SCHEDULE AND AGENDA OF MEETINGS

February 16-17, 2005

WEDNESDAY, February 16, 2005

Public Conference Call Access Number for Wednesday meetings:
1-866-297-6391 (listen only); Confirmation # 1 0 6 7 9 8 4 8

10:30 a.m.  Education Policy Planning Committee
            4th Floor Conference Room

Noon        Governor's Budget Address
            Board members may be in attendance in the House Gallery

2:30 p.m.   Ad Hoc Strategic Plan Development Committee of the Whole
            Board Room, 4th Floor

4:30 p.m.   Governmental Relations Committee
            4th Floor Conference Room

5:15 p.m.   Finance & Audit Committee
            4th Floor Conference Room

6:15 p.m.   Ad Hoc Rules Committee of the Whole
            4th Floor Conference Room

THURSDAY, February 17, 2005

Public Conference Call Access Number for Thursday meetings:
1-866-297-6391 (listen only); Confirmation # 1 0 6 7 9 8 5 0

8:00 a.m.   Board Operations Committee
            4th Floor Conference Room

9:30 a.m.   ISBE Plenary Session
            Board Room, 4th Floor

Closed Session/Lunch
            4th Floor Conference Room

Note: Chairman Ruiz will call for a break in the Board meeting on Thursday at which time the Board will go into Closed Session over lunch.

All State Board of Education meetings listed on this agenda will be accessible to persons with disabilities. Persons planning to attend who need special accommodations should contact the Board office no later than the date prior to the meeting. Contact the Superintendent's office at the State Board of Education, 100 North First Street, Springfield, Illinois 62777-0001. Phone: 217-782-2221 / TTY/TDD: 217-782-1900 / Fax: 217-785-3972
EDUCATION POLICY PLANNING COMMITTEE
4th Floor Conference Room

Public Conference Call Access Number:
1-866-297-6391 (listen only); Confirmation # 1 0 6 7 9 8 4 8

Wednesday, February 16, 2005
10:30 a.m.

AGENDA
1. Public Participation
2. Explanation of AYP/IEP Non-Appealable "Hearings"
3. Update on Supplemental Educational Service and the USDOE
4. Additional Items

AD HOC STRATEGIC PLAN DEVELOPMENT COMMITTEE OF THE WHOLE

Board Room, 4th Floor

Public Conference Call Access Number:
1-866-297-6391 (listen only); Confirmation # 1 0 6 7 9 8 4 8

Wednesday, February 16, 2005
2:30 p.m.

AGENDA
1. Public Participation
2. Strategic Plan Discussion
3. Additional Issues

GOVERNMENTAL RELATIONS COMMITTEE

4th Floor Conference Room

Public Conference Call Access Number:
1-866-297-6391 (listen only); Confirmation # 1 0 6 7 9 8 4 8

Wednesday, February 16, 2005
4:30 p.m.

AGENDA
1. Public Participation
2. Pending/New Legislation
3. Update on Agency/Board Legislative Proposals
4. Action items
   a. Roles of Legislative Committee Members
   b. Principles for Federal Legislative Proposals
   c. Legislative Principles
5. Additional issues
FINANCE & AUDIT COMMITTEE

4th Floor Conference Room

Public Conference Call Access Number:
1-866-297-6391 (listen only); Confirmation # 1 0 6 7 9 8 4 8

Wednesday, February 16, 2005
5:15 p.m.

AGENDA

1. Public Participation
2. FY 06 Budget
3. Governor’s Budget Message
4. March discussion on Financial Oversight Modifications
5. Additional Issues

AD HOC RULES COMMITTEE OF THE WHOLE

4th Floor Conference Room

Public Conference Call Access Number:
1-866-297-6391 (listen only); Confirmation # 1 0 6 7 9 8 4 8

Wednesday, February 16, 2005
6:15 p.m.

