Agenda Topic: No Child Left Behind Act of 2001 (P.L. 107-110):
Select Decision Points and Information Items

Materials: Communications--Recent Alerts to the Field

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Purpose of Agenda Item
• To discuss remaining decision points regarding No Child Left Behind Act of 2001 (NCLB)
• To ask for Board decisions on selected issues
• To provide an update on progress toward implementation

Expected Outcome(s) of Agenda Item
• The Board will make decisions and be better informed on selected issues.

Background Information
As you know, the No Child Left Behind Act of 2001 (NCLB) has been a Board discussion topic last the last five State Board meetings. Since the signing of the law on January 8, 2002, the U.S. Department of Education has been developing draft rules for public comment and guidance documents for the various state and local applications required to access the funding. Staff received the final federal directives on the consolidated state plan on May 8th; it is due by June 12, 2002.

Legislative Issues
The Board will discuss the status of bills before the General Assembly which affect NCLB. Senate Bill 1983, addressing four areas of immediate concern with implementation, is currently before the second chamber. HJR 76 regarding state assessment passed the House Elementary and Secondary Education Committee on May 8, 2002.

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

Part I. -- Choice

Policy Analysis and Implications:
There are two “choice” provisions in the law. One relates to the school accountability consequences, as outlined in April. The second one relates to unsafe schools.
NCLB Consequences for Title I-Funded Schools Not Making Adequate Yearly Progress

- Schools not making AYP are identified as in "School Improvement," "Corrective Action," or "Restructuring."
  - Two consecutive years of not making AYP results in "School Improvement 1" status:
    - Public school choice - students must be offered the opportunity to attend a higher-performing public school within the district*
  - Three consecutive years of not making AYP results in "School Improvement 2" status:
    - Public school choice - students must be offered the opportunity to attend a higher-performing public school within the district*
    - Supplemental education services - students must be offered additional instruction (e.g., tutoring, after-school programs, etc)
  - Four consecutive years of not making AYP results in "Corrective Action" status:
    - Public school choice and supplemental services, plus
    - Corrective action -- such as replacing school staff, implementing a new curriculum, extending the school day/years, etc.
  - Five consecutive years of not making AYP results in "Restructuring":
    - All the consequences above, plus
    - Major restructuring of school governance - such as reopening as a charter school, replacing all or most of school staff, other reorganization permitted under state law.
- School districts that do not have a higher performing public school within their boundaries shall, to the extent practicable, make intergovernmental agreements with neighboring school districts to educate their students; currently, only about one-half of public school districts have more than one attendance center for a particular grade.

PUBLIC SCHOOL CHOICE

Within Title I of NCLB, a cascade of school improvement sanctions is outlined. Families from sanctioned schools may consider public school choice in the first year of such sanctioning, or choice OR supplemental educational services in the second and subsequent years of sanctioning.

Federal Law

Providing public school choice, as an opportunity for families with students at low-performing public schools, is one of the major premises embodied in the No Child Left Behind Act of 2001 (NCLB). The specific purpose of this requirement is to give students in schools that have been designated as in "school improvement" or "corrective action" an opportunity to attend a better-performing school.

The federal law at Section 1116(b)(1) states that:

"...A local educational agency shall identify for school improvement any elementary school or secondary school served under this part that fails, for 2 consecutive years, to make adequate yearly progress as defined in the State's plan under section 1111(b) (2). The identification described in subparagraph (A) shall take place before the beginning of the school year following such failure to make adequate yearly progress.

Public School Choice - In the case of a school identified for school improvement under this paragraph, the local educational agency shall, not later than the first day of the school year following such identification, provide all students enrolled in the school with the option to transfer to another public school served by the local educational agency, which may include a public charter school, that has not been identified for school improvement under this paragraph, unless such an option is prohibited by State law. In providing students..."
the option to transfer to another public school, the local educational agency shall give priority to the lowest achieving children from low-income families, as determined by the local educational agency for purposes of allocating funds to schools under section 1113(c)(1). Students who use the option to transfer under subparagraph (E) and paragraph (5)(A), (7)(C)(i), or (8)(A)(i) or subsection (c)(10)(C)(vii) shall be enrolled in classes and other activities in the public school to which the students transfer in the same manner as all other children at the public school."

Additionally, the school district must provide or pay for transportation for the student to the public school the student chooses to attend. The district shall use up to 20% of its Title I Part A funding for transportation and/or supplemental education services.

