.
- 1) Each provider shall identify all transactions with related organizations and the actual cost of each transaction.
  - 2) For purposes of this subsection (a)(2), a student "served" is one with respect to whom a provider performed any service that was billed to a district. Each non-governmental provider serving more than 50 students within a district must engage an independent Licensed Certified Public Accountant (CPA) who is a member of the American Institute of Certified Public Accountants to perform agreed-upon procedures on its reported information. An agreed-upon procedures report must be submitted with the district program cost report required by this subsection (a). The agreed-upon procedures must include the following.
    - A) Obtain the general ledger trial balance as of the reporting date and agree or reconcile the balances in the trial balance to the cost report;
    - B) Inquire of members of management who have responsibility for financial and accounting matters concerning:
      - i) whether the cost report has been prepared using the accrual basis;

ILLINOIS REGISTER

---

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- ii) the procedures for recording, classifying, and summarizing transactions and accumulating information;
  - iii) the method used to allocate curriculum development and administrative and general expenses to the district;
  - iv) known transactions with related organizations and whether the actual cost of such transactions was accurately reported; and
  - v) the provider's procedures for identifying non-reimbursable expenses;
- C) Identify and report on results from the following procedures:
- i) compare the actual average cost per pupil as shown on the cost report to the average cost per pupil shown in the contract with the district, and report on management's explanation for any differences greater than 10 percent; and
  - ii) compare current-year and prior-year cost results by report line item, and report on management's explanations for any differences in line item amounts that exceed 10 percent of the prior year's amounts, or if the total cost for the reporting period exceeds the total cost for the prior year by more than 5 percent;
- D) For providers serving more than 200 students in a district, select a sample of program and curriculum and training expenses for source document testing. The sample must be representative of the population and represent no less than 25 percent of the expenses for each category. As a part of testing procedures, perform the following:
- i) verify that the provider properly classified costs according to the categories and subcategories set forth in Section 675.210 of this Part, and report on sampled items that were not classified in accordance with that Section;

ILLINOIS REGISTER

---

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- ii) verify that sampled items are not non-reimbursable as defined in Section 675.220 of this Part, and report on sampled items that are non-reimbursable as defined in that Section; and
    - iii) verify that curriculum development and administrative and general expenses have been allocated to the district in an accurate and consistent manner and in accordance with Section 675.210(b) of this Part, and report on allocations for any sampled items that are not in accordance with that Section; and
  - E) Report on whether, as determined by the procedures performed under subsection (a)(2)(D) of this Section, the sampled items contain errors, omissions, inconsistencies, or non-compliance with the cost reporting requirements set forth in this Section, and specify each material error, omission, or inconsistency.
- 3) An agreed-upon procedures report submitted pursuant to subsection (a)(2) of this Section shall indicate whether all elements of the provider's cost report comply with the requirements of this Subpart B. In addition to the specific items to be reported under subsection (a)(2) of this Section, the CPA shall also report on:
- A) any unreconciled differences between the general ledger trial balance and the cost report;
  - B) any cost report that was not prepared on the accrual basis;
  - C) any entries that are not supported by or do not agree with documentation provided by management;
  - D) any cost allocation methods that are not in accordance with the requirements set forth in Section 675.210(b) of this Part; and
  - E) any other material error, omission, inconsistency, or area of non-compliance that comes to the CPA's attention during the course of conducting the agreed-upon procedures required by subsection (a)(2) of this Section.

ILLINOIS REGISTER

---

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- b) Each provider shall report the number of students enrolled in the provider's program during each SES reporting period. If a student's services are terminated during the SES reporting period, the student shall be reported in accordance with the percentage of the program completed prior to termination of services. For example, a student who completed 60 percent of the provider's program prior to termination of services should be reported as .6 of a student on the provider's cost report.
- c) All reporting shall be provided on an accrual basis.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

