

Ad Hoc Rules Committee of the Whole
Wednesday, May 20, 2009
1:00 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

AGENDA *(timeframes are estimated for planning purposes)*

1. Roll Call
 2. Board Member Participation by Other Means
 3. Public Participation 1:00 – 1:15 p.m.
 4. Minutes of the April Ad Hoc Rules Committee Meeting **(pp. 2-3)**
 - *5. Rules for Initial Review 1:15 – 2:00 p.m.
 - a. Part 1 (Public Schools Evaluation, Recognition and Supervision) **(pp. 5-71 – new insert)**
(Patrick Murphy, Tim Imler, Linda Jamali, Gayle Johnson, and Joyce Zurkowski)
 - b. Part 24 (Standards for All Illinois Teachers) (Linda Jamali, Patrick Murphy) **(pp. 76-97)**
 - c. Part 25 (Certification) (Linda Jamali, Patrick Murphy) **(pp. 98-267 – new insert)**
 - d. Part 120 (Pupil Transportation Reimbursement) (Tim Imler) **(pp. 267-275)**
 - e. Part 425 (Voluntary Registration and Recognition of Nonpublic Schools) **(pp. 276-294)**
(Patrick Murphy)
 - *6. Rules for Adoption 2:00 – 2:30 p.m.
 - a. Part 140 (Calculation of Excess Cost Under Section 18-3 of the School Code) **(pp. 295-302)**
(Tim Imler)
 - b. Part 240 (Alternative Learning Opportunities Program) (Patrick Murphy) **(pp. 303-307)**
 7. Committee Agenda Planning/Additional Items
 8. 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, April 16, 2009

8:30 a.m.

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

Committee Members Present

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

Absent

Others

s Koch
arren Reisberg
Sally Vogl
Patrick Murphy
Vespa

Chairman Ruiz called the meeting to order at 8:35 a.m. After the roll call, he announced that there was no need for Board member participation by other means and that no one had signed up for public participation.

4. APPROVAL OF MINUTES

Dean Clark moved approval of the minutes of the Committee's meeting of March 19, 2009, and Lanita Koster seconded the motion. It was adopted unanimously, and the minutes were approved as presented.

5. RULES FOR INITIAL REVIEW

The Chairman turned the meeting over to General Counsel Darren Reisberg, who noted that two sets of rules were being presented for initial review. The first of these was Part 65, New Teacher Induction and Mentoring. Mr. Reisberg stated that the purpose of these changes had been described in the packet materials, but that Division Administrator Patrick Murphy and Assistant Superintendent Linda Tomlinson were available to respond to any questions the Board members might have.

Lanita Koster asked why the change was being made (in Section 65.130(d)) to require 75 hours of face-to-face contact over the course of the program rather than 1.5 hours per week. Dr. Tomlinson explained that the structure of this program was being changed to correspond more closely to several others. She noted that both the Illinois Teaching Excellence Program and the new principal mentoring program pay set amounts. Among the programs operating under Part 65, some programs were paying mentors while others were not. Over a ten-month period, 1.5 hours per week equate roughly to 75 hours, so an amount to be paid was being established for that amount of mentoring service.

Andrea Brown pointed out that, in grant programs, it is often the case that applicants are asked to develop proposals for funding rather than responding to specifications set forth by the agency. She questioned whether this framework for the program would act as a constraint and indicated an interest in continuing to evaluate the impact of the funded programs, particularly on those affected. At Superintendent Koch's request, Linda Tomlinson clarified that there had been two evaluations so far and that the intent was to continue to have the program grow slowly across the state, as funding might permit, and to continue learning from the efforts of the individual

initiatives. Dr. Brown explained her concern in more detail, particularly in terms of the cost of such programs, their impact, and the ability to bring them to scale. She noted that numerous other programs were in operation in districts not funded through this grant initiative and that ISBE staff could learn from those as well. It was generally agreed that much good work was being done in this area.

Joyce Karon stated the belief that deleting the word “pilot” would be advantageous because it would convey a more permanent approach to support for these programs. Several points were discussed regarding the relationship of these programs to the requirements teachers must fulfill in order to move from the initial certificate to the standard certificate. Dr. Brown stressed the importance of induction and mentoring in improving teachers’ effectiveness.

Mr. Reisberg turned next to the amendments to Part 100, Requirements for Accounting, Budgeting, Financial Reporting, and Auditing. He stated that there were both emergency amendments to this Part being presented for adoption and regular amendments being presented for the Board’s initial review. These related to the “stimulus” funding that would be received, and Mr. Reisberg voiced appreciation for the work of various staff members in preparing the amendments quickly in response. He explained that the first disbursements of the extra funds were expected to be made within the coming week and that districts would need to be in a position to account for those funds appropriately beginning at that time.

Mr. Reisberg pointed out a difficult issue that had needed to be resolved in connection with districts’ use of the “stimulus” funding. Use of federal money for salaries would require employer pension contributions at a considerably higher rate than if state funds were used, and districts would naturally not have budgeted for this extra expenditure. However, because the funds were being used to replace other funds for General State Aid, ISBE and the Teachers’ Retirement System had been able to agree that they could be treated as state funds in this context.

Linda Mitchell noted that this approach was entirely appropriate, based on the fact that the supplemental budget enacted on April 1 characterized these as general revenue funds and they would be flowing to school districts from the State Comptroller.

There were no questions from the Board members on the text of the amendments to Part 100, and Mr. Reisberg reiterated that the reason for emergency rulemaking was to have the account codes in place for districts to use at the time of their initial receipt of funding.

6. RULES FOR ADOPTION

Having completed the discussion of the amendments to Part 100, Mr. Reisberg moved on to the rulemakings for Parts 145 (Temporary Relocation Expenses) and 151 (School Construction Program), noting that Division Administrator Deb Vespa was present in case there were questions. There had been no comment on either of these sets of amendments, which constituted technical updates only. There were no questions.

With regard to Part 675 (Providers of supplemental Educational Services), Mr. Reisberg reminded the Board that several comments had been received and were discussed in the Board packet materials. Staff member Dr. Gary Greene could be reached by phone if discussion was needed on any of those points.

Vinni Hall stated that an April 1 letter from the U.S. Secretary of Education indicated that repealing the portion of the law requiring SES might be considered. She requested that this item be removed from the consent agenda and treated separately during the plenary session, as she wished to abstain from the vote. There was further discussion about the letter’s meaning. Mr. Reisberg indicated that item 6d would be removed from the consent agenda.

Dr. Brown asked whether any portion of the rules would need to be changed in response to the changes being discussed at the federal level regarding the ability of school districts in “status” to

be approved as providers without a waiver. Rules Coordinator Sally Vogl identified one provision that would be repealed in that case. Mr. Reisberg clarified that districts in that situation would still need to submit an application conforming to the requirements set forth in the rules.

7. COMMITTEE AGENDA PLANNING/ADDITIONAL ITEMS

Mr. Reisberg noted that the rules agenda for the May meeting would be heavy and indicated that, among other things, numerous changes to Parts 1 and 25 would be coming forward for initial review at that time.

8. ADJOURNMENT

Vinni Hall moved that the meeting be adjourned. David Fields seconded the motion, and the meeting was adjourned at 8:55 a.m.


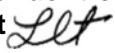

Part 1 (Public Schools evaluation, Recognition and Supervision)

The Superintendent's recommendation for initial review of Part 1 has been changed. You can find the new recommendation at the following link:

http://www.isbe.net/board/meetings/2009/may/Part_1_revised.pdf .

ILLINOIS STATE BOARD OF EDUCATION MEETING
May 20-21, 2009

TO: Illinois State Board of Education

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

Agenda Topic: Action Item: Rules for Initial Review – Part 24 (Standards for All Illinois Teachers)

Materials: Recommended Rules

Staff Contacts: Linda Jamali and Patrick Murphy, Division Administrators

Purpose of Agenda Item

The purpose of this agenda item is to present the proposed amendments to Part 24 for the Board's initial review.

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

This item of rulemaking relates to Goal 2, highly prepared and effective teachers and school leaders, in that it involves changes in provisions related to the preparation and certification of educational personnel.

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

These amendments correspond to concurrent amendments being made in Sections 25.25 and 25.37 of the rules for certification that are also under review at this time. Their purpose is to ensure that the preparation of all teachers includes at least one course specific to methods of teaching reading to students in the grades to be served and that the preparation of all teachers except special education teachers includes a specific course that fulfills the requirement of Section 21-2a of the School Code regarding the "the psychology of, the identification of, and the methods of instruction for the exceptional child, including without limitation the learning disabled". While that statutory provision refers to "course work" rather than "a course", our experience has been that permitting this material to be infused into other courses offered as part of an approved program does not provide candidates for certification in general education with sufficient background for appropriately meeting the needs of the students with disabilities whom they will need to serve. By revising the requirements to specify that a course must be devoted to this subject, we can ensure a more effective focus in this area. We have exempted those preparing for certification in special education in view of the nature of their programs.

These rules were discussed with the State Teacher Certification Board at its meeting on May 1 along with the amendments to Parts 1 and 25. As noted in more detail in the materials for Part 25, this is an aspect of the rulemaking that the Certification Board members voted not to

recommend. We nevertheless believe these changes to be advisable in order to strengthen the preparation of teachers in two critical areas.

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 amendments will permit ISBE to require needed changes in teacher preparation programs, while failure to move forward with this rulemaking will preclude the agency from doing so.

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:

Standards for All Illinois Teachers (23 Illinois Administrative Code 24),

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 b: PERSONNEL

PART 24

STANDARDS FOR ALL ILLINOIS TEACHERS

Section

24.10	Purpose and Effective Dates
24.100	The Illinois Professional Teaching Standards
24.110	Language Arts Standards for All Illinois Teachers
24.120	Technology Standards for All Illinois Teachers

AUTHORITY: Implementing Article 21 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21 and 2-3.6].

SOURCE: Adopted at 26 Ill. Reg. 11847, effective July 18, 2002; amended at 33 Ill. Reg. _____, effective _____.