The external advisors on this requirement strongly urged that state and local priority should be given to assuring the high quality of the student’s home school, so that students would not need to be transported to another school. This point cannot be emphasized enough.

State and/or local policy will need to conform to the final outcome of Senate Bill 1983, currently before the Illinois General Assembly. In particular, SB 1983 requires that the choice option be exercised by a parent within 30 days of notice from the district that the option is available. The choice provisions outlined in this proposal are consistent with SB 1983.

**Availability of and Access to Choice Options**

The challenge with respect to this requirement is to balance the need to assure real choices for parents and their children with circumstances such as the capacity of better-performing schools in the district, special entrance requirements for some schools, and the lack of options within the district (either because it is a one-school district or all schools are in “school improvement”).

Data on schools available for choice is outlined in Table 1 below, and affects both the question of “unsafe school choice” as well as this “public school choice” question. Out of Illinois’ 893 districts, students in many school districts do not have another public school available for consideration. Very few districts have charter schools as a choice element either. Public school choice is a more viable option in urban and large school districts.

<table>
<thead>
<tr>
<th>Table 1. School Configurations in 2001-02</th>
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<td><strong>Issue</strong></td>
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<td>Districts with only one school building</td>
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<tr>
<td>Elementary/unit districts with only one junior high school building</td>
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<td>Unit districts with only one elementary, one junior high, and one high school building</td>
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<td>Unit districts with one elementary and one high school but no junior high school building</td>
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For 2002-03, there are potentially 65 Illinois districts with 404 Title I-funded elementary/middle schools that must offer public school choice if the identified school(s) in the districts do not make adequate yearly progress on the 2002 assessments.

**Transportation.** The law requires that schools in school improvement status use up to 20% of their Title I funds to pay for or provide transportation services for students to higher-performing schools. The law requires the sending school district to pay for or provide that transportation. The district shall use up to
20% of their funds for transportation/supplemental education services tasks. In terms of transportation outside of the district, if there is an intergovernmental agreement in place between two or more districts, transportation would be addressed, and provided by the "sending" school.

**Parental Information.** ISBE will provide general information and guidelines on the NCLB web site regarding public school choice. The 65 eligible LEAs are aware of the potential of having to provide choice next year for select schools, depending on a particular school making adequate yearly progress on the Spring 2002 state assessments. Local districts will need to provide specific information to parents regarding the public school choice option prior to the beginning of the school year. Local districts can and should use Title I funds to launch public information campaigns on this topic. ISBE will provide specific information to the choice-impacted districts in May 2002 regional meetings.

**Funding.** The federal law requires a Title I-funded school district to use 20% of its funds on transportation/supplemental educational services. Districts must provide or pay for transportation. The federal law also outlines a way to prioritize funding of services, should funds be insufficient to pay the full necessary costs (e.g., beginning with the lowest performing students first). There are no funds required to specifically follow the individual student as Title I funds are allocated within an eligible school district based on a needs assessment.

Outlined below are a number of items that local school districts must make:

- **Choice within single-school districts.** NCLB requires that LEAs shall, to the extent practicable, enter into intergovernmental agreement on this issue and offer choice in these situations. Such agreements should address key issues such as transportation, tuition payments, student fees, and receipt of General State Aid (suggested method on this issue is making it similar to the current practice regarding "lab schools").

- **Districts with all schools in “improvement” status.** The LEA shall provide all students enrolled in the sanctioned school with the option to transfer to another school that has not been identified for school improvement.

- **Participation.** A local choice policy will set the parameters for determining which students in an eligible school will be able to choose. The intent of the federal law is to make this choice available to all eligible students, particularly for those families least likely to be able to afford or access private school choices. It would be logical for the local policy to prioritize both lowest-performing and low-income students.

- **Responsibilities of receiving schools.** Receiving schools must recognize the special intake procedural needs and transition needs of the transferred students and their families. This element should also be addressed in local policy.

- **Length of stay.** Assuming the family remains in the district, NCLB states that the student can stay in the new school until completing the highest grade at that school. The district’s obligation to provide transportation to the new school ends when the old school is no longer in improvement status. If the school they move to becomes a school in need of school improvement status, the student would have the option to move again to another school in a subsequent year.

The State Board of Education recommends that each local school board establish and implement a policy on public school choice for the possible transfer of students from attendance centers identified for school improvement.