**Section 675.APPENDIX B Evaluation Rubric**

<b>Criterion</b>	<b>Insufficient Information</b>	<b>Below Standards</b>	<b>Meets Standards</b>	<b>Above Standards</b>
Student Achievement (See Note 1)	There is insufficient information available to determine student achievement outcomes.	The effect size for students in the provider's program can be identified and does not demonstrate any gains that can be attributed to tutoring received from the provider.	The effect size for students in the provider's program can be identified and does demonstrate gains that can be attributed to tutoring received from the provider.	The effect size for students in the provider's program can be identified and is in the top one-third of those providers demonstrating gains that can be attributed to tutoring received from the provider.
Attendance (See Notes 2 and 3)	Not applicable. Providers that do not submit attendance data will not be included on the list of eligible providers for the following SES reporting period.	(1) The provider's <u>average attendance rate</u> is one full standard deviation below the <u>overall average mean attendance rate</u> ; and (2) The provider cannot demonstrate, based on a survey and ISBE's verification of reported information, <u>satisfactorily</u> that it has made dedicated efforts to encourage student attendance.	The provider's <u>average attendance rate</u> is between one full standard deviation below and one full standard deviation above the <u>overall average mean attendance rate</u> .	The provider's <u>average attendance rate</u> is one standard deviation or more above the <u>overall average mean attendance rate</u> .

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Parent Satisfaction	There is insufficient information available to determine parent satisfaction outcomes.	<u>More than 25%</u> <del>Fewer than 75%</del> of respondents indicate: (1) overall <u>dissatisfaction</u> <del>satisfaction</del> with the provider; or (2) they were <u>not</u> consulted in the development of the student's individual learning plan.	<u>More than 10% but no more than 25%</u> <del>75-89%</del> of respondents indicate: (1) overall <u>dissatisfaction</u> <del>satisfaction</del> with the provider; and (2) they were <u>not</u> consulted in the development of the student's individual learning plan.	<u>No more than 10%</u> <del>90-100%</del> of respondents indicate: (1) overall <u>dissatisfaction</u> <del>satisfaction</del> with the provider; and (2) they were consulted in the development of the student's individual learning plan.
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Note 1: The evaluation shall be limited to students who have received at least 18 hours of instruction from a given provider.

Note 2: Calculated based on attendance rate for sessions scheduled by the provider.

Note 3: A "provider's average attendance" is calculated by dividing the total number of hours the provider served by the total number of students the provider served. The "overall average attendance" is calculated by dividing the sum of all the "provider's average attendances" by the total number of providers. "Mean attendance rate" means, for programs serving the Chicago Public Schools, the mean attendance rate for all programs serving that district. For programs in districts other than the Chicago Public Schools, "mean attendance rate" means the mean attendance rate for all programs in districts outside the Chicago Public Schools.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

**Section 675.APPENDIX C Decision Matrix**

<b>Determination Based on Evaluation</b>	<b>Status*</b>
<ul style="list-style-type: none"><li>• Student achievement: insufficient information, meets standards or above standards.</li><li>• Attendance: <u>insufficient</u> information, meets standards, or above standards.</li><li>• Parent satisfaction: insufficient information, meets standards or above standards.</li></ul>	Maintain or return to good standing.
<ul style="list-style-type: none"><li>• Student achievement: insufficient information, meets standards or above standards.</li><li>• Either attendance or parent satisfaction below standards.</li></ul>	Probationary status 1.
<ul style="list-style-type: none"><li>• Student achievement: below standards (regardless of attendance or parental satisfaction).</li></ul>	Probationary status 2.

\* Any status level may be assigned “with reservations” in accordance with Section 675.90(c) of this Part.

(Source: Amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**ILLINOIS STATE BOARD OF EDUCATION MEETING**  
**January 22, 2009**

**TO:** Illinois State Board of Education

**FROM:** Christopher A. Koch, Ed.D., State Superintendent of Education *CK*  
Darren Reisberg, General Counsel *DR*  
Connie Wise, Assistant Superintendent, Standards and Assessment *CW*

**Agenda Topic:** Action Item: Rules for Adoption – Amendments to Part 260 (Reading Improvement Block Grant)

**Materials:** Recommended Rules

**Staff Contact(s):** Marica Cullen

**Purpose of Agenda Item**

The purpose of this agenda item is to present the proposed amendments for adoption.

**Relationship to/Implications for the State Board's Strategic Plan**

Part 260 establishes requirements for grants for improving the reading skills of students in kindergarten through grade 6. The proposed amendments to the rules set forth requirements for grants for professional development in reading instruction. For this reason, this agenda item links to Strategic Plan Goal 1 (academic achievement and success) and Goal 2 (highly prepared and effective teachers and school leaders).

**Expected Outcome(s) of Agenda Item**

The Board will be asked to adopt a motion adopting the proposed amendments to Part 260.

**Background Information**

Section 2-3.51 of the School Code establishes the Reading Improvement Block Grant (RIBG) Program, a formula-based grant that is provided to school districts with schools serving kindergarten through grade 6 and is designed to help improve reading achievement and instruction. Under the law, the State Board of Education is authorized to reserve up to 2 percent of the money allocated for the RIBG program for "teacher training and re-training in the teaching of reading".