AGENDA

1. Public Participation
2. Discussion of Repeal of Inactive Rules (pp. 17-18)
   a. Part 30, Staff Development Plans and Programs (pp. 19-22)
   b. Part 56, Insurance for Certificated Employees (pp. 23-32)
   c. Part 160, Professional Development Block Grant (pp. 33-35)
   d. Part 220, Scientific Literacy (pp. 36-42)
   e. Part 225, Alcohol and Drug Education Initiative (pp. 43-51)
   f. Part 230, Summer School for Remedial Education (pp. 52-55)
   g. Part 240, Alternative Learning Opportunities Program (Subpart B only) (pp. 56-64)
   h. Part 245, Urban Education Partnership Program (pp. 65-74)
   i. Part 250, Comprehensive Arts Program (pp. 75-78)
   j. Part 360, Mathematics and Science Loan Program (pp. 79-83)
   k. Part 575, School Technology Program (Subpart A only) (pp. 84-89)
3. Discussion of Rules for Adoption
   a. Proposed Amendments to Part 375 (Student Records) (pp. 90-95)
   b. Proposed Amendments to Part 5001 (Access to Information of the State Board of Education under the Freedom of Information Act (pp. 96-103)
4. Discussion of Rules for Initial Review
   a. Part 25 (Certification) (pp. 104-144)
   b. Part 51 (Dismissal of Tenured Teachers) (pp. 145-158)
   c. Part 52, Repeal (Dismissal of Tenured Teachers and Civil Service Employees Under Article 34) (pp. 159-171)
   d. Part 145 (Temporary Relocation Expenses) (pp. 172-176)
   e. Part 155 (Electronic Transfer of Funds) (pp. 177-186)
   f. Part 350 (Secular Textbook Loan) (pp. 187-191)
   g. Part 475 (Contested Cases and Other Formal Hearings) (pp. 192-214)
   h. Part 480, Repeal (Hearings Before the State Teacher Certification Board) (pp. 215-223)
5. Additional Issues

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BOARD OPERATIONS COMMITTEE

4th Floor Conference Room

Public Conference Call Access Number:
1-866-297-6391 (listen only); Confirmation # 1 0 6 7 9 8 5 0

Thursday, February 17, 2005
8:00 a.m.

AGENDA

1. Public Participation
2. Board Agenda
   a. Discussion
   b. Board minutes
3. Resolutions & Recognition
   a. Format & structure
   b. Gathering information
   c. March: Winner of Arts Education Week Poster Contest
   d. April: 2005 Teacher of the Year
4. Annual Work Conference Planning
   a. NASBE involvement
   b. Month/date/location to be determined
      i. August 19-21, 2005
      ii. Other
5. Board Bylaws
   a. Discussion
6. Governor’s Education Accountability Task Force
   a. Board involvement
7. Additional Issues
ILLINOIS STATE BOARD OF EDUCATION
Board Room, 4th Floor
100 North First Street, Springfield, Illinois

Thursday, February 17, 2005
9:30 a.m.

Public Conference Call Access Number:
1-866-297-6391 (listen only); Confirmation # 1 0 6 7 9 8 5 0

NOTE: The Plenary Session will be audio broadcast via the Internet

Plenary Business Meeting

A. Roll Call/Pledge of Allegiance

B. Public Participation

C. Approval of Minutes:
   1. January 13, 2005 (pp. 7-14)
   2. February 8, 2005 (pp. 15-16)

D. Announcements and Reports
   1. Superintendent's Announcements
   2. Chairman's Report
   3. Committee Reports
   4. Members' Reports

E. Superintendent's Report
   *Consent Agenda

   All action consideration items listed with an asterisk (*) are considered to be routine and will be enacted in one motion and vote. Any board member who wishes separate discussion on any item listed on the consent agenda may remove that item from the consent agenda, in which event, the item will be considered in its normal sequence.

   Action Considerations

   *1. Repeal (pp. 17-18)
      a. Part 30, Staff Development Plans and Programs (pp. 19-22)
      b. Part 56, Insurance for Certificated Employees (pp. 23-32)
      c. Part 160, Professional Development Block Grant (pp. 33-35)
      d. Part 220, Scientific Literacy (pp. 36-42)
      e. Part 225, Alcohol and Drug Education Initiative (pp. 43-51)
      f. Part 230, Summer School for Remedial Education (pp. 52-55)
      g. Part 240, Alternative Learning Opportunities Program (Subpart B only) (pp. 56-64)
      h. Part 245, Urban Education Partnership Program (pp. 65-74)
      i. Part 250, Comprehensive Arts Program (pp. 75-78)
      j. Part 360, Mathematics and Science Loan Program (pp. 79-83)
      k. Part 575, School Technology Program (Subpart A only) (pp. 84-89)
*2. Rules for Adoption

a. Proposed Amendments to Part 375 (Student Records) *(pp. 90-95)*
b. Proposed Amendments to Part 5001 (Access to Information of the State Board of Education under the Freedom of Information) *(pp. 96-103)*