Assuming SB 1983 currently before the Illinois General Assembly is passed and signed into law, a local policy should also comply with the requirements in that bill regarding public school choice. SB 1983 as of
this writing requires that the **choice option be exercised by a parent within 30 days of notice from the district that the option is available.**

It is recommended that the 65 districts immediately affected approve a policy at *this time*, and the remaining districts each complete one in 2002-03.

The recommended local policy should provide at least for the following, and would be in addition to any current "choice" provisions:

(i) Procedures to ensure parents are provided with school choice information (in an understandable and uniform format and, to the extent practical, in a language the parents can understand), prior to the first attendance day of the school year.

(ii) Procedures to ensure the lowest achieving children from low-income families are given first priority if there are space or financial limitations.

(iii) Procedures to provide or pay for transportation to receiving public schools.

(iv) Procedures to ensure that LEAs shall, to the extent practicable, enter into intergovernmental agreements.

(v) Procedures to ensure transfer students are enrolled in classes and other activities in the same manner as all other children in the receiving public school.

(vi) Procedures regarding attendance capacity (consistent with state law and data to ISBE on school construction).

(vii) Procedures to ensure parents exercise the choice option within thirty days of notice upon their receipt of notice

(viii) Procedures to ensure students transferred through choice continue to be eligible for transportation if their home school continues to fail to make AYP or if the receiving school fails to achieve AYP.

**SUPPLEMENTAL EDUCATIONAL SERVICES**

Supplemental educational services are defined in NCLB as tutoring and other supplemental academic enrichment services that are in addition to instruction provided during the school day, and are of high quality and designed to increase the academic achievement of eligible children. Supplemental educational services are included in the list of consequences for failure to make AYP as noted above. These services must be provided by schools in school improvement status in the school year subsequent to the provision of public school choice (see Figure 1 above). No school in Illinois will be in this status for 2002-03.

Schools must arrange for the provision of supplemental educational services to eligible children from the identified schools. Providers of supplemental educational services must have a demonstrated record of effectiveness and be selected by the parents from a list of providers approved for that purpose by ISBE. LEAs must annually notify parents of the availability of services, the identity of providers in the area, and a description of the services offered by each provider.

The responsibilities of the State Board of Education are as follows:

- promote maximum participation through consultation with educational partners to offer parents as many choices as possible;
- develop and apply objective criteria to potential providers;
- maintain an updated list of approved providers statewide by district from which parents may select;
- monitor and publicly report on the quality and effectiveness of the services offered by approved providers under this subsection;
- withdraw approval from providers that fail, for 2 consecutive years, regarding student academic achievement; and
- give annual notice to potential providers of the opportunity to provide services and of procedures for obtaining State approval.

ISBE will develop standards for providers of supplemental educational service providers. The external advisors stressed the need for high quality supplemental educational services and were adamant that all providers meet high standards. ISBE will need to establish standards and procedures for monitoring and reporting effectiveness of these services. Multiple data sources will be used to determine the effectiveness and continued eligibility of providers of supplemental educational services.

The federal law requires local districts to use up to 20% of their Title I Part A funding for transportation and/or supplemental education services.

The State Board of Education recommends that each local school board establish and implement a policy governing the provision of supplemental educational services for students from attendance centers identified for school improvement.

All students enrolled in attendance centers in their second year of school improvement status and subsequent years that the center fails to make AYP may choose the provision of supplemental educational services. It is recommended that each school board establish and implement a policy governing the provision of supplemental educational services for students from attendance centers identified for school improvement. [This policy is similar in appearance and language to the public school choice statement noted above.]

The recommended local policy should provide at least for the following:

(i) Procedures to ensure parents are provided with supplemental educational services information (in an understandable and uniform format and, to the extent practical, in a language the parents can understand), not later than the first attendance day of the school year
(ii) Procedures to ensure parents exercise the supplemental educational services option within 30 days of notice, upon their receipt of notice
(iii) Procedures to ensure the lowest achieving children from low income families are given first priority if there are space or financial limitations
(iv) Procedures to provide or enter into contractual arrangements with external entities to provide supplemental educational services

ISBE will continue to refine the parameters and issues dealing with supplemental educational services during 2002-2003, prior to the first potential provision of such services in Fall 2003.