Section 24.100 The Illinois Professional Teaching Standards

No later than February 1, 2012, and regardless of other methods used to ensure that candidates for certification master the standards set forth in this Section, each teacher preparation program other than a program preparing special education teachers shall require all candidates to complete at least one course of no fewer than two semester hours in *the psychology and identification of students with disabilities and methods of instruction for those students*. (Section 21-2a of the School Code [105 ILCS 5/21-2a])

- a) Content Knowledge - The competent teacher understands the central concepts, methods of inquiry, and structures of disciplines and creates learning experiences that make the content meaningful to all students.
 - 1) Knowledge Indicators – The competent teacher:
 - A) Understands major concepts, assumptions, debates, principles, and theories that are central to the discipline(s) in which certification is sought.
 - B) Understands the processes of inquiry central to the discipline.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- C) Understands how students' conceptual frameworks and their misconceptions for an area of knowledge can influence their learning.
 - D) Understands the relationship of knowledge within the discipline to other content areas and to life and career applications.
 - E) Understands how a student's disability affects processes of inquiry and influences patterns of learning.
- 2) Performance Indicators – The competent teacher:
- A) Evaluates teaching resources and curriculum materials for their comprehensiveness, accuracy, and usefulness for representing particular ideas and concepts.
 - B) Uses differing viewpoints, theories, “ways of knowing” and methods of inquiry in teaching subject matter concepts.
 - C) Engages students in generating and testing knowledge according to the process of inquiry and standards of evidence of the discipline.
 - D) Designs learning experiences to promote student skills in the use of technologies appropriate to the discipline.
 - E) Anticipates and adjusts for common misunderstandings of the discipline(s) that impede learning.
 - F) Uses a variety of explanations and multiple representations of concepts that capture key ideas to help students develop conceptual understanding.
 - G) Facilitates learning experiences that make connections to other content areas and to life and career experiences.
 - H) Designs learning experiences and utilizes adaptive devices/technology to provide access to general curricular content to individuals with disabilities.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- b) Human Development and Learning – The competent teacher understands how individuals grow, develop, and learn and provides learning opportunities that support the intellectual, social, and personal development of all students.
 - 1) Knowledge Indicators – The competent teacher:
 - A) Understands how students construct knowledge, acquire skills, and develop habits of mind.
 - B) Understands that students’ physical, social, emotional, ethical, and cognitive development influences learning.
 - C) Understands human development, learning theory, neural science, and the ranges of individual variation within each domain.
 - D) Understands that differences in approaches to learning and performance interact with development.
 - E) Understands how to include student development factors when making instructional decisions.
 - F) Knows the impact of cognitive, emotional, physical, and sensory disabilities on learning and communication processes.
 - 2) Performance Indicators – The competent teacher:
 - A) Analyzes individual and group performance in order to design instruction that meets learners’ current needs in the cognitive, social, emotional, ethical, and physical domains at the appropriate level of development.
 - B) Stimulates student reflection on prior knowledge and links new ideas to already familiar ideas and experiences.
 - C) Introduces concepts and principles at different levels of complexity so that they are meaningful to students at varying levels of development and to students with diverse learning needs.
- c) Diversity – The competent teacher understands how students differ in their approaches to learning and creates instructional opportunities that are adapted to diverse learners.

STATE BOARD OF EDUCATION
NOTICE OF PROPOSED AMENDMENTS

- 1) Knowledge Indicators – The competent teacher:
 - A) Understands the areas of exceptionality in learning as defined in the Individuals with Disabilities Education Act (IDEA) and the State Board’s rules for Special Education (23 Ill. Adm. Code 226).
 - B) Understands the process of second language acquisition and strategies to support the learning of students whose first language is not English.
 - C) Understands how students’ learning is influenced by individual experiences, talents, and prior learning, as well as language, culture, family, and community values.
 - D) Understands and identifies differences in approaches to learning and performance, including different learning styles, multiple intelligences, and performance modes.
 - E) Understands cultural and community diversity through a well-grounded framework and understands how to learn about and incorporate students’ experiences, cultures, and community resources into instruction.
 - F) Understands personal cultural perspectives and biases and their effects on one’s teaching.
- 2) Performance Indicators – The competent teacher:
 - A) Facilitates a learning community in which individual differences are respected.
 - B) Makes appropriate provisions (in terms of time and circumstances for work, tasks assigned, communication, and response modes) for individual students who have particular learning differences or needs.
 - C) Uses information about students’ families, cultures, and communities as a basis for connecting instruction to students’ experiences.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- D) Uses cultural diversity and individual student experiences to enrich instruction.
 - E) Uses a wide range of instructional strategies and technologies to meet and enhance diverse student needs.
 - F) Identifies and designs instruction appropriate to students' stages of development, learning styles, strengths and needs.
 - G) Identifies when and how to develop and implement strategies and interventions within the classroom and how to access appropriate services or resources to assist students with exceptional learning needs.
 - H) Demonstrates positive regard for individual students and their families regardless of culture, religion, gender, sexual orientation, and varying abilities.
- d) Planning for Instruction – The competent teacher understands instructional planning and designs instruction based upon knowledge of the discipline, students, the community, and curriculum goals.
- 1) Knowledge Indicators – The competent teacher:
 - A) Understands the Illinois Learning Standards, curriculum development, content, learning theory, and student development and knows how to incorporate this knowledge in planning instruction.
 - B) Understands how to develop short- and long-range plans consistent with curriculum goals, learner diversity, and learning theory.
 - C) Understands how to take the contextual considerations of instructional materials, individual students' interests, and career needs into account in planning instruction that creates an effective bridge between students' experiences and career and educational goals.
 - D) Understands when and how to adjust plans based on students' responses and other contingencies.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- E) Understands how to integrate technology into classroom instruction.
 - F) Understands how to review and evaluate educational technologies to determine instructional value.
 - G) Understands how to use various technological tools to access and manage information.
 - H) Understands the uses of technology to address students' needs.
- 2) Performance Indicators – The competent teacher:
- A) Establishes expectations for students' learning.
 - B) Applies principles of scope and sequence when planning curriculum and instruction.
 - C) Creates short-range and long-term plans to achieve the expectations for students' learning.
 - D) Creates and selects learning materials and learning experiences appropriate for the discipline and curriculum goals, relevant to the students, and based on students' prior knowledge and principles of effective instruction.
 - E) Creates multiple learning activities that allow for variation in students' learning styles and performance modes.
 - F) Incorporates experiences into instructional practices that relate to the students' current life experiences and to future career and work experiences.
 - G) Creates approaches to learning that are interdisciplinary and that integrate multiple content areas.
 - H) Develops plans based on students' responses and provides for different pathways based on students' needs.
 - I) Uses teaching resources and materials which have been evaluated for accuracy and usefulness.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- J) Accesses and uses a wide range of information and instructional technologies to enhance students' learning.
 - K) Uses individualized education program (IEP) goals and objectives to plan instruction for students with disabilities.
- e) Learning Environment – The competent teacher uses an understanding of individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation.
- 1) Knowledge Indicators – The competent teacher:
 - A) Understands principles of and strategies for effective classroom management.
 - B) Understands how individuals influence groups and how groups function in society.
 - C) Understands how to help students work cooperatively and productively in groups.
 - D) Understands factors that influence motivation and engagement and how to help students become self-motivated.
 - E) Knows procedures for inventorying the instructional environment to determine when and how best to meet a student's individual needs.
 - F) Knows applicable statutes, rules and regulations, procedural safeguards, and ethical considerations regarding planning and implementing behavioral change programs for individuals with disabilities.
 - G) Knows strategies for intervening in situations to prevent crises from developing or escalating.
 - H) Knows environmental arrangements that promote positive behavior and learning for students with diverse learning characteristics.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 2) Performance Indicators – The competent teacher:
 - A) Maintains proper classroom decorum.
 - B) Maximizes the amount of class time spent in learning by creating expectations and processes for communication and behavior along with a physical setting conducive to achieving classroom goals.
 - C) Uses strategies to create a smoothly functioning learning community in which students assume responsibility for themselves and one another, participate in decision-making, work collaboratively and independently, use appropriate technology, and engage in purposeful learning activities.
 - D) Analyzes the classroom environment and makes decisions to enhance social relationships, students’ motivation and engagement in productive work through mutual respect, cooperation, and support for one another.
 - E) Organizes, allocates, and manages time, materials, and physical space to provide active and equitable engagement of students in productive tasks.
 - F) Engages students in and monitors individual and group learning activities that help them develop the motivation to achieve.
 - G) Demonstrates a variety of effective behavior management techniques appropriate to the needs of all students, including those with disabilities (including implementing the least intrusive intervention consistent with the needs of these students).
 - H) Modifies the learning environment (including the schedule and physical arrangement) to facilitate appropriate behaviors and learning for students with diverse learning characteristics.
 - I) Uses a variety of approaches to promote social interaction between students with disabilities and students without disabilities.
 - J) Uses effective methods for teaching social skill development in all students.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- f) Instructional Delivery – The competent teacher understands and uses a variety of instructional strategies to encourage students’ development of critical thinking, problem-solving, and performance skills.
 - 1) Knowledge Indicators – The competent teacher:
 - A) Understands the cognitive processes associated with various kinds of learning and how these processes can be stimulated.
 - B) Understands principles and techniques, along with advantages and limitations, associated with various instructional strategies.
 - C) Knows how to enhance learning through the use of a wide variety of materials as well as human and technological resources.
 - D) Understands the disciplinary and interdisciplinary approaches to learning and how they relate to life and career experiences.
 - E) Knows techniques for modifying instructional methods, materials, and the environment to facilitate learning for students with disabilities and/or diverse learning characteristics.
 - 2) Performance Indicators – The competent teacher:
 - A) Evaluates how to achieve learning goals, choosing alternative teaching strategies and materials to achieve different instructional purposes and to meet students’ needs.
 - B) Uses multiple teaching and learning strategies to engage students in active learning opportunities that promote the development of critical thinking, problem-solving, and performance capabilities and that help students assume responsibility for identifying and using learning resources.
 - C) Monitors and adjusts strategies in response to learners’ feedback.
 - D) Varies his or her role in the instructional process as instructor, facilitator, coach, or audience in relation to the content and purposes of instruction and the needs of students.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- E) Develops a variety of clear, accurate presentations and representations of concepts, using alternative explanations to assist students' understanding and presenting diverse perspectives to encourage critical thinking.
 - F) Uses a wide range of instructional technologies to enhance students' learning.
 - G) Develops curriculum that demonstrates an interconnection between subject areas that will reflect life and career experiences.
 - H) Uses strategies and techniques for facilitating meaningful inclusion of individuals with disabilities.
 - I) Uses technology appropriately to accomplish instructional objectives.
 - J) Adapts the general curriculum and uses instructional strategies and materials according to characteristics of the learner.
 - K) Implements and evaluates individual learning objectives.
- g) Communication – The competent teacher uses knowledge of effective written, verbal, non-verbal, and visual communication techniques to foster active inquiry, collaboration, and supportive interaction in the classroom.
- 1) Knowledge Indicators – The competent teacher:
 - A) Understands communication theory, language development, and the role of language in learning.
 - B) Understands how cultural and gender differences can affect communication in the classroom.
 - C) Understands the social, intellectual, and political implications of language use and how they influence meaning.
 - D) Understands the importance of audience and purpose when selecting ways to communicate ideas.
 - 2) Performance Indicators – The competent teacher:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- A) Models accurate, effective communication when conveying ideas and information and when asking questions and responding to students.
 - B) Uses effective questioning techniques and stimulates discussion in different ways for specific instructional purposes.
 - C) Creates varied opportunities for all students to use effective written, verbal, non-verbal, and visual communication.
 - D) Communicates with and challenges students in a supportive manner and provides students with constructive feedback.
 - E) Uses a variety of communication modes to effectively communicate with a diverse student population.
 - F) Practices effective listening, conflict resolution, and group-facilitation skills as a team member.
 - G) Communicates using a variety of communication tools to enrich learning opportunities.
- h) Assessment – The competent teacher understands various formal and informal assessment strategies and uses them to support the continuous development of all students.
- 1) Knowledge Indicators – The competent teacher:
 - A) Understands assessment as a means of evaluating how students learn, what they know and are able to do in meeting the Illinois Learning Standards, and what kinds of experiences will support their further growth and development.
 - B) Understands the purposes, characteristics, and limitations of different kinds of assessments.
 - C) Understands measurement theory and assessment-related issues such as validity, reliability, bias, and scoring.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- D) Understands how to use the results of assessment to reflect on and modify teaching.
 - E) Understands how to select, construct, and use assessment strategies and instruments for diagnosis and evaluation of learning and instruction.
 - F) Knows legal provisions, regulations, and guidelines regarding assessment (and inclusion in statewide assessments) of individuals with disabilities.
 - G) Knows methods for monitoring progress of individuals with disabilities.
 - H) Knows strategies that consider the influence of diversity and disability on assessment, eligibility, programming, and placement of students with disabilities.
- 2) Performance Indicators – The competent teacher:
- A) Uses assessment results to diagnose students’ learning needs, align and modify instruction, and design teaching strategies.
 - B) Appropriately uses a variety of formal and informal assessments to evaluate the understanding, progress, and performance of the individual student and the class as a whole.
 - C) Involves students in self-assessment activities to help them become aware of their strengths and needs and encourages them to establish goals for learning.
 - D) Maintains useful and accurate records of students’ work and performance and communicates students’ progress knowledgeably and responsibly to students, parents, and colleagues.
 - E) Uses appropriate technologies to monitor and assess students’ progress.
 - F) Collaborates with families and other professionals involved in the assessment of individuals with disabilities.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- G) Uses various types of assessment procedures appropriately, including the adaptation of procedures for individual students in specific contexts.
 - H) Uses technology appropriately in conducting assessments and interpreting results.
 - D) Uses assessment strategies and devices which are nondiscriminatory and take into consideration the impact of disabilities, methods of communication, cultural background, and primary language on measuring knowledge and performance of students.
- i) Collaborative Relationships – The competent teacher understands the role of the community in education and develops and maintains collaborative relationships with colleagues, parents/guardians, and the community to support students’ learning and well-being.
- 1) Knowledge Indicators – The competent teacher:
 - A) Understands schools as organizations within the larger community context.
 - B) Understands the benefits, barriers, and techniques involved in parent/family relationships.
 - C) Understands school- and work-based learning environments and the need for collaboration with business organizations in the community.
 - D) Understands the collaborative process.
 - E) Understands collaborative skills which are necessary to carry out the collaborative process.
 - F) Understands concerns of parents of individuals with disabilities and knows appropriate strategies to collaborate with parents in addressing these concerns.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- G) Understands roles of individuals with disabilities, parents, teachers, and other school and community personnel in planning individualized education programs for students with disabilities.
- 2) Performance Indicators – The competent teacher:
- A) Initiates collaboration with others and creates situations where collaboration with others will enhance students' learning.
 - B) Works with colleagues to develop an effective learning climate within the school.
 - C) Participates in collaborative decision-making and problem-solving with other professionals to achieve success for students.
 - D) Develops relationships with parents and guardians to acquire an understanding of the students' lives outside of the school in a professional manner that is fair and equitable.
 - E) Works effectively with parents/guardians and other members of the community from diverse home and community situations and seeks to develop cooperative partnerships in order to promote students' learning and well-being.
 - F) Identifies and uses community resources to enhance students' learning and to provide opportunities for students to explore career opportunities.
 - G) Collaborates in the development of comprehensive individualized education programs for students with disabilities.
 - H) Coordinates and/or collaborates in directing the activities of a classroom para-educator, volunteer, or peer tutor.
 - I) Collaborates with the student and family in setting instructional goals and charting progress of students with disabilities.
 - J) Communicates with team members about characteristics and needs of individuals with specific disabilities.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- K) Implements and monitors individual students' programs, working in collaboration with team members.
 - L) Demonstrates the ability to co-teach and co-plan.
- j) Reflection and Professional Growth – The competent teacher is a reflective practitioner who continually evaluates how choices and actions affect students, parents, and other professionals in the learning community and actively seeks opportunities to grow professionally.
- 1) Knowledge Indicators – The competent teacher:
 - A) Understands that reflection is an integral part of professional growth and improvement of instruction.
 - B) Understands methods of inquiry that provide for a variety of self-assessment and problem-solving strategies for reflecting on practice.
 - C) Understands major areas of research on the learning process and resources that are available for professional development.
 - D) Understands teachers' attitudes and behaviors that positively or negatively influence behavior of individuals with disabilities.
 - 2) Performance Indicators – The competent teacher:
 - A) Uses classroom observation, information about students, pedagogical knowledge, and research as sources for active reflection, evaluation, and revision of practice.
 - B) Collaborates with other professionals as resources for problem-solving, generating new ideas, sharing experiences, and seeking and giving feedback.
 - C) Participates in professional dialogue and continuous learning to support his/her own development as a learner and a teacher.
 - D) Actively seeks and collaboratively shares a variety of instructional resources with colleagues.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- E) Assesses his or her own needs for knowledge and skills related to teaching students with disabilities and seeks assistance and resources.
- k) Professional Conduct and Leadership – The competent teacher understands education as a profession, maintains standards of professional conduct, and provides leadership to improve students’ learning and well-being.
- 1) Knowledge Indicators – The competent teacher:
 - A) Understands the unique characteristics of education as a profession.
 - B) Understands how school systems are organized and operate.
 - C) Understands school policies and procedures.
 - D) Understands legal issues in education.
 - E) Understands the importance of active participation and leadership in professional organizations.
 - F) Is familiar with the rights of students with disabilities.
 - G) Knows the roles and responsibilities of teachers, parents, students, and other professionals related to special education.
 - H) Knows identification and referral procedures for students with disabilities.
 - 2) Performance Indicators – The competent teacher:
 - A) Contributes knowledge and expertise about teaching and learning to the profession.
 - B) Follows codes of professional conduct and exhibits knowledge and expectations of current legal directives.
 - C) Follows school policy and procedures, respecting the boundaries of professional responsibilities, when working with students, colleagues, and families.

