

**Agenda Topic:** Proposed Rules – Part 25 (Certification)

**Materials:** Recommended Amendments

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**Purpose of Agenda Item**

To present the proposed amendments for adoption.

**Expected Outcome of Agenda Item**

The Board’s adoption of the proposed amendments to Part 25.

**Background Information**

These amendments serve several different purposes and include some technical updating as well.

- New Sections 25.85, 25.86, 25.87, and 25.147 are intended to open up avenues to certification in foreign languages where it is not now available. Depending upon an individual’s existing teaching preparation and credentials, he or she can receive new or additional endorsements in a specified language. Because the new foreign language standards are not language-specific, a separate approval process will not be required of institutions seeking to add teacher training programs in additional foreign languages to their curricula. This will enable institutions to develop and implement new language offerings more rapidly.

- The changes in Sections 25.620 and 26.630 will enable individuals who are currently serving on several types of certificates to receive credit for student teaching and/or pre-student teaching clinical experiences while they are being paid for teaching. These amendments will promote completion of approved programs by these individuals because they will no longer be forced to give up
paid employment in order to complete the clinical requirements for initial certification.

- The revisions to Sections 25.20, 25.30, 25.40, and 25.80 correct the date (to July 1, 2004) as of which the various tests of subject matter knowledge will be based upon the applicable standards in Parts 26 and 27 and acknowledge the “assessment of professional teaching” that will be required as of 2003. This is the assessment that will be based upon the Illinois Professional Teaching Standards as well as the technology and language arts standards for all teachers.

- The amendment to Section 25.135 will rectify an inadvertent omission of existing text that occurred the last time this Section was amended, and the table of contents to the Part must be updated to reflect several other recent amendments.

These amendments were presented for the Board’s initial review in March of this year and subsequently published in the Illinois Register to elicit public comment. Nearly fifty items of correspondence were received. Please see the Summary and Analysis of Public Comment for a discussion of the issues raised.

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

*Policy Implications:* Both major aspects of this rulemaking will remove barriers to certification in areas where qualified teachers are needed.

*Budget Implications:* This rulemaking has no budgetary implications for the agency.

*Legislative Action:* None needed.

*Communications:* Please see “Next Steps” below.

**Superintendent’s Recommendation**

Adopt the proposed amendments, including the changes recommended in response to public comment and in light of the No Child Left Behind Act.

**Next Steps**

Notice of the adopted rules will be submitted to the Joint Committee on Administrative Rules to trigger JCAR’s review. When that process is complete, the adopted rules will be filed with the Secretary of State and disseminated as appropriate.
**Summary and Analysis of Public Comment**

**23 Ill. Adm. Code 25 (Certification)**

**Sections 25.20, 25.30, 25.40, and 25.80**

**Comment**
Concern was expressed regarding the fairness of the timetable for implementing the assessment of professional teaching (APT), which these Sections state will be required of candidates who apply for certification beginning July 1, 2003. It was pointed out that individuals would not be able to take these tests until some time after July 1 in each case. Therefore they might have completed all other requirements but would be delayed in receiving certification by waiting to take a required test and receive their scores. The problem would be most troublesome in the case of individuals who complete programs in August, because standard-setting and the return of scores after the initial test administration will take extra time and these individuals would not be able to receive their certificates in time to teach in the fall.

Similarly, the July 1, 2004, date for tests of subject matter knowledge was questioned. In both cases the point was the feasibility of requiring a test at the same time as it is first offered.

Another comment identified a need for the rules to be specific as to whether the stated timeframe will apply to individuals who submit their applications on or after the date identified or to individuals who receive their certificates on or after that date. The commenter advocated the former, indicating that persons who apply on a certain date and have met the requirements in effect at that time should not be held to new requirements due to the processing time involved in the State Board’s issuance of a certificate.

Other related comments proposed requiring the assessment of professional teaching beginning in July of 2004 rather than 2003, either to make it consistent with the implementation of the new tests of subject matter knowledge, to allow for several test administrations to occur before passage of the test is required, or to accommodate what the respondent saw as the relative newness of the language arts and technology standards.