UNSAFE SCHOOL CHOICE/PERSISTENTLY DANGEROUS SCHOOLS

The State Board of Education must sign an assurance as part of the consolidated state plan for NCLB that it has in place a policy on “persistently dangerous schools.” Section 9532 requires each state to define a “persistently dangerous school” and do so in consultation with LEAs. Staff has consulted with LEAs in the development of this policy.

Federal Law

Section 9532 of the NCLB, Unsafe School Choice Option, states: “(a) Unsafe School Choice Policy. Each State receiving funds under this Act shall establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or who becomes a
victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.”

There are two conditions for students to exercise this option under the law. The state’s assurance must cover both.

- **Attending a persistently dangerous school (Group Option).** In determining whether a student is attending a “persistently dangerous school” for purposes of this provision of the federal law, the committee reviewed the types of information that are required to be collected to comply with NCLB. Title IV of NCLB requires that ISBE collect information at the school level, rather than the district level, relating to truancy, suspensions/expulsions related to drug and violence offenses, and violations of the Gun-Free School Act. It was believed that the same information could be used to determine whether a public school is persistently dangerous.

Regarding the group option, Title IV of NCLB requires ISBE to collect information at the school level, rather than the district level, regarding truancy, suspensions/expulsions related to drug and violence offenses and violations of the Gun Free Schools Act.

- **Becoming a Victim of a Violent Criminal Offense (Individual Option).** Whether a student has become a victim of a violent criminal offense must be determined by State law. The Rights of Crime Victims and Witnesses Act contains both a definition of a crime victim and a definition of a violent crime. The definitions from this statute could be incorporated into the determination of a victim of a violent criminal offense, as follows: Any individual student who becomes a victim of a violent criminal offense as defined by Illinois law (725 ILCS 120/3) must be eligible to exercise the unsafe school choice option and be allowed to transfer immediately to a different school within the district.

The unsafe school choice provision will require legislation in order to make it binding on districts. Thus, it will not be in effect immediately except as districts choose to follow the ISBE policy.

This draft policy is being circulated now for additional comments beyond those of the committee and initial commentors. The areas highlighted for field focus were the three indicators under the group option. Should there be comments such that closure can be reached on this policy in May prior to the consolidated state plan submission, that will be done. If not, the state plan will need to note the status of the dialogue and planned next steps to reach closure.

It is recommended that the State Board of Education disseminate this draft policy for further public comment and authorize staff to make any necessary changes in response to public comment before submission as part of the state plan. Should there be further guidance by USDE on this issue, staff is authorized to incorporate that at a later date.
Draft Recommended Policy for Illinois

Under Section 9532 of the No Child Left Behind Act of 2001, the Illinois State Board of Education hereby adopts the following to define the Unsafe School Choice Option.

Attending a Persistently Dangerous School (Group Option)
- A persistently dangerous school must meet all of the following criteria for three consecutive years:
  - Have violence-related expulsions greater than 3% of the student enrollment; and/or
  - Have one or more students expelled for bringing a gun or weapon to school as defined in 18 USC 921; and/or
  - Have 3% or more of the student enrollment exercising the individual option outlined below.

Becoming a Victim of a Violent Criminal Offense (Individual Option)
- Any individual student who becomes a victim of a violent criminal offense* as defined by Illinois law (725 ILCS 120/3) must be eligible to exercise the unsafe school choice option and be allowed to transfer immediately to a different school within the district, based on verification to the school authorities pursuant to board policy. [This means a victim within the school or on the school grounds of the school the student attends during regular school hours or during school-sponsored events.]

Crime Victim Definition: A crime victim means:
- a person physically injured in Illinois as a result of a violent crime perpetrated or attempted against that person or
- a person who suffers injury to or loss of property as a result of a violent crime perpetrated or attempted against that person or
- a single representative who may be the spouse, parent, child or sibling of a person killed as a result of a violent crime perpetrated against the person killed or the spouse, parent, child or sibling or any person granted right under this Act who is physically or mentally incapable of exercising such rights, except where the spouse, parent, child or sibling is also the defendant or prisoner or
- any person against whom a violent crime has been committed.

Violent Crime Definition: A violent crime means any felony in which force or threat of force was used against the victim of any offense involving sexual exploitation, sexual conduct or sexual penetration, domestic battery, violation of an order of protection, stalking or any misdemeanor which results in death or great bodily harm to the victim or any violation of Section 9-3 of the Criminal Code of 1961, or Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, if the violation resulted in personal injury, and includes any action committed by a juvenile that would be a violent crime if committed by an adult. For the purposes of this paragraph, “personal injury” shall include any Type A injury as indicated on the traffic accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor’s office or medical facility. A Type A injury shall include severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.

NOTE: The limitations provided in SB 1983 on school transfers also apply here.
Impact:

- Looking at the *Gun Free Schools Report from December 2001*, about 30 incidents in about 20 schools resulted in expulsions for bringing a gun to school. These ranged from urban districts (e.g., Chicago, Joliet High School District) to suburban (e.g., Lyons Township High School District, Thornton Township High School), to rural (e.g., Brown County).

- A three-year perspective is recommended regarding the categorization of a school as persistently dangerous.

**Related Factor.** Another option reviewed was the inclusion of a definition of bullying in the individual option. The new state law that will go into effect for the 2002-2003 school year requires each school board, in consultation with the parent-teacher advisory committee, to include in the school discipline policy a definition of bullying within the context of the school. As this is now a school requirement for 2002-03, no need was seen to include bullying in the definition of a persistently dangerous school. There would be no method for collecting that data, and any data would be subject to interpretation by the various districts.

The law does not say what happens next when a persistently dangerous school is so classified, e.g., parents must be notified and so on. The committee should develop guidance for local policy use.

**Budget Implications:** Transportation of students from one public school site to another is a significant cost factor for the affected districts. This is applicable for the public school choice, the supplemental educational services, or the unsafe school choice provisions. The Title I funded districts which are sanctioned in this process by not making AYP or those districts with unsafe schools will need to use 20% of their funds to provide transportation (and in subsequent years if required to provide supplemental educational services will need to use such funds for both transportation and supplemental services).

**Legislative Action:** None at this time, but there should be consideration for action in 2003 to enact the policy on unsafe schools into state law.

**Communications Implications:** There are significant communication implications. Recognizing that, staff met with IASA and IASB leadership to review draft documents on public school choice and unsafe school choice. A revised document was shared on the web on May 9, 2002, seeking broad comments. It is anticipated that such comments will come in over the next two weeks. The Board can decide on when subsequent action, particularly on the persistently dangerous school option, should occur.

**Part II. Reading First**

**Policy Analysis and Implications:**

The law has 5 specific purposes which this separate application must address:

1. provide assistance in establishing reading programs for students in K-3 that are based on scientifically based reading research (SBRR), to ensure that every student can read at grade level or above not later than the end of grade 3.

2. provide assistance in preparing all teachers through professional development and other support so the teachers can identify specific reading barriers facing their students and have the tools to effectively help their students learn to read.

3. provide assistance in selecting or administering screening, diagnostic, and classroom-based instructional reading assessments.

4. provide assistance in selecting or developing effective instructional materials (including classroom-based materials to assist teachers in implementing the essential components of reading instruction),
programs, learning systems, and strategies to implement methods that have been proven to prevent or remediate reading failure.

5. strengthen coordination among schools, early literacy programs, and family literacy programs to improve reading achievement for all children.

The selection and adoption of an effective, research-based core reading program in the primary grades is a critical step in the development of an effective schoolwide reading initiative. Historically, core reading programs have been referred to as basal reading programs since they serve as the “base” for reading instruction. The core program should serve as the primary reading program for the school and the expectation is that all teachers will use the core program as the base of reading instruction.

The application must provide a coherent plan that provides direction for ongoing screening and diagnostic assessment of students (at least 3 times a year) and for curriculum and instruction strategies that are research-based. The plan also must have a strong accountability/evaluation component that shows how Illinois will assure all students will be reading at "grade level" by the end of 3rd grade. This is consistent with Performance Goal 3 already adopted by the Board.

Development of the application has meant using, as required, a Reading and Literacy Partnership Council, which was appointed per the law and convened April 2nd for the first time.

The plan will acknowledge and focus on balancing the prescriptive nature of the law with the strong local control needs of Illinois districts. The requirement is that a core program of reading instruction be supported by scientifically based reading research that includes essential components of reading instruction. Staff intends to provide very clear guidelines for determining whether the district core program will meet the requirement, but also give districts a list of those that have already been evaluated and successfully meet the requirements. If districts choose from the list, the burden of proof is lifted.

The rationale and implications here are:

- Illinois does not have “adopted textbook lists”, nor is ISBE advocating such a list.
- However, if each district must go through the rigorous process to determine whether a core program meets the requirement, some may not have the capacity or resources to do so.
- If the core program that was chosen by the district is on the list, one lengthy step is eliminated.