In the past, the bulk of the 2 percent set-aside has been used to advance the Reading Recovery program by providing financial support to teachers who wish to be trained in this technique. During the last year, however, the agency has embarked on the Response to Intervention (RtI) initiative, with a focus on professional development activities in reading instruction. A Request for Proposals (RFP) for RtI training was released in FY 2008. Additionally, the agency released an RFP to fund school districts and other entities in FY 2009 that wish to become accredited Reading Recovery training sites or to fund the training of Reading Recovery teacher-leaders.

Since the amount of funding under the 2 percent set-aside is insufficient to fund all eligible applicants that may wish to apply for the programs described above or other professional development opportunities, agency staff are proposing amendments to rules governing the formula portion of the Reading Improvement Block Grant to define the criteria for applying for and receiving grants under a competitive process.

The proposed amendments were published in the Illinois Register November 7, 2008, to elicit public comment; none was received.

### **Analysis and Implications for Policy, Budget, Legislative Action and Communications**

Policy Implications: Proposed Subpart B identifies the applicants eligible to apply for professional development grants under Part 260, establishes the procedures and requirements for both initial and continuation applications, and provides the criteria for review and awarding of grants. The proposed amendments contemplate two pools of applicants: school districts, charter schools and approved public university laboratory schools, which would apply on behalf of their teachers who would participate in the professional development activities, and these applicants and other entities, which would apply to establish the training programs.

Additionally, the proposed amendments allow sufficient flexibility for the State Superintendent to identify in each RFP the training approaches that would best meet the needs of school staff or support statewide priorities for improvement of teaching and learning. This flexibility will enable agency staff to target limited resources toward programs with the greatest likelihood of success, without first having to conduct a lengthy process to amend the rules.

Each RFP also would communicate the amount of the 2 percent set-aside to be awarded and the length that grants will be in effect (i.e., one, two or three years). The decision to renew a grant in any subsequent year of a funding cycle would be made based on the amount of the RIBG appropriation, the activities the grantee proposes for the grant period, and the grantee's adherence to the terms and conditions of the grant received in the immediately preceding grant period.

Budget Implications: For FY 2009, the RIBG program received \$76,139,800. Of that amount, \$1,520,725 was set aside for "teacher training and re-training", with \$1,220,497 allocated for professional development competitive grants.

Legislative Action: None.

Communication: See "Next Steps" below.

### **Pros and Cons of Various Actions**

The proposed amendments set forth the agency's policies and practices for awarding competitive grants under Section 2-3.51 of the School Code. Having these policies and practices in rules ensures uniformity in the grant-making process and provides eligible applicants an equal opportunity to compete for funding.

The Illinois Administrative Procedures Act requires that state agencies set forth their policies in administrative rules. These proposed amendments, once promulgated, will enable the agency to be in compliance with the act.

### **Superintendent's Recommendation**

I recommend that the following motion be adopted:

The State Board of Education hereby adopts the proposed rulemaking for:

Reading Improvement Block Grant (23 Illinois Administrative Code 260),

Further, the Board authorizes the State Superintendent of Education to make such technical and nonsubstantive changes as the State Superintendent may deem necessary in response to suggestions or objections of the Joint Committee on Administrative Rules.

### **Next Steps**

Notice of the adopted amendments will be submitted to the Joint Committee on Administrative Rules to initiate JCAR's review. When that process is complete, the rules will be filed with the Secretary of State and disseminated as appropriate.

ILLINOIS REGISTER

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STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER g: SPECIAL COURSES OF STUDY

PART 260

READING IMPROVEMENT PROGRAM

SUBPART A: READING IMPROVEMENT BLOCK GRANT

Section

260.10	Definitions (Repealed)
260.20	Purpose
260.30	Eligible Applicants
260.40	Allowable Expenditures
260.50	Procedure and Criteria for Approval of Applications
260.55	Eligibility for Continued Funding
260.60	Allocation of Funds (Repealed)
260.70	Distribution of Grant Awards
260.80	Year-End Reporting

SUBPART A: READING IMPROVEMENT BLOCK GRANT

SUBPART B: READING IMPROVEMENT PROFESSIONAL DEVELOPMENT GRANTS

Section

<u>260.100</u>	<u>Purpose and Implementation</u>
<u>260.110</u>	<u>Eligible Applicants</u>
<u>260.120</u>	<u>Application Procedures and Content</u>
<u>260.130</u>	<u>Proposal Review, Approval and Grant Award</u>
<u>260.140</u>	<u>Application Content and Approval for Continuation Programs</u>