*3. Rules for Initial Review

a. Part 25 (Certification) *(pp. 104-144)*
b. Part 51 (Dismissal of Tenured Teachers) *(pp. 145-158)*
c. Part 52, Repeal (Dismissal of Tenured Teachers and Civil Service Employees Under Article 34) *(pp. 159-171)*
d. Part 145 (Temporary Relocation Expenses) *(pp. 172-176)*
e. Part 155 (Electronic Transfer of Funds) *(pp. 177-186)*
f. Part 350 (Secular Textbook Loan) *(pp. 187-191)*
g. Part 475 (Contested Cases and Other Formal Hearings) *(pp. 192-214)*
h. Part 480, Repeal (Hearings Before the State Teacher Certification Board) *(pp. 215-223)*

*4. Recommendations from the State Teacher Certification Board

a. Recommended Approval of Institutional Accreditation Programs *(pp. 224-228)*
   i. Eureka College
   ii. Olivet Nazarene University
   iii. National-Louis University Institutional Accreditation
   iv. National-Louis University Program Approvals
b. Recommended New Program Approvals *(pp. 229-233)*
   i. Illinois State University - Director of Special Education
   ii. SIU-E - LBS II Curriculum Adaptation Specialist
   iii. SIU-E - Reading Specialist
   iv. U of I-Chicago - Early Childhood Special Education
   v. Western Illinois University - Reading Specialist

5. Access to Pre-school by Undocumented Immigrants: Proposed Amendments to Part 1 (Public Schools Evaluation, Recognition and Supervision), and Amendment of ISBE Grant Agreements *(pp. 234-240)*

6. Adoption of the FY 06 State Board of Education Budget *(p. 241)*

7. Update the Approved List of Supplemental Educational Service Providers *(pp. 242-246)*


9. Release of Closed Session Minutes *(as needed)*

**Items for Discussion and/or Information**

2. SBE Fiscal & Administrative Monthly Reports *(pp. 255-266)*

F. Adjourn
<table>
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<tr>
<th>CALL MEETING TO ORDER/ROLL CALL</th>
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<td>Mr. Jesse Ruiz, Chairman, called the meeting to order at 9:40 a.m. Chairman Ruiz asked Ms. Jean Ladage, Assistant to the Board, to call the roll. A quorum was present. Dr. Randy Dunn, Interim State Superintendent of Education, was also in attendance. Chairman Ruiz announced that the Board meeting was being webcast live over the Internet. The Chairman asked all Board meeting speaking participants to talk loud enough so that the internet listeners could hear their remarks.</td>
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**Members Present:**
- Mr. Jesse Ruiz, Chairman
- Dr. Christopher Ward, Vice Chairman
- Dr. Vinni Hall, Board Secretary
- Dr. Andrea Brown
- Mr. Dean Clark
- Dr. David Fields
- Ms. Brenda Holmes
- Ms. Joyce Karon
- Mr. Edward Geppert, Jr.

**Members Absent:**
None

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<th>PUBLIC PARTICIPATION</th>
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<td><strong>Mr. Bill Schreck and Mr. Jay Runner,</strong> representing the Illinois Committee for Agricultural Education (ICAE) spoke to the Board regarding agricultural education. Mr. Schreck and Mr. Runner were concerned about the adequate funding of the agricultural education line item in the State Board's budget. They also informed the Board that the money received had been very instrumental in the success of the agricultural education programs implemented in Illinois. They asked the Board to continue supporting the agricultural education line item funding in the budget.</td>
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**Mr. Don Smoot, of Three Rivers EFE System, spoke to the Board with his son Seth Smoot** regarding the importance and success of career and technical education (CTE). They asked the Board for its continued support for funding and staffing for career and technical education. Board members asked questions regarding NCLB and CTE.

**Ms. Phyllis Pickett,** representing the Illinois Association for Health, Physical Education, Recreation, and Dance (IAHPERD), spoke to the Board regarding her concerns about physical education waivers. She believes that healthy, active children are better learners. Board members commented regarding district prioritization of physical education, NCLB, funding, and tracking of information data.

Mr. Dean Clark asked Chairman Ruiz about the ISBE Condition of Education Report. Superintendent Dunn said that he would address this issue during his Superintendent's Report.

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<th>APPROVAL OF MINUTES: December 16 &amp; 23, 2004</th>
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<td>Mr. Ed Geppert moved that the State Board of Education approve the minutes for the meeting on December 16, 2004, and for the Special Board meeting on December 23, 2004. Joyce Karon seconded the motion and it passed with a unanimous voice vote.</td>
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The Superintendent answered Mr. Dean Clark’s question about the ISBE Condition of Education Report by informing the Board that the State Board has a statutory requirement to file this report with the Governor and the General Assembly. He noted that the report would be filed on January 14, and it will include the required data reporting requirements. He also explained that ISBE understands that this report is not statutorily tied to a budget process and he told the Board that the report would be e-mailed to them on Friday, January 14, and also overnight mailed.