STATE BOARD OF EDUCATION
NOTICE OF PROPOSED AMENDMENTS

- D) Initiates and develops educational projects and programs.
- E) Actively participates in or leads in such activities as curriculum development, staff development, and student organizations.
- F) Participates, as appropriate, in policy design and development at the local level, with professional organizations, and/or with community organizations.
- G) Demonstrates commitment to developing the highest educational and quality-of-life potential of individuals with disabilities.
- H) Demonstrates positive regard for individual students and their families regardless of culture, religion, gender, and sexual orientation.
- I) Promotes and maintains a high level of integrity in the practice of the profession.
- J) Complies with local, State, and federal monitoring and evaluation requirements related to students with disabilities.
- K) Complies with local, State, and federal regulations and policies related to students with disabilities.
- L) Uses a variety of instructional and intervention strategies prior to initiating a referral of a student for special education.

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

Section 24.110 Language Arts Standards for All Illinois Teachers

No later than February 1, 2012, and regardless of other methods used to ensure that candidates for certification master the standards set forth in this Section, each teacher preparation program shall require all candidates to complete at least one course of no fewer than two semester hours in methods of teaching reading to students in the grade range of the certificate sought.

- a) All teachers must know a broad range of literacy techniques and strategies for every aspect of communication and must be able to develop each student's ability

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

to read, write, speak, and listen to his or her potential within the demands of the discipline.

- 1) Knowledge Indicators – The competent teacher:
 - A) Understands and can articulate the needs for literacy development in general and in specific disciplines or at specific grade levels.
 - B) Understands effective literacy techniques to activate prior student knowledge and build schema to enhance comprehension of “text”.
 - C) Knows strategies and techniques for teaching communication skills to those students whose first language is not English.
 - 2) Performance Indicators – The competent teacher:
 - A) Practices effectively the language processes of reading, writing, and oral communication in the daily classroom exchange between student and teacher, between student and student, between teacher and “text,” and between student and “text”.
 - B) Practices effective literacy techniques to make reading purposeful and meaningful.
 - C) Practices effective questioning and discussion techniques to extend content knowledge acquired from “text”.
 - D) Uses a variety of “text” and research resources with students in an attempt to enhance students’ learning from reading, learning from writing, and learning from oral communication.
- b) All teachers should model effective reading, writing, speaking, and listening skills during their direct and indirect instructional activities. The most important communicator in the classroom is the teacher, who should model English language arts skills.
- 1) Knowledge Indicators – The competent teacher:
 - A) Knows and understands the rules of English grammar, spelling, punctuation, capitalization, and syntax for both written and oral contexts.

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- B) Understands how to communicate ideas in writing to accomplish a variety of purposes.
- 2) Performance Indicators – The competent teacher:
 - A) Models the rules of English grammar, spelling, punctuation, capitalization, and syntax in both written and oral contexts.
 - B) Reads, understands, and clearly conveys ideas from texts or other supplementary materials.
 - C) Writes and speaks in a well-organized and coherent manner that adapts to the individual needs of readers/listeners.
 - D) Expresses ideas orally with explanations, examples, and support in a clear, succinct style.
 - E) Helps students understand a variety of modes of writing (persuasive, descriptive, informative, and narrative).
 - F) Listens well.
- c) All teachers should give constructive instruction and feedback to students in both written and oral contexts while being aware of diverse learners’ needs. Teachers should effectively provide a variety of instructional strategies, constructive feedback, criticism, and improvement strategies.
 - 1) Knowledge Indicators – The competent teacher:
 - A) Understands how to analyze an audience to determine culturally appropriate communication strategies to share ideas effectively in both written and oral formats with students and their families, other faculty and administrators, and the community and business in general.
 - B) Understands how to use diverse instructional strategies and assessments that include an appropriate balance of lecture, discussion, activity, and written and oral work.
 - 2) Performance Indicators – The competent teacher:

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- A) Analyzes content materials to determine appropriate strategies and techniques to create successful learning through reading, writing, speaking, and listening.
- B) Assists students whose communication skills may be impeded by learning, language, and/or cultural differences, especially those whose first language is not English.
- C) Conducts effective classroom discussions by managing groups, asking questions, eliciting and probing responses, and summarizing for comprehension.
- D) Uses a variety of media to enhance and supplement instruction.
- E) Uses multi-disciplinary instructional approaches.

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




Part 25 (Certification)

The Superintendent's recommendation for the initial review of Part 25 has been changed. You can find the new recommendation at the following link:

http://www.isbe.net/board/meetings/2009/may/Part_25_revised.pdf .