Staff also acknowledges the need to balance the prescriptive nature of the law with the current assessment structures in place in Illinois. The requirement is that instructional reading assessments must provide rigorous screening, diagnostic, and classroom-based instructional reading assessment with proven validity and reliability to measure progress in the essential components of reading instruction and identify students who may be at risk for reading failure or are already experiencing reading difficulty. As part of this process, ISBE is having the Illinois Snapshot of Early Literacy reviewed by an assessment expert from the federal Reading First assessment team.

Establishing competitive priorities for eligible districts is another need in this grant. Illinois has more than 60% of its districts which meet the 15% or higher low income – 1800 schools with grades K-3 in over 500 districts. The application will state the prioritization of funding for those districts with high poor reading performance, acknowledging that some will be more ready than others to participate in an immediate funding competition, due in part to Reading Excellence Act preparation and knowledge of the Reading First criteria. Staff is proceeding with those school districts that meet the minimum poverty criteria and are at the
lowest reading levels (e.g., the “high” numbers referenced below). That would mean about 39 school districts with about 330 eligible schools (and then likely funding about 175 schools within those districts).

There is a need for building statewide commitment and capacity within the framework of Illinois system of professional development and technical support. Given the need for immediate action and likelihood of positive results from existing structures, staff along with the Reading First team is looking at use of ROEs/ISCs pursuant to a specific RFP which would outline expectations and capacity issues for regional service delivery. ROE/ISCs are the entities that are in place to develop TA and professional development to the schools. ROE/ISCs do not all have capacity to deliver TA or quality professional development in SBRR.

Timing with the Reading First grants locally is also a crucial issue. The process to roll these funds out to the eligible districts has already begun in terms of planning and information. At upcoming May regional meetings with the 65 high priority districts, those districts which are also Reading First-eligible will have additional information sessions on this issue.

**Budget Implications:** Alignment is the key issue. Working with a broad team of individuals within and outside of this agency, including an Illinois Reading and Literacy Partnership Council, there needs to be coordination of all funds for reading -- Reading Improvement Block Grants, other federal funds, Early Reading First as applicable, and Reading Excellence Act funds in the final year.

**Legislative Action:** None at this time.

**Communications Implications:** One of the web casts already available on NCLB is Early Reading First. More will be communicated later as well.

**Part III. English Language Learning**

**Policy Analysis and Implications:**

**English Language Learning**

There are three areas of significant impact with NCLB and this arena:

- **Parental notification.** NCLB requires that families of student with limited English proficiency receive notice of a select number of items. State law already requires some notification. The federal law adds an additional set of items. State law is being modified at this time (Board discussion in February 2002) in order to add these elements. In terms of operation, there is no state required form, but a sample notice is provided and in many languages. A new sample notice has been created which adds these elements. Once approved internally, it will be available in 25 languages for use locally statewide.

- **Teacher Quality.** There are staff providing services to children who are English language learners who are Transitional Bilingual Certificate holders (Type 29 certificates). The issue of whether persons with this certification meet the definition of highly qualified teachers has yet to be resolved. It was discussed with the Advisory Council on Bilingual Education at its meeting on May 9, 2002.

- **English proficiency.** NCLB requires that all students be assessed for language proficiency, and that there be an annual state target. This issue will be linked to the performance goals, indicators and targets. Local districts have assessed for language proficiency in the past so that task will not be new. This issue is under discussion with the IMAGE Advisory Council and the Advisory Council on Bilingual Education at this time, including at the latter council's May 9, 2002 meeting. More information will be forthcoming.

**Budget Implications:** None at this time.
Legislative Action: None at this time.

Communications Implications: Agency staff has worked on the notification item above.

**Part IV. Information Items**

**Policy Analysis and Implications:**

Several parts of the consolidated application are not dramatically different than what was proposed in 1996, as those sections of ESEA have not changed significantly -- Even Start, serving migrant students, serving youth who are neglected and delinquent, homeless student services (which will be submitted in a separate concurrent application as required), and Title V (was Title VI) on innovative programs. Title I Comprehensive School Reform grants were previously awarded to Illinois as a competitive grant and are now an entitlement grant to the state.

There are three other areas that are new to Illinois: 21st Century Community Learning Centers, Rural Education, and Community Service Grants.

