TO: Illinois State Board of Education

FROM: Robert E. Schiller, Superintendent
       Christopher Koch, Director
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Agenda Topic: Action Item: Rules for Adoption - 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

The amendments contained in this set of rules arise from three recent pieces of legislation, as well as from the staff's experience with approving the providers of continuing professional development for purposes of the renewal of teaching certificates.

New Section 25.444 implements the Illinois Teaching Excellence Program as amended last year by P.A. 92-796 (HB 1436). Under Section 21-27 of the School Code, teachers who have attained certification by the National Board for Professional Teaching Standards (NBPTS) are eligible for an annual $3,000 stipend and can become eligible for an additional incentive payment of either $1,000 or $3,000 for each year during which they provide certain services to other teachers. Section 25.444 identifies the individuals who are eligible for these payments and distinguishes among the activities that qualify for the two levels of incentive payments.

Under the statute, the higher amount is available only when mentoring is provided to teachers who work in schools that either have been placed on the Academic Early Warning List or have at least 50 percent of their students receiving free or reduced-price lunches. The draft rule will permit NBPTS-certified individuals to conduct either individual or group mentoring for teachers in such schools, provided that:
• the mentoring must occur as part of a formal program or under a written agreement;
• mentors must meet face to face with those whom they are serving; and
• the mentoring must focus on specified aspects of teaching practice and relate them to specified academic needs of the recipient teachers’ students.

The requirements for the $1,000 incentive payment allow eligible teachers to provide professional development to other teachers regardless of the characteristics of their schools, including professional development related to achieving certification by NBPTS.

The revisions found in Subpart J (Sections 25.800 through 25.875) of the rules reflect several changes in the certificate renewal requirements enacted as part of P.A. 92-796. These are highlighted below in the order of their appearance in the body of the rules.

- Receipt of advanced degree may now be used to account for 100% of the requirement (see Section 25.805).
- LPDCs are not required to maintain all the material submitted by teachers as evidence of completion for their activities (see Section 25.835).
- There is a new maximum of 200 on the number of plans for which each LPDC outside the Chicago Public Schools will be responsible, with a maximum of 50 additional plans for each member added to an LPDC if that option is chosen (see Section 25.845).
- Preparation of a portfolio of students’ and the teacher’s work has been added as an activity for which continuing professional development units (CPDUs) may be claimed (see Section 25.875(t)). The requirements for portfolio development are based closely on those aspects of the NBPTS requirements that were feasible to incorporate given this context.

Changes have also been made in Subpart J regarding requirements for speech-language pathologists, reflecting legislative changes enacted in 2001 via P.A. 92-510.

- Under Section 25.800(d), speech-language pathologists who are licensed by the Illinois Department of Professional Regulation are deemed to satisfy the requirements for renewal of their teaching certificates based on the professional development they complete for that license.
- Under Section 25.832, speech-language pathologists who have received their Certificates of Clinical Competence from the American Speech-Language Hearing Association are permitted to renew their standard teaching certificates on a ten-year cycle, rather than the five-year cycle otherwise required of those holding standard certificates.

Finally, a new Section 25.872 has been added to deal specifically with providers of continuing professional development activities that are electronically mediated. The requirements stated in this Section are largely parallel to those already stated for other providers, but this rule also sets up requirements for these entities to provide appropriate assistance and indicate how they will verify individuals’ participation. It also
makes allowance for teachers to receive credit when providers are not approved, in view of the fact that the existing rules’ distinction between Illinois providers and out-of-state providers is not feasible to apply to providers of this type. (Addition of this rule also requires exceptions to be inserted into existing Sections 25.855, 25.860, 25.865, and 25.870, which are otherwise not being amended.)

The revisions to Section 25.728 reflect changes made last year by P.A. 92-734 regarding institutions’ use of test results. Beginning with the 2002-2003 academic year, passage of the test of basic skills is required prior to entry into a teacher education program. Beginning with the 2004-2005 academic year, each candidate must pass the applicable test(s) of subject matter knowledge before being permitted to engage in student teaching.