ILLINOIS STATE BOARD OF EDUCATION MEETING
May 20-21, 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 –Part 120 (Pupil Transportation Reimbursement)

Materials: Recommended Rules

Staff Contact: Tim Imler, Division Administrator

Purpose of Agenda Item

The purpose of this agenda item is to present the proposed amendments to Part 120 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. The rules are being updated to require consistent actions on the part of school districts choosing to provide transportation for students served by child care providers located more than 1 ½ miles from their schools.

Expected Outcomes of Agenda Item

The Board will be asked to adopt a motion authorizing the solicitation of public comment on the proposed amendments to Part 120.

Background Information

Article 29 of the School Code (Transportation) and Part 120 rules currently allow school districts to consider child care locations when determining whether a student's location for transportation purposes is more than 1 ½ miles from the school attended. Lack of specificity in the rules has led to situations where districts pick up and drop off students from some but not all child care locations within the district. While we do not believe districts should be compelled to alter their routes in order to encompass every single provider of day care, we do think it appropriate to prohibit discrimination among the various types of providers along the routes the district chooses to implement. This amendment will call for policies to that effect.

In addition, unrelated changes are being proposed to these rules for purposes of clarification only. Changes are being made to Section 120.110 (a) (1) (Reporting requirements) to place the two categories of reimbursable pupil transportation expenses before the expenses that cannot be claimed. In Section 120.110 (a) (3) (C), the phrase "general education" will be added to distinguish these pre-kindergarten students from those who receive special education transportation services.

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

Policy Implications: Please see above.

Budget Implications: Districts choosing to extend transportation to locations of child care providers located more than 1 ½ miles from school may incur somewhat higher reimbursable transportation costs if they develop routes on stops they otherwise would not have implemented. These costs will qualify for state reimbursement. Depending on each year's appropriation level, this may lead to a greater or lesser degree of prorating districts' transportation reimbursement.

Legislative Action: None needed.

Communication: Please see "Next Steps" below.

Pros and Cons of Various Actions

Promulgation of these amendments would require districts choosing to consider child care locations in determining bus routes to set uniform policies governing their inclusion. Failure to make these revisions would leave many day care providers continuing to complain to agency staff that districts are acting unfairly.

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:

Pupil Transportation Reimbursement (23 Illinois Administrative Code 120),

including publication of the proposed amendments in the Illinois Register.

Next Steps

With the Board's authorization, staff will submit the proposed amendments to the Administrative Code Division 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 c: FINANCE

PART 120

PUPIL TRANSPORTATION REIMBURSEMENT

SUBPART A: SCHOOL REIMBURSEMENT

Section

120.10	Definitions
120.20	Transportation and Student Discipline
120.30	Pupil Transportation Services Eligible for Reimbursement
120.40	Pupil Transportation Services and Costs Not Eligible for Reimbursement
120.50	Reimbursable Direct Operating Costs
120.60	Reimbursable Annual Depreciation Allowances
120.70	Deductions from Direct Operating Costs
120.80	Reimbursable Indirect Cost for Pupil Transportation Services
120.90	Cost Proration Related to Pupil Transportation
120.100	Reimbursement Formulas
120.110	Reporting Requirements
120.115	Fully Allocated Costs of Transportation
120.120	Bus Scheduling Services and Software
120.130	Seat Back Reimbursement (Repealed)

SUBPART B: CUSTODIAN REIMBURSEMENT FOR PUPIL TRANSPORTATION

Section

120.200	Definitions
120.210	Custodians Eligible for Reimbursement
120.220	Custodians Not Eligible for Reimbursement
120.230	Responsibilities of Schools
120.235	Responsibilities of Public and Nonpublic Chief Administrative Officers (Repealed)
120.240	Reimbursement
120.245	Responsibilities of the Regional Superintendents of Schools
120.250	Dispute Resolution
120.260	Audit and Enforcement

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing and authorized by Article 29 of the School Code [105 ILCS 5/Art. 29].

SOURCE: Adopted at 10 Ill. Reg. 19438, effective October 31, 1986; amended at 10 Ill. Reg. 21675, effective December 11, 1986; amended at 12 Ill. Reg. 4147, effective February 5, 1988; amended at 13 Ill. Reg. 7731, effective May 8, 1989; amended at 16 Ill. Reg. 10213, effective June 10, 1992; emergency amendment at 18 Ill. Reg. 12853, effective August 9, 1994, for a maximum of 150 days; emergency expired January 6, 1995; amended at 21 Ill. Reg. 2165, effective February 1, 1997; amended at 26 Ill. Reg. 1169, effective January 16, 2002; amended at 28 Ill. Reg. 4575, effective February 24, 2004; amended at 29 Ill. Reg. 12422, effective July 28, 2005; amended at 33 Ill. Reg. _____, effective _____.

SUBPART A: SCHOOL REIMBURSEMENT

Section 120.30 Pupil Transportation Services Eligible for Reimbursement

Each school district that files a claim for State reimbursement for pupil transportation shall be subject to the requirements of this Subpart A in order to be eligible for such reimbursement. Pupil transportation services eligible for reimbursement are listed below:

- a) Regular Pupil Transportation Services for Pupils in Kindergarten or Any of Grades 1 through 12
 - 1) Transportation services provided for pupils residing at a distance of 1 ½ ~~one and one-half~~ miles or more from the attendance center to which they are assigned.
 - A) *The distance shall be measured from the exit of the property where the pupil resides to the point where pupils are normally unloaded at the attendance center to which they are assigned (Section 29-3 of the School Code [105 ILCS 5/29-3]).*
 - B) *If a pupil is at a location within the school district other than his/her residence for child care purposes at the time for transportation to and/or from school, that location may be considered for purposes of determining the 1 ½ miles from the school attended (Section 29-5 of the School Code). A district that chooses to consider locations other than individual students'*

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

residences shall adopt a written policy establishing this practice. At the district's discretion, its policy may limit pick-up and drop-off to students in day care locations along the district's regular routes, or it may extend services via newly established routes. In either case, the district shall not discriminate among types of locations where day care is provided, which may include, but need not be limited to, the premises of licensed providers, the homes of relatives, or the homes of neighbors, any of which must be located within the district's boundaries.

- C) *A ~~Such~~ school board may comply with the provisions of this Section by providing free transportation for pupils to and from an assigned school and a pick-up point located not more than one and one-half miles from the home of each pupil assigned to such point (Section 29-3 of the School Code).*
- 2) Transportation services provided for pupils residing within a distance of 1 ½ ~~one and one-half~~ miles from the attendance center to which they are assigned from pickup points at the beginning of the school day and back again at the close of the school day, effective on the date that the Illinois Department of Transportation grants written approval pursuant to 92 Ill. Adm. Code 556 (Rules on Transporting Pupils Where Walking Constitutes a Serious Safety Hazard) that a serious safety hazard exists due to vehicular traffic, for specific areas and specific ages.
- 3) Transportation services provided for nonpublic school pupils when pupil transportation services for the nonpublic school pupils are provided on the same basis as the transportation services for public school pupils as provided in Section 29-4 of the School Code.
- 4) Transportation services provided to a pupil who is required to be transported but is also required for disciplinary reasons to serve a detention period either before or after the regular school day.
- 5) Transportation which is provided prior to or following voluntary, extracurricular and/or cocurricular activities, including sport practices, club meetings, drama rehearsals, or choral and band practices where such activities are scheduled before or after the school day, qualifies as transportation provided at the beginning or end of the school day and is

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

therefore subject to reimbursement with respect to students who are required to be transported.

- 6) Transportation services provided for pupils between attendance centers during the school day. This includes transportation of vocational pupils between attendance centers or a building or other trades skill development site of less than one and one-half miles.
- b) Vocational pupil transportation services provided during the school day for vocational pupils transported one and one-half miles or more one way from their assigned attendance center to a vocational program located at:
 - 1) An area vocational center;
 - 2) Another school district; or
 - 3) A building or other trades skill development site.
- c) Special education pupil transportation services, including field trips, provided for special education pupils in accordance with Sections 14-7.02 and 14-13.01(b) of the School Code [105 ILCS 5/14-7.02 and 14-13.01(b)] and with 23 Ill. Adm. Code 226 (Special Education). This includes field trips (community based instruction) when approved by the district's state approved director of special education as defined in 23 Ill. Adm. Code 226.
- d) Transportation provided to any student in connection with a field trip:
 - 1) that occurs during a day of student attendance included on the official school calendar of the school district;
 - 2) whose hours are part of the claimable clock hours on the General State Aid Claim (i.e., the destination of the trip is considered to be the assigned attendance center for all students enrolled in the class);
 - 3) that is provided free of charge to the pupil;
 - 4) that is part of the school's curriculum for which pupils earn credit for graduation; and

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 5) that is not listed in Section 120.40(a)(1) or (2) of this Part.

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

Section 120.110 Reporting Requirements

According to the date set forth in Section 29-5 of the School Code, districts shall annually transmit the information described in subsections (a) through (e) of this Section to the State Superintendent of Education via electronic means.

- a) For regular pupil transportation services, the school districts shall annually, pursuant to Section 29-5 of the School Code, report the following items:
- 1) Total number of enrolled pupil days in the regular pupil transportation service for each of the following:
 - A) Pupils residing 1 ½ ~~one and one-half~~ miles or more from their respective assigned attendance centers ~~center~~;
 - B) Pupils residing less than 1 ½ miles from their respective assigned attendance centers but where approval of serious safety hazards has been granted as discussed in Section 120.30(a)(2) of this Part ~~one and one-half miles from their assigned attendance center~~; and
 - C) Pupils residing less than 1 ½ miles from their respective assigned attendance centers and without approval of serious safety hazards ~~one and one-half miles from their assigned attendance center with vehicular hazard approval~~.
 - 2) Total number of student attendance days on the official school calendar.
 - 3) Total number of pupils in the following categories:
 - A) Public school pupils transported during the regular school term;
 - B) Nonpublic school pupils transported during the regular school term;

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- C) General education prekindergarten ~~Pre-kindergarten~~ pupils transported during the regular school term on regular routes for grades kindergarten - 12; and
 - D) Pupils transported on reimbursable field trips who are not enrolled to be transported on a reimbursable regular route.
- 4) Total number of vehicle miles traveled to and from school during the regular school term, including the total mileage traveled during the regular school term for reimbursable regular field trips.
 - 5) Expenditures and deductions as set forth in Sections 120.50 through 120.80 of this Part.
- b) For vocational pupil transportation services, the school districts shall annually report the following items:
- 1) Total number of pupils transported during the regular school term;
 - 2) Total number of vehicular miles traveled during the regular school term, including the total mileage traveled during the regular school term for reimbursable vocational field trips; and
 - 3) Expenditures and deductions as set forth in Sections 120.50 through 120.80 of this Part.
- c) For special education pupil transportation services, the school districts shall annually report the following information:
- 1) Total number of special education pupils transported during the regular and summer school terms;
 - 2) Total number of vehicular miles traveled during the regular and summer school terms, including the total mileage traveled for reimbursable special education field trips; and
 - 3) Expenditures and deductions as set forth in Sections 120.50 through 120.80 of this Part.