AUTHORITY: Implementing and authorized by Section 2-3.51 of the School Code [105 ILCS 5/2-3.51].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15967, effective October 2, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 7757, effective April 29, 1986; amended at 14 Ill. Reg. 20714, effective December 14, 1990; amended at 16 Ill. Reg. 14196, effective September 8, 1992; amended at 22 Ill. Reg. 19763, effective October 30, 1998; amended at 23 Ill. Reg. 7083,

ILLINOIS REGISTER

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STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

effective June 2, 1999; amended at 26 Ill. Reg. 8104, effective May 20, 2002; emergency amendment at 29 Ill. Reg. 9508, effective June 20, 2005, for a maximum of 150 days; emergency expired November 16, 2005; amended at 29 Ill. Reg. 20417, effective November 29, 2005; amended at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART B: READING IMPROVEMENT PROFESSIONAL DEVELOPMENT GRANTS

**Section 260.100 Purpose and Implementation**

- a) This Subpart B establishes the application procedure and criteria for selection by the State Board of Education of eligible applicants to receive funding for *teacher training and re-training in the teaching of reading* pursuant to Section 2-3.51(a) of the School Code [105 ILCS 5/2-3.51(a)]. For the purposes of this Subpart B, “professional development” shall be understood to mean any combination of training, re-training or other professional development activities.
  
- b) The State Superintendent of Education annually may allocate up to 2 percent of funds appropriated to the Reading Improvement Block Grant Program for professional development grants, as defined in subsection (a) of this Section.

(Source: Added at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 260.110 Eligible Applicants**

- a) An applicant’s eligibility for a grant shall be determined by the purpose of the program being funded, i.e., receipt of professional development by the applicant’s staff, as defined in Section 2-3.51(a-5)(6) of the School Code [105 ILCS 5/2-3.51(a-5)(6)], and employed in any of kindergarten through grade 6, or provision of professional development by the applicant.
  - 1) A public school district, charter school, or public university laboratory school approved by the Illinois State Board of Education providing instruction in kindergarten through grade 6 may apply for funding to pay the costs associated with its staff’s receipt of professional development services and activities.
  
  - 2) In addition to the eligible applicants identified in subsection (a)(1) of this Section, a regional office of education, postsecondary institution, and other not-for-profit entity may apply for funding to conduct specific

ILLINOIS REGISTER

---

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

professional development programs, as may be identified in a given Request for Proposals (RFP) issued in accordance with Section 260.120 of this Part, designed to improve reading instruction and student achievement in reading (e.g., Reading Recovery, response to intervention).

- b) Each RFP shall state whether joint applications for funds may be submitted by any combination of eligible applicants, as described in subsection (a) of this Section, subject to the conditions stated in subsections (b)(1), (b)(2) and (b)(3) of this Section.
- 1) If a joint application is submitted, then an administrative agent shall be designated.
  - 2) The superintendent from each of the participating school districts and the official authorized to submit a proposal on behalf of any other eligible entity as defined in subsection (a) of this Section shall sign the joint application.
  - 3) An eligible applicant shall only participate in one proposal for a specific program.

(Source: Added at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 260.120 Application Procedures and Content**

- a) When an allocation for professional development grants is made available pursuant to Section 260.100(a) of this Part, the State Superintendent of Education shall issue a Request for Proposals (RFP) specifying the information that applicants shall include in their proposals, informing applicants of any bidders' conferences, and requiring that proposals be submitted no later than the date specified in the RFP. The RFP shall provide at least 45 calendar days in which to submit proposals.
- b) It is the intention of the State Board of Education to approve Reading Improvement Professional Development Grants for no more than a three-year period. Each RFP will indicate whether the grant will be funded for one, two or three years. Funding in each subsequent year is subject to a sufficient

ILLINOIS REGISTER

---

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

appropriation for the program and satisfactory progress of the grantee in the previous grant period. (See Section 260.140 of this Part.)