**Analysis**
It is true that setting the first administration of the assessment of professional teaching for September of 2003 (as the regular schedule now calls for) would be unfortunate for individuals completing programs in August of that year, particularly since the standard-setting that will have to occur will cause test results to be slower in arriving than after subsequent test administrations. Although the test schedule has been established for September, December, March, and June of each year, the APT will also be
administered in July of 2003 to give candidates the earliest possible opportunity to achieve passing scores. However, that is still not likely to solve the timing problem for 2003 summer graduates, and we do believe it would be wise to avoid losing the entire fall semester’s teaching for those individuals. Consequently we believe that the date on which the requirement for the test takes effect should be moved back to October 1, 2003. Further, that date should be explicitly described as the application date, rather than the date on which certificates are issued. We do not believe it is necessary to delay the requirement until 2004, because the Board’s June 2000 adoption of the language arts and technology standards after extensive opportunity for public comment has provided institutions and candidates with adequate notice.

The situation with respect to new subject matter tests is not truly comparable, because in each case there is a pre-existing test that candidates in the same field have been taking. The transition to a new set of examinations will be seamless when that implementation date comes, and the equivalent problem of timing is not created.

**Recommendation**
Section 25.20(d) should be revised as shown below:

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d) Each applicant shall be required to pass the test of basic skills and the applicable test of subject matter knowledge (see Subpart I of this Part). Beginning July 1, 2003, each individual submitting an application on or after October 1, 2003, shall also be required to pass the assessment of professional teaching (APT) relevant to the elementary certificate…….
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This same change should be made in Sections 25.30(e), 25.40(f), and 25.80(d), and Section 25.86(a)(3) should be changed to refer to October 1, 2003.

**Sections 25.85, 25.86, 25.87, and 25.147**

**Comment**
One commenter questioned the availability of endorsements in foreign language at the elementary level and stated that subsection (a)(1) of Section 25.85 appeared to conflict with subsection (a)(3), which gives the impression that the middle grades endorsement continues to be required for teaching at that level.

**Analysis**
We do recognize that endorsements are not currently given at the elementary level in this area; this new arrangement was devised as a way to expand the availability of qualified teachers for the lower grades. We do not believe these two subsections conflict, although we understand why there might be confusion surrounding the middle grades. An elementary or secondary endorsement is valid for certain grade levels, but that validity is not absolute; additional requirements apply when the subject matter is to be taught in departmentalized grades 5 through 8. However, it was not our intention to imply that an individual mainly assigned to teach a foreign language in high school
would need the middle-grade endorsement to teach one or two classes at that level. This can be made clearer by making the rule more explicit.

Recommendation
Section 25.85(a)(3) should be revised as shown below:

3) With regard to major teaching assignments (i.e., at least 50 percent of the school day) in departmentalized grades 5 through 8, the requirements of 23 Ill. Adm. Code 1.720 (Minimum Requirements for Teachers of Middle Grades) shall apply to any individual who has not passed an assessment of professional teaching relevant to a certificate other than the early childhood certificate.

Comment
One respondent questioned the appropriateness of limiting the applicability of Section 25.86 to individuals who have completed teacher preparation programs in other countries or in other states with which no reciprocity has been established. This provision was stated to create an unfair disadvantage for individuals who come to Illinois from states with which Illinois does have reciprocal agreements.

Analysis
This commenter is correct in that reciprocity with another state does not confer any automatic advantage on individuals from that state. Therefore they conceivably could have as much need to use the route to certification provided under Section 25.86 as individuals from states without reciprocity.

Recommendation
Section 25.86(a)(1) should be reworded as shown below:

1) has completed a teacher preparation program, whether for the specified language or not, in another state or country (or in a state with which no reciprocity has been established pursuant to Section 25.495 of this Part),

Comment
It was suggested that individuals pursuing certification under these Sections be required to choose a language of focus, just as teachers to be certified in social science must choose an area of focus from among geography, economics, history, etc.