ILLINOIS REGISTER

STATE BOARD OF EDUCATION


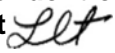

NOTICE OF PROPOSED AMENDMENTS

- d) For nonreimbursable pupil transportation services, the school districts shall annually report the:
 - 1) Total number of vehicle miles traveled during the regular and summer school terms; and
 - 2) Expenditures as set forth in Sections 120.50 through 120.80 of this Part.

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

ILLINOIS STATE BOARD OF EDUCATION MEETING
May 20-21, 2009

TO: Illinois State Board of Education

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

Agenda Topic: Action Item: Rules for Initial Review – New Part 425 (Voluntary Registration and Recognition of Nonpublic Schools)

Materials: Recommended Rules

Staff Contacts: Patrick Murphy, Division Administrator

Purpose of Agenda Item

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

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

This new set of rules is not specifically related to the strategic plan, in that it has been developed in direct response to legislation that permits recognized nonpublic schools to receive funds under the School Safety and Educational Improvement Block Grant Program (see Section 2-3.51.5 of the School Code, as amended by P.A. 95-707). However, various portions of the rules comport with each of the goals, in that the rules establish requirements related not only to schools' academic programs but also to the qualifications of their staff and the safety of their facilities.

Expected Outcome of Agenda Item

The Board will be asked to adopt a motion authorizing the solicitation of public comment on proposed new Part 425.

Background Information

This new set of rules responds in large measure to a portion of the FY 2008 Budget Implementation Act (P.A. 95-707). One of the many components of that Act consisted of revisions to Section 2-3.51.5 of the School Code to make recognized nonpublic schools eligible for the school safety and educational improvement block grant.

Both recognition and registration of nonpublic schools have been conducted on a voluntary basis for many years. Certain conditions for recognition and registration have been stated in Section 2-3.25o of the School Code, the most recent addition being the 2007 insertion of requirements for checking criminal history records and the Statewide Sex Offender Database and the prohibition against employing persons guilty of certain offenses. Section 2-3.25o has also provided that recognition of these schools is to be subject to "administrative guidelines and

review procedures”, which are required not to be more burdensome than the requirements placed on the public schools and to recognize the different goals of the nonpublic schools.

Now that eligibility for a certain amount of public funding is connected to recognition, ISBE needs administrative rules, rather than guidelines, as the basis for recognition. That is, the decision whether to recognize a school or not is an exercise of ISBE’s discretionary authority that has tangible consequences for the school. The standards that are the basis for the agency’s decision clearly fit the definition of “rule” found in the Illinois Administrative Procedure Act and are thus required to be stated as such.

The proposed rules set forth the process and timelines for registration first, because it has been the agency’s practice not to recognize a school unless it has already been registered for at least one full year. Registration involves the provision of certain assurances that are specified in Section 2-3.25o, along with information about the school’s staff and the students enrolled.

The requirements for recognition that are set forth in Section 425.30 fall into four broad categories: administrative requirements, educational program, personnel requirements, and health and safety. Our approach has been to sort requirements within each of those categories according to whether they arise out of education-related laws that apply to the nonpublic schools or are established by ISBE as additional conditions for recognition.

No requirements are included in Section 425.30 that are not also applicable to the public schools. The only significant current discrepancy between the two types of schools in terms of these provisions is the absence of any concrete requirements for the qualifications of professional personnel in the nonpublic schools. Within Section 425.30(c), we intended to include a phased-in increase in requirements that would eventually culminate in certification for all newly hired professional personnel. As a matter of policy, we considered it inappropriate for the agency to continue to recognize schools without evidence of professional preparation on the part of their staff, particularly since recognition will afford the nonpublic schools access to certain public funds. However, our preliminary consultation with representatives of the nonpublic school community revealed that not all the schools will be able to attract certified individuals due to the different salaries and benefits that are available from those employers. Our current requirements have not even required that all professional employees hold a bachelor’s degree. Consequently we have eliminated the draft requirement for certification that would have applied to newly hired staff members effective with the 2013-14 school year but retained a requirement for either a bachelor’s degree or ongoing professional development.

Two avenues to recognition are discussed in Section 425.40, one of which involves ISBE’s acceptance of accreditation decisions by organizations that are found to base their determinations on requirements that at least encompass those stated in these rules. Initial recognition involves an on-site visit and review of a range of evidence, while annual renewal will be based on assurances except in keeping with the on-site review cycle discussed in Section 425.50. Provisions are made for due process for schools receiving negative determinations relative to their recognition.

The final Section establishes requirements for submitting the information that figures into the calculation of the schools’ proportionate shares of the school safety and educational improvement block grant funds.

In preparation for the May Board meeting, members of the Nonpublic School Advisory Council were invited to review and discuss these proposed rules and provide feedback on the

requirements that are involved. The version of the rules being presented here incorporates a number of changes from the draft that was originally prepared. Various of these changes consisted of relatively minor rewording for the sake of technical correctness, while others were considerably more substantive, including not only the deletion of certification requirements but also the deletion of a proposed requirement for physical examinations for new employees.

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 this new set of rules will provide the required foundation for the agency’s disbursement of block grant funds to the recognized nonpublic schools, as well as making it very clear to all concerned what the origins of the various requirements are. Failure to adopt rules on this subject would result in nonconformance with the requirements of the Illinois Administrative Procedure Act.

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:

Voluntary Registration and Recognition of Nonpublic Schools (23 Illinois Administrative Code 425),

including publication of the proposed rules in the Illinois Register.

Next Steps

With the Board’s authorization, staff will submit the proposed rules 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 RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER I: NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS

PART 425

VOLUNTARY REGISTRATION AND RECOGNITION OF NONPUBLIC SCHOOLS

Section

425.10	Purpose and Applicability
425.20	Requirements for Registration
425.30	Requirements for Recognition
425.40	Process for Initial Recognition
425.50	Renewal of Recognition
425.60	Changes in Recognition Status
425.70	Appeals
425.80	Block Grant Funds

AUTHORITY: Implementing Sections 2-3.25o and 2-3.51.5 and authorized by Sections 2-3.6 and 2-3.51.5 of the School Code [105 ILCS 5/2-3.25o, 2-3.51.5, and 2-3.6].

SOURCE: Adopted at 33 Ill. Reg. _____, effective _____.

Section 425.10 Purpose and Applicability

Section 2-3.25o of the School Code [105 ILCS 5/2-3.25o] requires the State Board of Education to provide for the voluntary registration and recognition of nonpublic elementary and secondary schools, as defined in that Section. Further, Section 2-3.51.5 of the School Code [105 ILCS 5/2-3.51.5] makes State-recognized, nonpublic schools eligible to receive funds under the School Safety and Educational Improvement Block Grant Program under certain circumstances.

- a) The purpose of this Part is to set forth:
 - 1) the requirements and procedures for nonpublic schools' voluntary registration;
 - 2) the requirements and procedures for nonpublic schools' voluntary recognition; and

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- 3) the requirements and procedures for nonpublic schools' receipt of funding under Section 2-3.51.5 of the School Code.
- b) This Part shall not apply to special education facilities under Section 14-7.02 of the School Code [105 ILCS 5/14-7.02]; see 23 Ill. Adm. Code 401.
- c) Nothing in this Part shall be construed as relieving a nonpublic school from the duty to comply with any other applicable State or federal law or regulatory requirement.

Section 425.20 Requirements for Registration

The State Superintendent of Education shall make available a form to be used for nonpublic schools' voluntary registration. A school's initial registration may occur at any time from October 1 through June 30 of the relevant school year. The application for renewal of a school's registration in any subsequent year must be submitted no sooner than October 1 and no later than December 31 of that school year. Initial registration of a school shall occur by means of a paper submission, while annual renewal of a school's registration shall be requested electronically. Each paper registration form shall bear the signature of the school's chief administrative officer. The required electronic format shall be submitted only by the authorized administrator.

- a) Descriptive information that must be submitted shall include:
 - 1) the name of the school, its location and telephone number, its affiliation, and the name of the chief administrator;
 - 2) data on the students enrolled, by race, ethnicity, and grade level; and
 - 3) data on the staff employed in various capacities.
- b) The chief administrator of each school shall provide assurances that:
 - 1) the school offers an academic term of at least 176 days of pupil attendance annually, with at least five clock hours of instruction daily or at least 880 clock hours of instruction annually;
 - 2) the school *provides instruction in English*, except as otherwise permitted pursuant to Section 27-2 of the School Code [105 ILCS 5/27-2], *in the*

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

branches of education taught to children of corresponding age and grade in the public schools (Section 26-1 of the School Code [105 ILCS 5/26-1]), including the language arts, mathematics, the biological, physical and social sciences, the fine arts, and physical development and health (Section 27-1 of the School Code [105 ILCS 5/27-1]);

- 3) the school requires the students who are enrolled to attend daily during the entire regular school term;
 - 4) the physical facilities occupied by the school comply with the applicable local building code and fire safety requirements;
 - 5) the school will require evidence that, and will furnish to the State Superintendent of Education the required reports regarding the extent to which, students have complied with the requirements of Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] and the rules of the Illinois Department of Public Health at 77 Ill. Adm. Code 665 with respect to health examinations, immunizations, eye examinations, and dental examinations; and will cooperate in the implementation of the Child Vision and Hearing Test Act [410 ILCS 205] and the rules of the Illinois Department of Public Health at 77 Ill. Adm. Code 675 and 685 regarding hearing and vision screenings, respectively; and
 - 6) the school complies with federal and State laws prohibiting discrimination, including, but not limited to, Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the Individuals with Disabilities Education Improvement Act (20 U.S.C. 1400 et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), Titles VI and VII of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq., 2000e et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), the Illinois School Code [105 ILCS 5], and relevant case law including Plyler v. Doe, 457 U.S. 202, 102 S.Ct. 2382 (1982).
- c) Upon receipt of complete information for initial registration, including the required assurances, the State Superintendent shall assign a unique identifying number to the school. This number shall be evidence of completed registration and shall permit the school's chief administrator to apply for a user account affording access to the Illinois Web Application Security (IWAS) System, which

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

the school may then use to exchange information with the State Superintendent of Education as relevant to its situation.

425.30 Requirements for Recognition

No nonpublic school shall apply for recognition until it has been registered for at least one full calendar year and unless it is registered for the current year, except that a school whose educational program is delivered via correspondence may seek recognition without registration, in acknowledgment of the fact that students participating in a school of this type do not gather in a physical location and thus the school does not provide assurances about their compliance with requirements for health examinations, as required for registration under Section 2-3.25o(b) of the School Code. Recognition shall be granted only to schools that meet the requirements of this Section.