Superintendent Dunn commented regarding his gratification of the 93rd General Assembly’s approval of the supplemental school consolidation funding. He noted that as soon as the Governor signs the bill, and the comptroller signs off on it, the checks will be sent out to the districts. Dr. Dunn said that this success was made possible by the ISBE cost-savings proposal that he outlined for the Board a couple of months ago.

He informed the Board that work is being done to prepare a report for them regarding matriculation data on students leaving Illinois high schools, and possibly tying this data to the ACT. He said that this information would also be provided to the Joint Education Committee members. This report will be prepared by working closely with the Illinois Education Research Consortium (IERC) as part of its JEC responsibility.

He reiterated to the Board members that ISBE Certification Division employees had completely eliminated the Chicago teacher certification backlog, and were working hard to do so for the rest of the state. He commented to the Board members about the dedication and hard work of the Certification Division staff. He noted that the backlog has been reduced by 87% in just fewer than four months. Dr. Dunn said that the backlog would be completely eliminated by the end of January.

Superintendent Dunn commented and discussed the rules streamlining initiative. He reported that 11 rule parts have already been identified for elimination. He noted that these rule parts represent almost 20% of ISBE rules that either relate to unfunded programs or are otherwise unnecessary, and in total, they represent over 300 pages that have been identified for elimination.

Superintendent Dunn noted that he continues the “less red tape” tours around the state and on January 14, he would be at Olympia School District to solicit input from educators and community members. He noted that there is also continued use of the less red tape e-mail to gather input.

Dr. Dunn updated the Board regarding the State Board’s work with the PTA to redesign the School Report Card to add a “snapshot” that parents can easily understand. He told the Board that the ISBE website will have a survey that parents can fill out to inform ISBE what information they would like to see included on the “snapshots.” Superintendent Dunn said that the PTA is sending out paper copies of the survey questionnaire to all of its local affiliates, and he publicly thanked them for their support.
work more effectively.

He also mentioned that Dr. Brown, Ms. Karon and Mr. Ed Geppert are serving on the Education Trust Grant Work Group for Improving Teacher Quality of Illinois Media Student in Schools.

Chairman Ruiz announced that he and Ms. Joyce Karon are serving as members of the Joint Education Committee and Dr. Dave Fields is the alternate member.

He said that Dr. Vinni Hall is serving as the State Board's representative on the Early Learning Council and Ms. Brenda Holmes will be representing the State Board as a Commissioner on the Education Commission of the States (ECS). He concluded his remarks by thanking the Board members for their outreach and efforts to bring valuable resources to the Board.

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<th>COMMITTEE REPORTS</th>
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<tr>
<td>Board Operations Committee</td>
<td>Dr. Ward reported that the committee is continuing to review the</td>
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<td>structures and procedures that are built around the monthly Board</td>
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<td>meetings. He noted that there had been consensus among the</td>
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<td>committee members on some changes to the process which will allow</td>
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<td>the Board to be as effective as possible.</td>
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<td>Education Policy Planning Committee</td>
<td>Dr. Fields noted that the committee reviewed the Charter Schools</td>
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<td>Annual Report with staff members Ms. Donna Luallen and Ms. Jo Ann</td>
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<td>Price. The committee deferred consideration of strategic planning</td>
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<td>until the full Board Strategic Plan discussion scheduled later in</td>
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<td>the meeting. The committee heard about an introductory draft model</td>
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<td>for the Student Advisory Council and asked the staff organizers</td>
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<td>Ms. Jennifer Saba and Ms. Linda Jamali to proceed with their</td>
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<td>planning and to continue to look for sources of funding. They</td>
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<td>also heard a presentation by staff member Dr. Chris Koch regarding</td>
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<td>the ISBE Center for Special Education. The committee asked that</td>
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<td>they have an opportunity to discuss assessment matters in more</td>
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<td>detail with agency staff during the next scheduled committee</td>
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<td>meeting. They also decided that the best time for committee</td>
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<td>meetings was in conjunction with the regularly scheduled State</td>
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<td>Board meetings each month. Dr. Fields said that the committee</td>
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<td>meetings are open to the public and he encouraged everyone</td>
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<td>interested to attend. He acknowledged and thanked the committee’s</td>
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<td>staff contact Dr. Ginger Reynolds.</td>
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<td>Finance and Audit Committee</td>
<td>Mr. Geppert reported that the Board had heard a report by staff</td>
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<td>member Ms. Deborah Scheiter regarding the FY03 Single Audit. He</td>
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<td>noted that the committee was very pleased with the report and the</td>
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<td>eight findings in it and he said the committee recommends the</td>
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<td>approval of the report to the full Board.</td>
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<td>Mr. Geppert said that the Board had heard an informative and</td>
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<td>interesting presentation from the Illinois Economic &amp; Fiscal</td>
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<td>Commission concerning the fiscal condition of the State of</td>
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<td>Illinois, especially a comparison of trends over the past several</td>
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<td>years. He also reported that the Board had heard three presentations in an open forum session concerning the spending priorities regarding the FY06 State Board budget. Mr. Geppert announced that the Board would schedule two additional meetings regarding the State Board FY06 budget on January 28 in the Mt. Vernon area and January 31 in the Chicago area. He noted that the public will be notified regarding the specific locations/times of these meetings when they have been scheduled. He concluded his remarks by commenting that the committee will be working</td>
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on the development of the spending priorities in time to submit them to the Governor for his budget presentation to the General Assembly on February 16, 2005.