Analysis
We assume this commenter believed the rules might be interpreted to mean that an individual would receive an endorsement in “foreign language” rather than in a specified language. While we believe it is implicit from such stated requirements as testing in a given language, there is no reason not to be more explicit about the nature of the credential. Rather than adding a requirement for a “language of focus,” however, we believe this clarification can be achieved through minor editing of the proposed text.
Recommendation
Section 25.86(b) should be revised as shown below:

b) An individual to whom subsection (a) of this Section applies and who meets the requirements of Section 21-1 of the School Code may obtain certification valid for teaching a specified language to which either of the following applies:

Comment
One respondent thought it incongruous that, under proposed Section 25.87, the only group of potential foreign language teachers not required to pass an assessment of professional teaching would be those who had no teaching background at all. This individual questioned the omission of this requirement for the group of teachers receiving the temporary foreign language certificate.

Analysis
The commenter is partially correct, in that Section 25.85 deals with individuals who are already certified and Section 25.86 also deals with individuals who have been prepared as teachers.

Proposed Section 25.87 dealt with individuals who lack either an equivalent degree or preparation as teachers. To receive a temporary certificate, such an individual would have been required to pass the test of basic skills and a test of language proficiency, with the APT required for receipt of an initial certificate after completion of an approved program.

A separate problem has been identified with regard to Section 25.87, however. The ongoing review of the requirements for “highly qualified” teachers found in the No Child Left Behind Act has revealed that individuals who held the proposed temporary foreign language certificate would probably not meet those requirements and thus could not be hired beginning this fall in any program supported with federal Title I funds. In the absence of explicit guidance to the contrary from the U.S. Department of Education, there would be no point in our establishing this certificate under these circumstances. We believe that the options offered under proposed Sections 25.85 and 25.86 generally do not have the same weaknesses as Section 25.87; minor amendments in the future are likely to suffice for keeping those avenues open.

Recommendation
Proposed Section 25.87 should be deleted from this rulemaking entirely.

Comment
One commenter objected to Section 25.87(e) and Section 25.147 on the grounds that these provisions amount to telling institutions of higher education what they can and cannot do with candidates in their own programs. He stated further that these rules would keep institutions from assessing candidates in relationship to their own institutional standards, presumably by virtue of the requirement that candidates only be
required to take coursework in the specified language if needed to meet the content-area standards for foreign language established by the State Board.

Analysis
The rules under discussion here do not directly address institutions’ ability to assess candidates’ language proficiency or teaching skill. Instead, they indicate that institutions are not to require candidates to complete courses they do not need in order to meet the relevant state standards. Naturally it must be left to the institutions’ judgment to identify the coursework needed by each candidate, based on assessments of his or her knowledge and skills. We acknowledge that institutions may have standards that go beyond or are more specific than those established by the State Board and that the standards that will be found in new Part 24 (Standards for All Illinois Teachers) are equally important for institutions to observe.

The goal of these rules was to create a route to full certification that takes advantage of individuals’ pre-existing language proficiency. As noted above, however, Section 25.87 should not be pursued in any case, so this statement will not be needed in Section 25.147.

Recommendation
Proposed Section 25.147(a)(5) should be deleted.

Comment
It was stated that the changeover to K-12 certification in foreign language as of July 1, 2003 (as provided in Section 25.147(c)), would not be feasible because of needed redesign in programs (which now lead to certification at the secondary level). A related comment pointed out that candidates who are currently in the “pipeline” should not receive K-12 certification, given that they will have completed programs that were still mainly geared toward certification in grades 6-12. It was suggested that candidates not be subject to the K-12 assessment of professional teaching and not be expected to receive K-12 certification until at least 2005. This arrangement would prevent their being assigned at the elementary level unless they take advantage of the option for an additional endorsement offered under Section 25.85(a), that is, unless they voluntarily seek a credential valid for the elementary grades because they would feel comfortable with such an assignment.