- a) Administrative Requirements
 - 1) Each school's recognition shall be contingent upon evidence of compliance with the administrative requirements that are made applicable to nonpublic schools by relevant statutes.
 - A) The school shall offer an academic term of at least 176 days of pupil attendance annually, with at least five clock hours of instruction daily or at least 880 clock hours of instruction annually.
 - B) The school shall require the students who are enrolled to attend daily during the entire regular school term.
 - C) The school shall comply with federal and State laws prohibiting discrimination, including, but not limited to, Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the Individuals with Disabilities Education Improvement Act (20 U.S.C. 1400 et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), Titles VI and VII of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq., 2000e et seq.), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), the Illinois School Code [105 ILCS 5], and relevant case law including *Plyler v. Doe*, 457 U.S. 202, 102 S.Ct. 2382 (1982).

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- D) The school shall comply with the requirements of Section 4 of the Abused and Neglected Child Reporting Act [325 ILCS 5/4], Section 5 of the Missing Children Records Act [325 ILCS 50/5], Section 5 of the Missing Children Registration Law [325 ILCS 55/5], and the rules of the State Board of Education promulgated pursuant to Section 2-3.13a of the School Code [105 ILCS 5/2-3.13a] (see 23 Ill. Adm. Code 375.75, Public and Nonpublic Schools: Transmission of Records for Transfer Students).
 - E) The school shall comply with the requirements of the School Reporting of Drug Violations Act [105 ILCS 127].
 - F) The school shall comply with the requirements of Sections 10-27.1A and 10-27.1B of the School Code [105 ILCS 5/27.1A and 27.1B] regarding firearms and drug-related incidents in schools.
 - G) The school shall comply with the requirements of Section 10-21.7 of the School Code [105 ILCS 5/10-21.7] regarding the reporting of attacks on school personnel.
- 2) Recognition shall also be contingent upon evidence of compliance with the additional administrative requirements of this subsection (a)(2).
- A) The school shall maintain written descriptions of its governance structure and its policy-making procedure, shall maintain its policies in written form, and shall make its policies routinely available to parents of the students enrolled and to school staff, as well as to other individuals upon request.
 - B) The school shall maintain a written description of its methods for complying with the nondiscrimination requirements identified in subsection (a)(1)(C) of this Section.
- b) Educational Program

Each school's recognition shall be contingent upon evidence of compliance with the programmatic requirements that are made applicable to nonpublic schools by relevant statutes.

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- 1) *Instruction shall be provided in English, except as otherwise permitted pursuant to Section 27-2 of the School Code [105 ILCS 5/27-2], in the branches of education taught to children of corresponding age and grade in the public schools (Section 26-1 of the School Code), including the language arts, mathematics, the biological, physical and social sciences, the fine arts, and physical development and health (Section 27-1 of the School Code)*
 - 2) *Each school...shall provide instruction in American patriotism, the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag, and shall require pupils to recite the Pledge of Allegiance daily. (Sections 27-3 and 27-4 of the School Code [105 ILCS 5/27-3 and 27-4]) Not less than one hour per week, or the equivalent, shall be devoted to the study of this subject matter in the seventh and eighth grades or their equivalent and in all high school grades. No student shall receive a certificate of graduation from the eighth grade or from high school without passing an examination on these subjects. No student shall be graduated from the eighth grade unless he or she has received instruction in the history of the United States and has given evidence of a comprehensive knowledge of the subject. (Section 27-21 of the School Code [105 ILCS 5-27-21])*
 - 3) The school shall provide health education as required by the Critical Health Problems and Comprehensive Health Education Act [105 ILCS 110].
- c) Personnel Requirements
- 1) Each school's recognition shall be contingent upon evidence of compliance with the requirements of subsection (c-5) of Section 2-3.25o of the School Code.
 - 2) Each school shall require of each new employee evidence of freedom from communicable disease, including tuberculosis. This evidence shall consist of a tuberculin skin test and, if appropriate, an x-ray, made by a physician licensed in Illinois or any other state to practice medicine in all its branches, an advanced practice nurse who has a written collaborative

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

agreement with a collaborating physician that authorizes the nurse to perform health examinations, or a physician assistant who has been delegated the authority to perform health examinations by his or her supervising physician not more than 90 days preceding the date on which the report of the test results is presented to the school's chief administrator.

- 3) Each school's personnel policies shall require monitoring of each employee's performance and formal evaluation at least every two years in terms of proficiency and competency.
 - 4) Students' needs for support services such as counseling and social work shall be evaluated when school staff believe consideration is needed, such as when there are changes in the student body or stresses within the surrounding community, and the school's staffing configuration shall reflect decision-making about how those needs should be addressed.
 - 5) Each individual first assigned to a particular professional position at or after the beginning of the 2011-12 school year shall hold a bachelor's or higher degree.
 - 6) Each individual first assigned to a particular professional position prior to the beginning of the 2011-12 school year who does not hold a bachelor's or higher degree shall participate annually in professional development that is demonstrably designed to strengthen his or her knowledge and skills in areas directly related to job duties (e.g., content-area knowledge or pedagogy for teaching staff, and administration, supervision, evaluation, or school management for administrators).
 - 7) Each individual employed in a field requiring licensure shall hold and practice within the scope of the relevant license.
- d) Health and Safety

Each school's recognition shall be contingent upon evidence of compliance with the health and safety requirements that are made applicable to nonpublic schools by relevant statutes.

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- 1) The physical facilities occupied by the school shall comply with the applicable local building code and fire safety requirements.
- 2) If the school provides food service, the nutrition program and the facilities used shall comply with the Richard B. Russell National School Lunch Act (42 USC 1751 et seq.), the Child Nutrition Act of 1966 (42 USC 1771 et seq.), and the School Breakfast and Lunch Program Act [105 ILCS 125].
- 3) The school shall have a wellness policy on file that complies with the requirements of the Child Nutrition and WIC Reauthorization Act of 2004.
- 4) The school shall require evidence that, and shall furnish to the State Superintendent of Education the required reports regarding the extent to which, students have complied with the requirements of Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] and the rules of the Illinois Department of Public Health at 77 Ill. Adm. Code 665 with respect to health examinations, immunizations, eye examinations, and dental examinations; and shall cooperate in the implementation of the Child Vision and Hearing Test Act [410 ILCS 205] and the rules of the Illinois Department of Public Health at 77 Ill. Adm. Code 675 and 685 regarding hearing and vision screenings, respectively.
- 5) The school shall comply with the requirements of the School Safety Drill Act [105 ILCS 128].
- 6) The school shall comply with the requirements of the Eye Protection in School Act [105 ILCS 115].
- 7) The school shall comply with the requirements of the Toxic Art Supplies in Schools Act [105 ILCS 135].
- 8) The school shall comply with the applicable requirements of the Asbestos Abatement Act [105 ILCS 105].

425.40 Process for Initial Recognition

A nonpublic school may choose whether to seek recognition under subsection (a) or subsection (b) of this Section. An application for initial recognition may be submitted at any time.

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

a) Direct Recognition

- 1) The chief administrator of a registered nonpublic school shall submit an application for recognition, using a format specified by the State Superintendent of Education. The application shall include summary information about the school, including but not limited to its educational program and its intended calendar for the upcoming school year, as well as a report of the most recent fire inspection conducted by or on behalf of the relevant local authority.
 - A) For each school whose geographic location falls within the jurisdiction of a code authority, a copy of a certificate of occupancy issued by that authority and valid for the upcoming school year shall be included with the application.
 - B) For each school not located within the jurisdiction of any code authority, the application shall include a letter provided by a design professional, indicating that that individual has evaluated the facility and found no condition that would constitute a threat to the health and safety of the occupants and no condition that would constitute an obvious violation of the building code incorporated at 23 Ill. Adm. Code 180.60.
 - C) For each school whose most recent fire inspection report is more than one year old, the application shall include a letter provided by either a design professional or an individual who meets the requirements of the rules of the Office of the State Fire Marshal at 41 Ill. Adm. Code 111.30 (General Requirements for a Qualified Fire Official), indicating that that individual has evaluated the facility and found no condition that would constitute a fire hazard.
 - D) A “design professional” is an architect licensed to practice in Illinois under the Illinois Architecture Practice Act of 1989 [225 ILCS 305] and the administrative rules of the Department of Professional Regulation implementing that Act (68 Ill. Adm. Code 1150) or an engineer licensed to practice in Illinois under the Illinois Professional Engineering Practice Act of 1989 [225 ILCS 325] and the applicable administrative rules of the Department of Financial and Professional Regulation (68 Ill. Adm. Code 1380).

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- 2) Upon receipt of a complete application, the State Superintendent shall schedule a recognition visit and empanel a review team, whose members shall include at least a representative of the State Superintendent, a representative of a public educational entity such as a school district or regional office of education, and either a representative of a nonpublic school, other than the school whose recognition is being considered, or another individual who is familiar with the nonpublic educational milieu. The team shall visit the school to verify its compliance with the requirements of this Part. The chief administrator shall be notified in advance of the visit regarding the documentation that must be presented relative to each requirement of Section 425.30 of this Part.
 - 3) The team shall observe the operations of the school, review the required documentation, and prepare a report of its findings, including a recommendation regarding recognition of the school, for the consideration of the State Superintendent.
 - 4) Upon consideration of the evidence presented and the recommendations of the review team and relevant staff members, the State Superintendent shall recognize the school if it meets the requirements of Section 425.30 of this Part. If recognition is not granted, the State Superintendent's notice to the chief administrative officer shall identify the deficiencies leading to that determination and Section 425.70 of this Part shall apply.
- b) Recognition via External Accrediting Organizations
- 1) The State Superintendent of Education shall review the processes used by various accrediting organizations to identify those entities whose approval, recognition, or accreditation of schools is granted on the basis of compliance with at least the requirements of Section 425.30 of this Part. A nonpublic school shall receive State recognition upon presentation of evidence that it has received approval, recognition, or accreditation from any of these entities. Probationary recognition shall be assigned if the accrediting body has assigned a comparable status to the school.
 - 2) The State Superintendent shall maintain on the agency's web site a list of all entities whose determinations are accepted pursuant to subsection (b)(1) of this Section.

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- c) Each school that is recognized shall receive a Certificate of Nonpublic School Recognition reflecting that status.
- d) Recognition shall be valid for one school year and shall be subject to renewal as provided in Section 425.50 of this Part.
- e) Recognition that is granted pursuant to this Part shall not be extended to any additional campus, site, or school, nor shall it affect students who are not in attendance at the site to which recognition was specifically granted.

