TO:
Illinois State Board of Education

FROM:
Robert E. Schiller, Superintendent
Respicio Vazquez, General Counsel
Lee Patton, Interim Director

Agenda Topic:
Action Item: Emergency Rules for Adoption and Companion Amendments for Initial Review– Part 25 (Certification)

Materials:
Recommended Amendments

Staff Contact(s):
Lee Patton

Purpose of Agenda Item
To present the emergency amendments for adoption and similar regular amendments for initial review.

Expected Outcomes of Agenda Item
The Board’s adoption of the emergency amendments to Part 25 and authorization for publication of similar proposed amendments in the Illinois Register to elicit public comment.

Background Information
As the implementation date of the new requirements for the standard certificate nears, agency staff members have been receiving many inquiries not only about those requirements but also regarding a variety of related situations. It has become clear that current rules identifying which individuals qualify for which certificates, most particularly when the certificates sought are not their respective first certificates, are not readily understandable and that there are omissions that should be corrected. Some of these provisions were written when the two-tiered certification system was originally enacted, without the opportunity to consider all information that would be needed by teachers in differing situations.

By itself, the need for clarification of these aspects would probably not justify emergency rulemaking. However, the currently stated ending dates (June 30 and September 30, 2003) for applying specific provisions within Sections 25.20, 25.30, 25.35, 25.40, and 25.80 leave candidates for “subsequent” certificates (i.e., certificates that are not an
individual’s first certificate) without a clear inventory of the requirements they must meet. Recent conversations with representatives of teacher preparation institutions have emphasized the difficulty teachers and candidates are experiencing as they decide which courses to enroll in for the near future. We should bear in mind the expense and the investment of time and energy they are incurring. There is also currently an added level of concern due to the implications of the federal No Child Left Behind Act (NCLB), in that each individual needs to be assured that completion of state requirements will also fulfill the requirements for being considered “highly qualified”.

Further, Sections 25.30 and 25.40 as currently in effect provide that a major field of specialization is required through June 30, 2003. Eliminating the requirement for a major is contradictory to one of NCLB’s parameters for highly qualified teachers.

For the past several months, the uncertainty regarding the potential transfer of certification-related functions to a new independent standards board has made it difficult to decide what the agency’s course of action should be. We considered it problematic to begin rulemaking activity that might not be completed by the time a transfer occurred, and we were concerned with any appearance of attempting to preempt the decision-making of a new agency. Now that it has become clear that ISBE will retain these functions at least for some additional period of time, we believe it is incumbent upon us to establish clear requirements for the benefit of teachers, institutions, regional superintendents, and school districts. Emergency rulemaking will be required to accomplish the most urgent of these tasks before existing provisions “sunset”.

Although we believe that additional revisions to some of these rules would be very useful in clarifying current practice with respect to various groups of individuals, changes of this nature can not be included in emergency rulemaking. However, they can be incorporated into the regular amendments the agency will need to put in place to replace the emergency amendments when they expire. For this reason we recommend that a somewhat different version of Sections 25.20, 25.30, 25.40, and 25.80 be proposed and that the proposed amendments also include minor revisions to Section 25.11 corresponding to aspects of the other material.

A chief example of such changes would be the re-insertion of the language describing professional development coursework that was deleted from Sections 25.20 and 25.30 approximately three years ago. This added text would not represent a substantive change but would have the benefit of stating all requirements in one location. At the same time we can update the requirement for coursework related to children with special needs by inserting statutory language that was changed several years ago. Other examples can be found in Section 25.11(b) and (e) and in the rewording of provisions in Sections 25.40 and 25.80 for the sake of consistency with the same provisions in the other Sections.

In addition, a new Section 25.92 should be added as an emergency rule to resolve a problem which exists for some school districts that actively recruit foreign teachers to serve temporarily in Illinois. Such recruitment is ongoing but is now affected by the
question of whether teachers coming from abroad can be considered highly qualified. The new language included in this packet would permit districts to verify the comparability of individuals’ qualifications to Illinois requirements, without the uncertainty that arises when candidates are subject to certification testing but cannot complete it until they arrive in Illinois. The U.S. Secretary of Education has specifically asked states to create a “separate category of full certification” and to “adapt state requirements to fit the circumstances applicable to foreign teachers.”

These amendments were discussed with the State Teacher Certification Board at its June meeting, and the Certification Board has recommended them to the State Board of Education for consideration.

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

Policy Implications: The goals of these amendments are to ensure that some of NCLB’s requirements regarding highly qualified teachers are reflected and to make more explicit the connections between provisions in several places within Part 25, rather than to put in place significant changes in agency policy.

Budget Implications: None.

Legislative Action: None needed.

Communication: Please see “Next Steps” below.

**Superintendent’s Recommendation**

Adopt the following motion:

> The State Board of Education hereby adopts the emergency rulemaking for:

> Certification (23 Illinois Administrative Code 25).

> Further, the Board authorizes the solicitation of public comment on the accompanying proposed amendments, including their publication in the Illinois Register.

**Next Steps**

The adopted emergency rules will be filed with the Administrative Code Division to become effective immediately. At the same time, staff will submit the proposed amendments for publication in the Illinois Register so that the rules can continue in effect after the emergency rulemaking expires in 150 days. Additional means such as the agency website and the Superintendent’s periodic communications will be used to
inform interested parties of the effectiveness of the emergency rules and the opportunity to comment on the proposed ones.