Purpose of Agenda Item

To present the proposed amendments as an item for future action and secure the Board’s authorization to distribute them for public comment.

Expected Outcome of Agenda Item

A motion authorizing the staff to publish the proposed amendments in the Illinois Register to elicit public comment.

Background Information

These amendments have three purposes. They include a number of wording changes recently identified as necessary by the U.S. Department of Education’s Office of Special Education Programs (OSEP), and they include revisions to the rule on parental consent (Section 226.540) that respond to recent litigation.

In addition, the amendments to Section 226.800 explain how the current system of issuing State approval for individuals to serve as directors of special education will be closed out in favor of a standards-based endorsement. These changes are necessary to complement the amendments to Part 29 that are also presented in this packet and recommended by the State Teacher Certification Board.

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

Policy Implications: Please see above. Establishment of the new administrative credential is a further step in establishing the standards-based system of credentials for
Illinois educators and approval of preparation programs within institutions of higher education. The amendments requested by OSEP incorporate no substantive changes and merely serve to emphasize certain requirements that are already present in the rules. The change in the rule regarding parents’ revocation of consent is needed in order to conform the rule to the federal regulations implementing the Individuals with Disabilities Education Act.

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 following motion:

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

- Special Education (23 Illinois Administrative Code 226),

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 Bulletin and the agency website will also be used to inform interested parties of the opportunity to comment on this rulemaking.