The proposed amendments contain additional items of technical updating as well.

These rules were presented for the Board’s initial review in October of 2002 and were subsequently published in the Illinois Register to elicit public comment. Three items were received, all of which addressed aspects of the Illinois Teaching Excellence Program. The issues raised are discussed in the Summary and Analysis of Public Comment below.

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

Policy Implications: Please see above.

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 adopts the proposed rulemaking, including the changes recommended in response to public comment, for:

Certification (23 Illinois Administrative Code 25).

Further, the Board authorizes the State Superintendent of Education to make such technical or 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 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)

Comment
With reference to the Illinois Teaching Excellence Program, it was suggested that Section 25.444 be reworded in several places to indicate that teachers would only be eligible for the stipends or incentive payments if they were actively working.

Analysis
The language of the proposed rule refers to employment for no less than half a school year, by a school district, in a position that requires a teaching certificate. We agree that this phrasing leaves open the status of individuals on extended leaves of absence, for example, who are technically employed but not working. We believe the statutory intent was to require active service, and this should be stated more clearly.

Recommendation
Section 25.444(a)(2) should be revised as shown below:

2) he or she is employed works for no less than the equivalent of half the school year, as verified by the employer at or near the conclusion of the school year using a form specified by the State Board of Education; and

The same change should be made in the language of subsections (b)(2) and (d)(2) of Section 25.444.

Comment
It was pointed out that subsections (a)(3), (b)(3), and (d)(3) provide latitude not conveyed in the statute, which requires that an individual be employed “as a teacher” in order to be eligible to participate in this program. It was suggested that the language in these provisions be deleted.

Analysis
Our initial consideration in drafting this language was to use the Teaching Excellence Program to the greatest extent possible as an incentive for master teachers to remain in positions where their knowledge and skills would have an impact on the learning of students and the teaching of other educators. We were attempting to accommodate the fact that there are several types of positions, such as the Educator in Residence, from which master teachers could have such a beneficial effect without teaching directly.
However, the perspective offered by individuals who were directly involved in the recent legislative changes is persuasive, and we agree that the rule should be revised to limit eligibility to individuals actually teaching.

In addition to eliminating these subsections, we believe it would be useful to revise subsections (a)(1), (b)(1), and (d)(1) with the same goal in mind. Those provisions refer to positions that require a teaching certificate, and it has been pointed out that this applies to administrators as well as teachers. Some further clarification is probably needed so that the rule will not be open to interpretation.

**Recommendation**
Sections 25.444(a)(1), (b)(1), and (d)(1) should be revised to state, “he or she is employed by a school district in a position that requires whose functions are specifically authorized by a teaching certificate and include the provision of instruction to students; and”

Sections 25.444(a)(3), (b)(3), and (d)(3) should be deleted. (Subsection (b)(4) will become (b)(3); subsection (d)(4) will become (d)(3).)

**Comment**
We were requested to reconsider the requirement that teachers be employed by school districts in order to qualify under this program. It was noted that several other public educational entities are omitted by this language without any real distinction between the teachers in them and teachers employed by districts. Reference was made to teachers in cooperatives of various kinds, charter schools, and facilities operated by the Department of Corrections. Teachers serving in public university laboratory schools would also be affected. We were asked to take into account the value of the work performed by teachers in such settings and revise the rule to include them.

**Analysis**
We believe that the intent of the statute was to distinguish between public and nonpublic school teachers rather than between teachers in districts and teachers in all other public settings. We agree that the proposed rule should be changed to reflect this interpretation of the statute.

**Recommendation**
Subsections (a)(1), (b)(1), and (d)(1) of Section 25.444 should be further revised to state that the teacher is required to be “employed by a school district or other public entity providing elementary or secondary education”. 