**Governmental Relations Committee**

Ms. Holmes reported that the committee heard a summary discussion regarding the 93rd General Assembly and noted that they were very pleased that the General Assembly has provided supplemental appropriations in the area of school consolidation, the $3M added for Jobs for Illinois Graduates Program, and temporary relocation dollars for the Gavin School District. She also noted that Representative Susana Mendoza’s legislation regarding the school breakfast program had also been passed by the 93rd General Assembly.

Ms. Holmes commented that the 94th General Assembly Session had begun and she noted the committee has a few areas of homework to do and is looking forward to the new session.

**Members’ Reports**

Chairman Ruiz announced that he had spent Tuesday, January 11, meeting with various legislators. He commented that he had heard good feedback regarding the State Board of Education. He noted that he also met with ISBE staff members Dr. Connie Wise and Dr. Ginger Reynolds regarding the Report Card process and Mr. Dennis Williams and Ms. Linda Jamali regarding the certification process. In addition, he spent time with staff members Ms. Linda Mitchell and Mr. Dave McDermott regarding the budget process. He thanked these staff members for their efforts on behalf of the Board. The Chairman commented that he was glad that he had spent time with legislators and staff members and he is encouraged by the operations of the State Board.

Ms. Joyce Karon reported that the Joint Education Committee met on December 21 and discussed several topics which included middle school, P-16 inventory, and high school graduation requirements.

**DISCUSSION AND ACTION ITEMS:**

**Acceptance of the State of Illinois FY03 Single Audit Report**

Superintendent Dunn announced that the FY03 Single Audit Report was discussed in the Finance and Audit Committee meeting on Wednesday, January 12. Staff members Ms. Linda Mitchell presented and discussed with the Board and Superintendent a brief overview of the State of Illinois FY03 Single Audit Report. She noted that in the future the Board’s Finance and Audit Committee will hear a quarterly report on audit findings.

**Motion:**

Mr. Ed Geppert moved that the State Board of Education hereby accepts the Auditor General’s State of Illinois FY03 Single Audit Report. Mr. Dean Clark seconded the motion and it passed with unanimous voice vote.

**Approval of Cumulative Waiver Report**

Superintendent Dunn recommended approval of the Cumulative Waiver Report. He noted that the Board initially reviewed this report at the December Board meeting.

**Motion:**

Ms. Brenda Holmes moved the State Board of Education hereby authorizes the submission of the cumulative waiver report to the General Assembly by February 1, 2005, to include the following:

- an amendment to Section 24-2 of the School Code to allow the use of legally mandated school holidays honoring Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus and all veterans of foreign wars for student attendance and other uses as
described in the proposed amendment, provided appropriate
instruction is provided to students;
• an amendment to Section 18-8.05(F)(2) of the School Code to allow
districts to shorten the instructional day when the Prairie State
Achievement Examination is administered and to count those
shortened days among the 176 days of pupil attendance required by
the School Code, provided that the districts first accumulate sufficient
time beyond the five-clock-hour requirement to be attributed to the
shortened days;
• a recommendation that the General Assembly consider whether to
increase the maximum amount that districts can charge for driver’s
education; and
• a summary of the issues associated with physical education waivers
and modifications and the remedies that could be explored to reduce
the number of requests being submitted.

The motion was seconded by Dr. Chris Ward and was approved by
unanimous voice vote.

| Approval of the Charter School Annual Report | Superintendent Dunn recommended his approval of the transmittal of the Charter School Annual Report to the General Assembly and Governor. Staff members Ms. Donna Luallen and Ms. Jo Ann Price provided information in relation to Board members’ questions asked regarding school improvement status and early warning status of the charter schools, and system of support.  

**Motion:**
Dr. