

Ad Hoc Rules Committee of the Whole
March 19, 2009
9:30 a.m.

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

All open meetings will be audio cast on the Internet at: www.isbe.net

AGENDA *(timeframes are estimated for planning purposes)*

1. Roll Call
2. Board Member Participation by Other Means
3. Public Participation 9:30 – 9:35 a.m.
4. Minutes of the February Ad Hoc Rules Committee Meeting **(pp. 2-3)**
- *5. Rules for Initial Review 9:35 – 9:45 a.m.
 - a. Part 575 (School Technology Program) *(Marica Cullen)* **(pp. 4-8)**
6. Committee Agenda Planning/Additional Items
7. Adjourn

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

Ad Hoc Rules Committee of the Whole
Thursday, February 19, 2009
8:45 a.m.

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

Committee Members Present

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

Absent

Jesse Ruiz

Others

Darren Reisberg
Patrick Murphy
Tim Imler
David Andel
Jo Price
Sally Vogl

Vice Chairman Chris Ward called the meeting to order at 8:50 a.m. After the roll call, he announced that no members would be participating by other means. No one had signed up for public participation.

4. APPROVAL OF MINUTES

David Fields moved approval of the minutes of the Committee's meeting of January 26, 2009, and Brenda Holmes seconded the motion. It was adopted unanimously, and the minutes were approved as presented.

5. RULES FOR INITIAL REVIEW

Dr. Ward turned the meeting over to General Counsel Darren Reisberg, who stated that three sets of rules were being presented for initial review. He first introduced a technical revision to Part 240, Alternative Learning Opportunities Program, noting that the only change involved was an update to a cross-reference. Board members had no questions regarding this rulemaking.

Mr. Reisberg moved next to agenda item 5c, new Part 405 (Payments to Certain Facilities Under Section 14-7.05 of the School Code). He indicated that Division Administrators Tim Imler and David Andel were present to discuss any questions the Board members might have. He provided brief background information on the origins of the legislative initiative that had led to this new set of rules, noting that in the past placements by juvenile courts and state agencies had occurred without the involvement of school districts or ISBE. When placements were made into non-approved facilities, there had been confusion over the payment obligation. The law had been revised to make this clear but rules were needed in order to implement certain of the statutory provisions. No questions were raised regarding Part 405.

Finally, Mr. Reisberg addressed agenda item 5a, a set of proposed amendments to Part 140 (Calculation of Excess Cost Under Section 18-3 of the School Code). He noted that some of the changes were being made as a direct result of recent legislation. In response to a question from Dr. Brown, Tim Imler clarified that the change in the deadline for the submission of claims had been made for the purpose of consistency with the timeframe for special education claims. He also mentioned that there were not large numbers of claims submitted under Section 18-3 because a weighted formula already applies to districts' reimbursement and only costs in excess of the formula amount would come into play. There were no further questions.

6. RULES FOR ADOPTION

Mr. Reisberg noted that two sets of amendments were being presented for adoption, i.e., Parts 1 (Public Schools Evaluation, Recognition and Supervision) and 25 (Certification). Both of these had come before the Board for initial review in November of 2008. The main impetus for revising Part 1 had been to institute some flexibility in the assignment of teachers at the middle-grade level. Mr. Reisberg stated that one comment had been received and that the issue raised had been addressed in the version being presented for adoption. Andrea Brown asked who had submitted the comment, and Rules Coordinator Sally Vogl indicated it had come from the certification officer in a regional office of education.

Mr. Reisberg went on to note that the amendment to Part 25 involved a delay in accreditation visits to the institutions of higher education that offer preparation programs. No public comment had been received, and the version being presented for adoption was identical to that originally proposed. No further discussion of this rulemaking was needed.

7. COMMITTEE AGENDA PLANNING/ADDITIONAL ITEMS


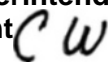

Darren Reisberg stated that only a moderate amount of rulemaking was expected to come to the Board at the March meeting.

8. ADJOURNMENT

Vinni Hall moved that the meeting be adjourned. Joyce Karon seconded the motion, and the meeting was adjourned at 8:57 a.m.

ILLINOIS STATE BOARD OF EDUCATION MEETING
March 18-19, 2009

TO: Illinois State Board of Education

FROM: Christopher A. Koch, Ed.D., State Superintendent of Education 
Connie Wise, Assistant Superintendent 
Darren Reisberg, General Counsel 

Agenda Topic: Action Item: Rules for Initial Review – Part 575 (School Technology Program)

Materials: Recommended Rules

Staff Contacts: Marica Cullen, Division Administrator

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 item of rulemaking is not specifically related to the strategic plan, since it involves only technical updating.

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 575.