Analysis
With regard to the redesign of programs, the July 1, 2003, deadline is already in place by virtue of the Board’s rules as recently adopted in new Part 27 (Standards for Certification in Specific Teaching Fields). The standards for foreign language in Section 27.340 encompass the knowledge and skills necessary for teaching students in grades K-12, and program approval becomes contingent on congruence with those standards as of July 1, 2003.

We do agree that it would be beneficial to structure a less abrupt implementation of K-12 certification in foreign language with regard to candidates who have already begun
their programs and that candidates should receive the type of certificate that most nearly reflects the preparation they have received. However, we do not believe it should be necessary to delay K-12 certification until 2005; 2004 should be just as appropriate since institutions had to begin redesigning their programs well in advance of July 2003 in order to meet that deadline. Section 25.147(c) should set that cut-off date.

Further, the entire group of comments that focused on the timelines for Section 25.147 has led us to re-examine our intention to implement the nonspecific program approval for foreign language on September 1 of this year, essentially as soon as these rules could have been expected to take effect. Our original desire was to complement other provisions in Sections 25.85, 25.86, and 25.87 by creating opportunities for certification in additional languages as quickly as possible. Upon reconsideration of the logistical and other factors pointed out by the commenters, it appears that immediate implementation of this Section may not have as much merit as previously thought and that deferring these changes to coincide with the standards’ effectiveness would be preferable.

It is clear that we need to do all we can to avoid confusion among institutions and candidates for certification, and we believe providing more lead time for these changes would be advantageous. Along those lines, we will have a need to keep current lists of all the languages offered by various institutions for the benefit of potential candidates and will therefore need to be notified of the addition or deletion of languages even when tests are already available (not only as required under proposed Section 25.147(a)(2)).

**Recommendation**

Section 25.147(a) should be changed to coincide with the standards’ effectiveness:

a) Beginning September 1, 2002 July 1, 2003, approval of programs for foreign language shall no longer be specific to individual languages. That is, as of that date, an institution with an approved program in any language shall be considered as having approval for any combination of languages, subject to the provisions of this Section.

Section 25.147(a)(1) should be revised as shown below to ensure the flow of information for purposes of publication:

1) An institution with an approved foreign language program may add one or more languages to that program at the discretion of the educational unit, provided that the institution shall notify the State Superintendent of Education to this effect in writing no later than three months before instruction in that language is to begin, except when notification is required further in advance under subsection (a)(2) of this Section. The State Superintendent shall provide this information to the State Teacher Certification Board at the next available meeting of the Certification Board.
The last sentence inserted above should be deleted from its original location in subsection (a)(2) so that it will apply in all cases where languages are added.

Section 25.147(c) should be amplified and a new subsection (d) added, as displayed below:

c) Pursuant to the standards set forth in 23 Ill. Adm. Code 27.340 (Foreign Language), beginning July 1, 2003, each approved preparation program in foreign language shall lead to candidates’ eligibility for a special K-12 certificate. Beginning July 1, 2004, each individual completing an Illinois approved program shall be required to take and pass the assessment of professional teaching relevant to the special certificate. However, passage of the APT relevant to the secondary certificate prior to July 1, 2004, will be accepted for issuance of a special K-12 certificate. The provisions of Section 25.725 of this Part shall apply to each individual already certified in Illinois who seeks an additional certificate in order to teach a foreign language.

d) Beginning October 1, 2003, out-of-state applicants certified at the K-12 level shall be required to take and pass the assessment of professional teaching relevant to the special certificate. Beginning October 1, 2003, out-of-state applicants certified at the secondary level may take and pass either the APT relevant to the secondary certificate or the APT relevant to the special certificate and, if eligible, shall receive the applicable certificate. The validity of secondary certification in the language to be taught may be extended to the elementary level pursuant to Section 25.85(a)(2) of this Part.

Comment
It was suggested that an implementation date be specified in Section 25.147(b) with regard to the requirement for institutions to have their candidates complete the oral proficiency interview described by the American Council of Teachers of Foreign Language (ACTFL) and to score at the “intermediate high” level as a condition of program completion, or to impose a comparable alternative requirement. The commenter proposed that candidates not be required to meet such a requirement until 2005, because the standards for program approval go into effect in July of 2003. Another commenter stated that an implementation date of September 1, 2002 (as stated in Section 25.147(a)), would not allow sufficient time for candidates or institutions to prepare.