**21st Century Community Learning Centers**

The 21st CCLC program is to create community learning centers that provide students (and families) with academic enrichment opportunities as well as additional activities designed to complement their regular academic program. These centers must provide a range of high-quality services to support student learning and development, including tutoring and mentoring, homework help, academic enrichment (such as hands-on science or technology programs), community service opportunities, as well as music, arts, sports and cultural activities. At the same time, centers help working parents by providing a safe environment for students when school is not in session.

The law's specific purposes are to:

- provide opportunities for academic enrichment, including providing tutorial services to help students, particularly students who attend low-performing schools, to meet State and local student performance standards in core academic subjects;
- offer students a broad array of additional services, programs, and activities that are designed to reinforce and complement their regular academic program; and
- offer families of these students’ opportunities for literacy and related education.

Further, the law allows, in addition to local educational agencies (LEAs), that community-based organizations (CBOs), including faith-based organizations and other public or private organizations, may directly receive funds under this program. Staff is proceeding with an application for the field. Projects would commence January 1, 2003 with a six month budget, including one-time start up costs. The applications would be from January 2003 through June 2004. ISBE will fund grants for a five year period of time, with an annual renewal based on fund availability and performance. Grants will be at least the $50,000 annual level as required by NCLB. Federal funds would be awarded in a declining fashion over time, so that in Years 3, 4 and 5 it would be necessary for local funds to be contributed and plans outlined for the project to be sustained after year 5. The guidelines for the application will stipulate operation of after school services for at least 3 hours per day, 4 days per week and not “Saturday only” or “summer only” programs. Staff would conduct regional competitions in six regional areas plus Chicago, as allowed by law. There will be close alignment with the schools in the System of Support.

**Budget Implications:** Use of federal funds only, but with alignment with state funds (e.g., Summer Bridges) as applicable.
Legislative Action: None at this time.

Communication Issue: None at this time.

Community Service Grants
The law says that USDE may make grants to States to carry out programs under which students expelled or suspended from school are required to perform community service. Illinois would receive funds according to school age population. There are no other parameters delineated in the law.

It is proposed that “community service” be interpreted by Illinois to mean “service learning” in order to maintain an appropriate connection between this grant and the institutional mission of both ISBE and the LEAs. Service learning is understood as a teaching method by which a structured and measurable connection is made between community service performed by students and the curricula they have in school. Such curricula are normally understood to mean academic material but may also refer to personal and developmental traits (normally delineated in an individual plan for each student’s education) that require improvement as a prelude to academic success.

The announced FY2002 Illinois allocation for this program is $2,087,683. Given that service learning is an established program in Illinois, this grant may be folded in with existing staff efforts. By way of comparison, the current Learn and Serve federal program grant is $887,237.

Budget Implications: Use of federal funds only, but with alignment with state funds as applicable.

Legislative Action: None at this time.

Communication Issue: None at this time.

Rural Education
As requested by USDE, ISBE has supplied data as of April 1st regarding the Rural Education Achievement Program and the Rural and Low-Income School Program.

Some of the LEAs are eligible for the Small, Rural Program based on ISBE’s definition of “rural.” These LEAs are designated “rural” based on the following definition: “Any school district, whether inside or outside a metropolitan area, with 50% or more of its residents classified as rural according to the 1990 Federal census is classified as a rural school district.” This agency concurs with these LEAs that the LEAs are located in an area defined as rural by a governmental agency of the State, specifically the Illinois State Board of Education.

In terms of the data, about 275 LEAs are eligible for the Small, Rural Schools Program directly available through the U. S. Department of Education; 48 districts are eligible for the Rural and Low-Income Program through ISBE.

The U. S. Department of Education has projected that $1,376,969 will be available for the Rural and Low-Income Program administered through ISBE. This projection is very preliminary as the grant award will be based on the average daily attendance of all eligible schools in the nation. Average daily attendance data was submitted by states on April 1st. At least 95% of the grant must be distributed to the 48 eligible districts for teacher recruitment and retention, teacher professional development, educational technology, parental
involvement activities, or for activities authorized under the Safe and Drug-Free Schools Program, Part A of Title I, or Title III.

Staff is proceeding with the application, using the methodology of a simplified application process rather than competitive funding.

**Budget Implications:** Use of federal funds only.

**Legislative Action:** None at this time.

**Communication Issue:** None at this time.