Background Information

These proposed amendments will:

- replace a reference to the now-repealed Program Accounting Manual (formerly Part 110 of ISBE's rules) with a reference to the new rules covering the same topics (Part 100; Requirements for Accounting, Budgeting, Financial Reporting, and Auditing); and
- replace a reference to the Fall Enrollment and Housing Report with a reference the date on which enrollment is determined.

As has been noted previously, Part 575 is one of several sets of rules in which these revisions need to be made as time permits.

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 outdated references.

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:

School Technology Program (23 Illinois Administrative Code 575),

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

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 575

SCHOOL TECHNOLOGY PROGRAM

SUBPART A: SCHOOL TECHNOLOGY GRANTS

Section

575.10	Purpose (Repealed)
575.20	Eligible Expenditures (Repealed)
575.30	Application Procedure and Content (Repealed)
575.40	Matching Requirements (Repealed)
575.50	Proposal Review and Approval (Repealed)
575.60	Terms of the Grant (Repealed)

SUBPART B: SCHOOL TECHNOLOGY REVOLVING LOAN PROGRAM

Section

575.100	Purpose
575.200	Use of Funds
575.300	Maximum Amount of Loan
575.400	Application Procedures
575.500	Review of Application and Notification of Loan Award
575.600	Repayment Procedures
575.700	Terms and Conditions of Loan Agreement

AUTHORITY: Implementing and authorized by Section 2-3.117a of the School Code [105 ILCS 5/2-3.117a].

SOURCE: Adopted at 20 Ill. Reg. 3522, effective February 13, 1996; emergency amendment at 22 Ill. Reg. 9591, effective May 22, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19770, effective November 2, 1998; amended at 23 Ill. Reg. 8370, effective July 12, 1999; amended at 25 Ill. Reg. 8167, effective June 21, 2001; amended at 26 Ill. Reg. 915, effective January 15, 2002; amended at 28 Ill. Reg. 13227, effective September 17, 2004; amended at 29 Ill. Reg. 18474, effective October 31, 2005; amended at 32 Ill. Reg. 8773, effective May 27, 2008; amended at 33 Ill. Reg. _____, effective _____.

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NOTICE OF PROPOSED AMENDMENTS

SUBPART B: SCHOOL TECHNOLOGY REVOLVING LOAN PROGRAM

Section 575.300 Maximum Amount of Loan

The maximum loan amount shall be calculated on a per-pupil basis, based upon the total enrollment in the eligible grade levels. A participant may request a loan amount that does not exceed \$150 per pupil in the eligible grade levels plus a base amount of \$25,000; however, no single loan in a given fiscal year shall exceed \$6,000,000. The State Board of Education shall annually notify participants of the maximum loan amount to which they are entitled.

- a) For school districts, approved university laboratory schools and charter schools, the maximum loan amount shall be calculated using the enrollment as reported as of the last school day in September of ~~on the Fall Enrollment and Housing Report~~ for the immediately preceding school year.
- b) For area vocational centers, the maximum loan amount shall be calculated using the enrollment as reported to the State Board of Education in April of the immediately preceding school year.

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

Section 575.700 Terms and Conditions of Loan Agreement

- a) Loan proceeds under this program shall be used exclusively for the purposes listed in Section 575.200 of this Part and shall be expended in accordance with the approved application and the participant's policies and procedures related to such expenditures. In the event that the loan proceeds are not expended in the manner approved, then the participant, upon written notification from the State Board of Education, shall be required to submit, by the next payment due date, payment of the outstanding principal of the loan and the amount of the interest accrued as of that payment due date.
- b) Loan proceeds shall be obligated no later than six months following receipt of the loan.
- c) Use of loan proceeds shall be accounted for in accordance with the rules of the State Board of Education at 23 Ill. Adm. Code 100 (Requirements for Accounting, Budgeting, Financial Reporting, and Auditing) ~~the Program~~

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NOTICE OF PROPOSED AMENDMENTS

~~Accounting Manual (23 Ill. Adm. Code 110)~~ or, for participants not subject to ~~those rules~~ the Program Accounting Manual, in accordance with generally accepted standards of governmental accounting principles.

- d) Loan recipients shall submit to the State Board of Education a report detailing how the loan proceeds were used. This expenditure report, to be submitted on a form supplied by the State Board of Education, shall be due not later than nine months following receipt of the loan.

- e) Subject to Section 575.400(b)(5) of this Part, in the event of default that is not cured within 90 calendar days, the State Board of Education shall deduct the amount owed from the participant's next payment of General State Aid. The participant shall be ineligible for additional loans until good standing has been restored; however, the chartering school district of a charter school participant or the school districts participating in a vocational education cooperative shall be allowed to apply for loans on behalf of their respective school districts.

(Source: Amended at 28 Ill. Reg. _____, effective _____)