Analysis
We agree that to date there has been no explicit requirement with respect to candidates’ performance in terms of oral proficiency and that it is reasonable to align this requirement for candidates with the implementation timeframe for institutions’ incorporation of the new standards.
Recommendation
Section 25.147(b) should be revised to include a specific date as shown below:

b) Each foreign language program shall, as a requirement for program completion on or after July 1, 2004, require its candidates for certification, other than candidates in Latin and Classical Greek, to complete the Oral Proficiency Interview.

Sections 25.620 and 25.630

Comment
More than forty individuals wrote to express their support for the changes in Sections 25.620 and 25.630 that will allow holders of certain certificates to receive credit for student teaching while being paid as teachers. They indicated that these changes would enable them to continue serving their students, remove impediments to certification, motivate individuals for careers in teaching, and help to address shortages particularly in bilingual education.

A number of individuals also advocated extending the effectiveness of this rule to other groups such as holders of transitional bilingual certificates outside the City of Chicago and substitute teachers throughout the state.

Analysis
The language of the proposed rule does not list the affected groups, so we conclude that some of the commenters misunderstood descriptive information that summarized the effects of the proposed amendments. The rule will allow a teacher working on a transitional bilingual (Type 29) certificate in any district in the state to engage in student teaching while being paid as a teacher. The same will be true for holders of provisional vocational and temporary provisional vocational certificates. The only affected group that is limited to the Chicago Public Schools is substitute teachers teaching on substitute (Type 39) certificates. Since substitutes outside Chicago can only teach in the place of certified employees of districts, they do not have positions of their own. We do not believe it would be appropriate or feasible for limited substitute teaching assignments to be used as student teaching experiences.

The questions and misunderstandings that arose in conjunction with this rule indicate to us that it would be useful to identify the types of certificates that are affected by these Sections. Ordinarily we would avoid doing so in order to avoid having to amend the rule if another type of certificate should fall under it at some point, but in this case it appears that all parties would benefit from a straightforward list. In particular, listing the certificates will make it clear that these provisions do not apply to students who are completing programs and preparing to receive their first certificates.

Recommendation
Section 25.630(c)(2) should be simplified as shown below:
2) holds the certificate that is required for his or her teaching position a transitional bilingual certificate, a provisional vocational certificate, a temporary provisional vocational certificate, or a substitute certificate; and

Comment
Two individuals advocated allowing pay for student teaching with regard to teachers serving in Catholic and other parochial schools, stating that this would provide an additional incentive for staff in such schools to become certified.

Analysis
While Section 10-20.15 of the School Code prohibits school districts from paying public funds to uncertified individuals, this prohibition does not extend to nonpublic schools. However, the State Board’s rule as proposed would still exclude uncertified teachers in all types of schools, both public and nonpublic.

We believe this prohibition continues to be appropriate, mainly because eliminating it for as-yet-uncertified teaching candidates in nonpublic schools only could set up an unintended disincentive for student teachers to work in the public schools, where pay would continue to be unavailable. This would face teacher preparation institutions with awkward choices and work to the disadvantage of the public schools in general.

Recommendation
No change should be made in response to this comment.

Comment
One respondent objected to allowing only student teachers in Chicago to be paid, stating that it is not too much to expect an individual to commit one semester to unpaid work as a student teacher as so many other individuals have been required to do. On the other hand, the respondent suggested that, if this policy will apply to some prospective teachers, it should apply to all.

On a similar note, a commenter advocated allowing pay for student teaching for candidates finishing programs in areas of shortage or priority such as mathematics and special education.

Analysis
As has been noted previously, there are statutory limitations on payments to individuals who are not certified. The present rulemaking will permit the greatest possible latitude short of a legislative change.

Recommendation
No change is needed in the proposed rules in response to these comments.