425.50 Renewal of Recognition

- a) Cycle for On-Site Review
 - 1) Each school recognized pursuant to Section 425.40(a) of this Part shall be visited by a review team in preparation for every seventh year for which continued recognition is sought. On those occasions the team shall observe the school's operations, confirm compliance with applicable requirements and prepare a report as provided in Section 425.40 of this Part. When the school's application for renewal of its recognition is received, the State Superintendent shall consider the evidence presented and proceed as discussed in subsection (c) of this Section.
 - 2) Each school recognized pursuant to Section 425.40(b) of this Part shall be visited in keeping with the review cycle of the relevant accrediting organization. When the school's application for renewal of its recognition is received, the State Superintendent shall:
 - A) renew the school's recognition, if the accrediting organization has renewed the school's accreditation; or
 - B) assign another status as provided in subsection (c) of this Section, if the accrediting organization has not renewed the school's accreditation.
- b) Renewal in Intervening Years

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- 1) For each school year between on-site reviews, the chief administrator of a school recognized pursuant to Section 425.40(a) of this Part shall apply for renewal of the school's recognition by submitting, in an electronic format specified by the State Superintendent of Education, assurances that the school continues to comply with the requirements of this Part and that no significant changes have been made in its operations, its facilities, or its programs. If annual professional development is required for any staff member pursuant to Section 425.30(c)(6) of this Part, the school's chief administrator shall also submit a written plan for ensuring that the affected individuals complete relevant activities.
- 2) For each school year between on-site reviews, the chief administrator of a school recognized pursuant to Section 425.40(b) of this Part shall apply for renewal of the school's recognition by submitting evidence that the school's accreditation from the relevant organization is in effect for that school year.
- c) Upon consideration of the application materials and the report and recommendation of the review team if a visit was conducted, the State Superintendent shall assign a recognition status to the school.
 - 1) A school shall be fully recognized if it meets the requirements of this Part, including each school whose accreditation by the relevant organization is in effect for the school year in question.
 - 2) A school shall be recognized pending further review if it exhibits areas of noncompliance that:
 - A) are not serious enough to warrant probation as delineated in subsection (c)(3) of this Section; and
 - B) can be corrected prior to the end of the school year following the school year in which they are identified.
 - 3) A school shall be placed on probation if it:
 - A) exhibits deficiencies that present a health hazard or a danger to students or staff;

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- B) fails to offer required coursework;
 - C) employs personnel who lack the required qualifications;
 - D) fails or refuses to serve students according to relevant legal requirements; and/or
 - E) prolongs or repeats instances of noncompliance to a degree that indicates an intention not to comply with relevant requirements.
- d) When a school is recognized pending further review, the chief administrator may, within 30 days after receipt of notification to this effect, request a conference at which representatives of the school will have an opportunity to discuss compliance issues with representatives of the State Board of Education.
- e) When a school is placed on probation, the State Superintendent shall schedule a conference at which representatives of the school will discuss compliance issues with representatives of the State Board of Education, unless the chief administrator has appealed the school's status as provided in Section 425.80 of this Part. Within 60 days following a conference under this subsection (e), the school's chief administrator shall submit to the State Superintendent a plan for corrective action that conforms to the requirements of subsection (f) of this Section.
- f) The State Superintendent of Education shall respond to the submission of a plan within 15 days after receiving it. The State Superintendent shall approve a plan if it:
- 1) specifies steps to be taken that are directly related to the areas of noncompliance cited;
 - 2) provides evidence that the school has the resources and the ability to take the steps described without giving rise to other issues of compliance that would lead to probationary status; and
 - 3) specifies a timeline for correction of the cited deficiencies that is demonstrably linked to the factors leading to noncompliance and is no longer than needed to correct the identified problems.

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

- g) If a school's plan is not approvable under subsection (f) of this Section, the State Superintendent shall notify the chief administrator to this effect. If no plan is submitted, or if no approvable plan is received within 60 days after the conference with representatives of the State Board, the school's recognition shall be withdrawn, subject to appeal under Section 425.70 of this Part.
- h) If, at any time while a plan for corrective action is in effect, the State Superintendent determines that the agreed-upon actions are not being implemented in accordance with the plan or the underlying areas of noncompliance are not being remedied, the State Superintendent shall withdraw the school's recognition, subject to appeal under Section 425.70 of this Part.

425.60 Changes in Recognition Status

A school's recognition status may be changed by the State Superintendent of Education at any time to reflect information confirmed during compliance monitoring or by any other means, subject to the provisions of Section 425.70 of this Part. No school shall be nonrecognized without first having been placed on probation.

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULES

Section 425.70 Appeals

A chief administrator who wishes to appeal a school's placement on probation or nonrecognition shall submit to the State Superintendent of Education a written statement of appeal within 14 days after receiving notification of the recommended status. Within 30 days after receipt of the appeal, the State Superintendent or a designee shall convene a hearing to review all pertinent information, including the procedures that led to the recommended recognition status. Representatives of the affected school shall have an opportunity to present evidence demonstrating that the school complies with the requirements of this Part.

No later than 30 days after the conclusion of the hearing, the State Superintendent shall inform the chief school administrator of the school's recognition status. The decision of the State Superintendent of Education shall be a final administrative decision, subject to the Administrative Review Law [735 ILCS 5/Art.III].

425.80 Block Grant Funds

Only schools recognized pursuant to this Part shall be eligible to receive school safety and educational improvement block grant funding under Section 2-3.51.5 of the School Code.

- a) In order to receive its proportionate share of these funds for a given school year, a school shall be required to submit, at the conclusion of the school year and in a format specified by the State Superintendent of Education:
 - 1) a final calendar demonstrating that the length of the school term conformed to the requirements of Section 425.30 of this Part; and
 - 2) month-by-month attendance information.
- b) The State Superintendent shall annually establish and publicize the timelines for the submission of this information.
- c) Each school shall maintain attendance records in an auditable format, i.e., one that shows that attendance was taken daily and supports the information transmitted to the State Superintendent.
- d) Each school shall prepare an annual expenditure report, in a format specified by the State Superintendent, relating to its use of block grant funds and make this report available to the State Superintendent upon request. Payments to a school

ILLINOIS REGISTER

STATE BOARD OF EDUCATION




NOTICE OF PROPOSED RULES

whose use of block grant funds in a prior year is found not to have complied with the requirements of Section 2-3.51.5(1) of the School Code shall be reduced to reflect amounts expended for purposes not allowed under that Section, and the school shall be subject to potential additional consequences for noncompliance as set forth in Section 425.50 of this Part.

- e) Any school that, for two years in a row and in any combination, either fails to deliver the report required by Section 27-8.1 of the School Code to the State Superintendent of Education by November 15 or delivers a report that does not demonstrate that at least 90 percent of the pupils enrolled in the school have complied with the requirements of that Section regarding immunizations and health examinations (other than dental and eye examinations) shall be issued a Notice of Non-Compliance. Unless, within seven school days after mailing of the notice, the school presents written evidence to the State Superintendent that it has delivered the report required by Section 27-8.1 and the report demonstrates compliance with that Section, the State Superintendent shall reduce by 10 percent the next payment of block grant funds under this Section, provided that all amounts withheld shall be restored to the school after compliance is documented.

ILLINOIS STATE BOARD OF EDUCATION MEETING
May 20-21, 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 Adoption – Part 140 (Calculation of Excess Cost Under Section 18-3 of the School Code)

Materials: Recommended Rules

Staff Contacts: Tim Imler, Division Administrator

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

This set of amendments results from recent legislation and is not specifically related to the strategic plan.

Expected Outcome of Agenda Item

The Board will be asked to adopt the proposed amendments to Part 140.

Background Information

Portions of these amendments respond to P.A. 95-793, which was enacted in 2008 and revised Section 18-3 of the School Code (Tuition of Children from Orphanages and Children's Homes). That statute provides for state reimbursement to school districts for the cost of serving students who would not be residents but for the fact that they live in orphanages, children's homes, detention centers, or penal institutions. These students either attend the regular classes of the district or are educated in general education classes provided to them at the facility where they reside. Formula-based reimbursement is provided for programs serving those students, equivalent to 120 percent of the serving district's per capita tuition charge. However, Section 18-3 also provides for reimbursement of costs in excess of that amount that are attributable to individual students who need more intensive services. Part 140 addresses only the claiming of this additional reimbursement.

Prior to the advent of P.A. 95-793, expenses for the summer term were claimed on the same basis as those for the regular school term. Now those claims will be separate, with costs for the summer session reimbursed based on actual expenditures. This means that Part 140 is no longer applicable to reimbursement for the summer term, leading to minor technical revisions in the rules. The deadline for submission of claims for the regular term has also been changed from July 30 to July 15, in keeping with the statutory change.

The other portions of the amendments being proposed are intended to clarify more specifically the information that districts submit as part of their claims, as well as the exact basis for identifying excess cost to be reimbursed. In particular, the method of calculation is somewhat different depending upon whether students are served at an attendance center operated by the district or at the facility where they reside. The distinction has to do with the fact that costs for programs that are operated by a district at an off-site facility are readily identifiable, while costs associated with students served as part of the general student body are not so clearly apparent. Thus Section 140.40(b) explains that the district's per capita tuition charge is used as the main cost element attributable to students in that situation [in place of the cost per student in average daily attendance in the program, which is used otherwise]. Other information being added to Section 140.40 simply makes the mathematical calculations more explicit. The definitions being added to Section 140.10 are further components of this approach.

These amendments were presented for the Board's initial review in February of this year and were subsequently published in the Illinois Register to elicit public comment. None was received, and the version being presented for adoption is identical to the version originally proposed.

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 result in a variety of improvements in the rules, including certain instances of conformance with the underlying statute, as outlined above. Leaving the rules unchanged would result in discrepancies between them and the law.

Superintendent's Recommendation

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

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

Calculation of Excess Cost Under Section 18-3 of the School Code (23 Illinois Administrative Code 140).

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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

PART 140

CALCULATION OF EXCESS COST UNDER SECTION 18-3 OF THE SCHOOL CODE

Section

- 140.10 Purpose and Applicability
- 140.20 Allowable Costs
- 140.30 Requirements for Submission of Claims
- 140.40 Calculation of Reimbursement

AUTHORITY: Implementing and authorized by Section 18-3 of the School Code [105 ILCS 5/18-3].

SOURCE: Adopted at 23 Ill. Reg. 7882, effective July 1, 1999; amended at 25 Ill. Reg. 14122, effective October 22, 2001; amended at 26 Ill. Reg. 8100, effective May 20, 2002; amended at 33 Ill. Reg. _____, effective _____.

Section 140.10 Purpose and Applicability

Section 18-3 of the School Code [105 ILCS 5/18-3] provides for the reimbursement to school districts of the cost of the regular program provided to the students described in that Section during both the regular and summer terms. It also provides for the reimbursement of excess costs incurred by a district during the regular school term for that provides to such students services to those students beyond those encompassed by the district's regular program. This Part establishes the requirements applicable to claims for reimbursement of such excess costs. For purposes of this Part:

- a) The “regular school term” is the time period reflected on the calendar prepared for the school year by the school board to meet the requirements of Sections 10-19 and 18-8.05 of the School Code [105 ILCS 5/10-19 and 18-8.05] and maintained in the main office of the school district.
- b) The basis for identifying and documenting excess cost will vary according to whether a student is served in one of a district's attendance centers or on the premises of a facility where he or she resides or that is otherwise physically

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

separate from district facilities. For purposes of this Part: The “summer term” consists of school days in excess of the regular term.