- c) Each RFP shall indicate the descriptive information that initial applicants will be required to provide about their proposed programs. For the purposes of this Subpart B, initial applicants are those that did not receive funding under this Subpart in the year previous to an application or that are completing the last year in a funding cycle. The proposal description shall include:
- 1) evidence of the applicant's need for the professional development (e.g., reading achievement data, rationale for targeting specific grade levels or schools, current availability of and access to other professional development opportunities);
  - 2) the criteria for identifying participants to receive the professional development;
  - 3) a list of the activities and services to be provided and how those will improve reading instruction;
  - 4) evidence of commitment of the school staff in implementing or continuing the reading program that was the focus of the professional development;
  - 5) a description of the strategies to be employed for participating staff to share their knowledge with other staff in the school; and
  - 6) the data to be collected and methods to be used to determine the success of the professional development program on improving reading instruction and student achievement in reading.
- d) The RFP shall require completion of a budget summary and payment schedule as well as a budget breakdown, i.e., a detailed explanation of each line item of expenditure.
- e) Each RFP shall identify any area or areas of high priority for the funding cycle.
- f) Each RFP shall include certifications, assurances and program-specific terms of the grant, as the State Board of Education may require, to be signed by the applicant that is a party to the application and submitted with the proposal.

ILLINOIS REGISTER

---

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- g) Applicants may be requested to clarify various aspects of their proposals. The contents of the approved proposal shall be incorporated into a grant agreement to be signed by the State Superintendent or designee and the superintendent of the school district or, in the case of other eligible applicants, by the authorized official.

(Source: Added at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 260.130 Proposal Review, Approval and Grant Award**

- a) Proposals submitted for funding to establish a professional development program shall be evaluated in accordance with the following criteria.
- 1) The proposal presents a convincing rationale about the need for the professional development based upon the students' reading progress and the school's continuing need for improvements, as indicated by testing data or other relevant information. The number of staff estimated to participate in the professional development and the grade levels to be served are appropriate based on this need and will strengthen the ability of the school to improve reading achievement in measurable ways. (25 points)
  - 2) The proposal sets forth a clear understanding of why current reading instruction is not successful with all students and knowledgeably articulates how intensive, ongoing professional development will lead to improvements in reading achievement for those students. (25 points)
  - 3) The content, sequence and duration of the initial and any follow-up professional development appears to be of sufficient quality and length to have a positive effect on instructional practices. (15 points)
  - 4) Sufficient evidence is presented of the commitment of the school's administrators and teachers to implement or continue the targeted reading improvement strategies and methods after the conclusion of the professional development. Identified sources of funding for the planning and implementation are sufficient to successfully sustain the approach to reading instruction that was the focus of the professional development. (15 points)

ILLINOIS REGISTER

---

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 5) Appropriate strategies are proposed for participants to share the knowledge gained and lessons learned in the professional development with others in the school, and these strategies will allow for successful implementation of the reading program throughout the school. (10 points)
- 6) The proposed budget is cost-effective based on the number of teachers to be trained and the activities proposed. (10 points)
- b) The selection of proposals for funding may be based in part on geographic distribution and/or the need to provide resources to school districts and communities with varying demographic characteristics.
- c) Priority consideration may be given to proposals with specific areas of emphasis, as identified by the State Superintendent of Education in a particular RFP.
- d) The State Superintendent of Education shall determine the amount of individual grant awards. The final award amounts shall be based upon:
  - 1) the total amount of funds available for Reading Improvement Professional Development Grants; and
  - 2) the resources requested in the top-ranked proposals, as identified pursuant to subsections (a), (b) and (c) of this Section.

(Source: Added at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 260.140 Application Content and Approval for Continuation Programs**

The requirements of this Section shall apply to those applicants seeking funding to continue professional development programs beyond the initial grant period.

- a) In order to continue to operate a Reading Improvement Professional Development program, a grantee each year shall submit an application for continuation. The application shall include at least the following:
  - 1) an overview of the program to date (e.g., training provided, number of participants, topics addressed);

ILLINOIS REGISTER

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STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 2) a description of the activities and services proposed for the renewal period;
  - 3) budget information for the year in which the application is being made; and
  - 4) the certifications, assurances and program-specific terms of the grant referred to in Section 260.120(f) of this Part that are applicable to the renewal period.
- b) A professional development program shall be approved for continuation provided that:
- 1) a need continues to exist for the program, as evidenced by reading achievement data and the proposed numbers of teachers to be served;
  - 2) the activities and services proposed will be effective in improving instruction and student achievement in reading;
  - 3) the proposed budget is cost-effective, as evidenced by the cost of proposed services in relation to the numbers to be served and the services to be provided; and
  - 4) in the year previous to the continuation application, the applicant complied with the terms and conditions of any grant it received pursuant to this Subpart B.

(Source: Added at 33 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)