- 1) a program provided in one of a district’s attendance centers is an “on-site program”; and
 - 2) a program provided elsewhere is an “off-site program”.
- c) “Regular program” means the normal configuration of services generally provided to students.
- d) “Individual cost” means the cost of any services provided to an individual student that are not included in the regular program or that are provided at a greater level of intensity than in the regular program, as recorded pursuant to Section 140.30(a)(4) of this Part.

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

Section 140.20 Allowable Costs

- a) The reimbursement that is the subject of this Part shall be available only with respect to individual students ~~pupils~~ who are:
 - 1) enrolled full-time in a claiming district’s general ~~regular~~ education program; and
 - 2) served at a cost that exceeds 120 percent of the district’s per capita tuition charge calculated as specified in Section 18-3 of the School Code.
- b) Claims may be submitted pursuant to this Part only with respect to costs incurred in the provision of equipment, diagnostic and other services, or materials that are not part of or that exceed the regular program provided to other students who are served in the district’s schools.
 - 1) Special equipment used for only one student ~~pupil~~ may be claimed only if it will move with the student if he or she ~~the student~~ changes districts or programs.
 - 2) Specific, unique services provided for an individual student ~~pupil~~ may be claimed only if they exceed or are not part of the normal configuration of

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

services and if their costs are not already included in the cost of the regular program for which the district also claims reimbursement under Section 18-3 of the School Code.

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

Section 140.30 Requirements for Submission of Claims

Each school district shall certify to the State Superintendent of Education, using a format specified by the State Superintendent, its report of claims for tuition payments no later than July 15 31. Failure on the part of the school board to certify its claim on July 31 shall constitute a forfeiture by the district of its right to the payment of any such tuition claim for the school year just ended. (Section 18-3 of the School Code) ~~No payment shall be made for any mailed claim that is postmarked later than July 31 of the relevant year or for any claim filed electronically (when such filing has been authorized by the State Superintendent) or otherwise delivered after that date.~~ Claims shall reflect the costs incurred by the school district for the regular school term year (July 1 through June 30), ~~inclusive of regular and summer term expenditures during that time period.~~

- a) When a district files a claim for excess costs relative to individual students ~~pupils~~ who are served in an off-site a program ~~that is provided solely on the premises of the facility where they reside or is otherwise physically separate,~~ the claim must include:
 - 1) a description of the regular program for which the district also claims reimbursement under Section 18-3 of the School Code that includes:
 - A) The name and address of the off-site program;
 - B) The total number of students who received any services in the regular program;
 - C) The total days of attendance of all the students claimed;
 - D) The total number of days for which the program was in session;
 - E) The amount of instruction time offered daily;
 - F) The name, certificate number, and assignment of each professional staff member who served the students being claimed; and

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- G) A brief description of the curriculum and support services that are offered in the regular program;
- 2) a report of the expenditures incurred by the district for the regular off-site program described pursuant to subsection (a)(1) of this Section, on forms supplied by the State Superintendent of Education;
 - 3) the number of students pupils in average daily attendance in the regular off-site program described in subsection (a)(1) of this Section during the term to which the claim applies;
 - 4) a record for each student with respect to whom excess cost is being claimed, indicating:
 - A) the student's pupil's name and date of birth,
 - B) the services provided to the student pupil that are not included in or that exceed the level provided in the regular off-site program,
 - C) the amount, intensity, and/or frequency of the services,
 - D) the total hours of service provision, and
 - E) the total cost of the services.
- b) When a district files a claim for excess costs relative to students pupils who are served in the district's on-site programs regular attendance centers, the claim must include:
 - 1) a description of the services provided that which exceed those otherwise provided to students served in the regular program within the attendance center in question, e.g., services not provided to the other students in that attendance center or services provided for more time than to other students within that attendance center; and
 - 2) a record for each student containing the information specified in subsection (a)(4) of this Section.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- c) ~~Each~~ No later than ten days after receipt of a request for additional information, a district shall submit any additional ~~such~~ information as the State Superintendent of Education may require for the purposes of clarifying the basis for its claim.

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

Section 140.40 Calculation of Reimbursement

- a) The cost per student in average daily attendance (“ADA”) in the regular off-site program provided to students pursuant to Section 18-3 of the School Code will be calculated by dividing the total cost of that program as reported under Section 140.30(a)(2) of this Part by the number of students in average daily attendance in the program.
- b) Reimbursable excess cost shall exist with respect to a given student only if the total costs attributable to that student exceed 120 percent of the district’s per capita tuition charge. The total costs attributable to a student who is served in an off-site program consist of the cost per student in ADA in the program the student attends, derived from the information called for in Section 140.30(a)(1)-(3) of this Part, plus any individual cost for that student. The total costs attributable to a student who is served in an on-site program consist of the district’s per capita tuition charge plus any individual cost for that student. The cost per student in ADA will be compared to the amount that represents 120 percent of the district’s per capita tuition charge.
- 1) ~~If the cost per student in ADA is equal to or greater than 120 percent of the district’s per capita tuition charge, the State Superintendent will reimburse the district for 100 percent of the individual costs claimed pursuant to Section 140.30 of this Part.~~
- 2) ~~If the cost per student in ADA is less than 120 percent of the district’s per capita tuition charge, a calculation will be performed to offset the amount the district is allowed to claim for the regular program pursuant to Section 18-3 of the School Code. The excess cost amount claimed for serving a particular student will be added to the cost per student in ADA. From the sum of those two amounts, the amount that represents 120 percent of the per capita charge will subtracted. The State Superintendent will reimburse the district for 100 percent of the remainder. In other words:~~

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS


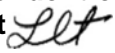

	Cost per student in ADA in the program <u>or district's per capita tuition charge, as applicable</u>
+	<u>Individual</u> Excess cost for Student X
=	Subtotal
	Subtotal from above
-	120% of district's per capita charge
=	Excess cost Reimbursable amount for Student X

- c) If the remainder resulting from the calculation set forth in subsection (b) of this Section is a positive number, that number represents excess cost and shall be reimbursed. If the remainder is a negative number, the district's cost has been captured by the reimbursement at 120 percent of the per capita tuition charge provided under Section 18-3 of the School Code, and no reimbursable excess cost exists.
- d) The State Superintendent may decline to reimburse costs that are not adequately documented or are inappropriate to a particular student's placement.

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

ILLINOIS STATE BOARD OF EDUCATION MEETING
May 20-21, 2009

TO: Illinois State Board of Education

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

Agenda Topic: Action Item: Rules for Adoption – Part 240 (Alternative Learning Opportunities Program)

Materials: Recommended Rules

Staff Contacts: Patrick Murphy, Division Administrator

Purpose of Agenda Item

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

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 a technical update.

Expected Outcome of Agenda Item

The Board will be asked to adopt the proposed amendment to Part 240.

Background Information

This proposed amendment 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). Part 240 is one of several sets of rules in which this revision is being made as time permits.

This amendment was presented for the Board's initial review in February of this year and was subsequently published in the Illinois Register to elicit public comment. None was received, and the version being presented for adoption is identical to the version originally proposed.

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 an incorrect cross-reference.

Superintendent's Recommendation

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

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

Alternative Learning Opportunities Program (23 Illinois Administrative Code 240).

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 amendment 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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 240

ALTERNATIVE LEARNING OPPORTUNITIES PROGRAM

SUBPART A: PROGRAM APPROVAL

Section

240.10	Purpose
240.20	Requirements for Student Participation
240.25	Enrollment of Students with Individualized Education Programs
240.30	Program Requirements
240.40	Student Success Plan
240.50	Requirements for Returning the Student to the Regular School Program
240.60	Supplemental Services and Instructional Time
240.70	Application for Program Approval
240.75	Program Approval Criteria
240.80	Application for Program Continuation
240.90	Program Funding
240.100	Suspension and Revocation of Program Approval
240.110	Terms and Conditions of Approval

SUBPART B: ALTERNATIVE LEARNING OPPORTUNITIES PROGRAM GRANTS

240.200	Purpose (Repealed)
240.210	Eligible Applicants (Repealed)
240.220	Planning Grants (Repealed)
240.230	Implementation Grants (Repealed)
240.240	Supplemental Grants (Repealed)
240.250	Grant Awards (Repealed)
240.260	Terms of the Grant (Repealed)

AUTHORITY: Implementing and authorized by Article 13B of the School Code [105 ILCS 5/Art. 13B].

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

SOURCE: Adopted at 26 Ill. Reg. 11888, effective July 22, 2002; amended at 27 Ill. Reg. 10004, effective June 23, 2003; amended at 29 Ill. Reg. 18451, effective October 31, 2005; amended at 33 Ill. Reg. _____, effective _____.

SUBPART A: PROGRAM APPROVAL

Section 240.80 Application for Program Continuation

- a) In order to continue to operate an Alternative Learning Opportunities Program approved pursuant to Article 13B of the School Code and this Part, the school district shall annually submit an application for continuation, on a form supplied by the State Board of Education, that shall include the following:
 - 1) a description of proposed changes in any of the elements of the district plan for the Alternative Learning Opportunities Program (see Section 240.70(c) of this Part);
 - 2) the results of the evaluation of the previous year's program conducted pursuant to Section 240.70(c)(12) of this Part, including the educational outcomes achieved by the students enrolled in the program;
 - 3) the activities proposed for the continuation period in light of the evaluation of the preceding year's project, including the identification of each unmet objective and the rationale for its continued inclusion or its deletion from the program;
 - 4) an expenditure report, on a form supplied by the State Board of Education, for the previous school year; and
 - 5) updated information regarding any subcontracts, contracts, or cooperative or intergovernmental agreements into which the district has entered to operate the program or provide services, including any changes to the entities involved or in their roles and responsibilities.
- b) Pursuant to Section 13B-30.20 of the School Code [105 ILCS 5/13B-30.20], an Alternative Learning Opportunities Program shall be approved for continuation provided that it:

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

- 1) submits evidence that it is meeting the educational outcomes specified in the district plan, including the educational outcomes identified for the individual students served;
 - 2) continues to comply with all applicable State and federal laws;
 - 3) in the year previous to the continuation application, complied with:
 - A) the terms and conditions of any grant it received pursuant to Subpart B of this Part;
 - B) the plan submitted for program approval pursuant to Section 240.70 of this Part; and
 - C) any updates to that plan subsequently submitted to the State Board of Education pursuant to subsection (a) of this Section; and
 - 4) maintains financial records in accordance with the requirements of 23 Ill. Adm. Code 100 (Requirements for Accounting, Budgeting, Financial Reporting, and Auditing) ~~procedures specified in 23 Ill. Adm. Code 110 (Program Accounting Manual)~~.
- c) An Alternative Learning Opportunities Program that is not approved for continuation shall be subject to the requirements of Section 240.100 of this Part.

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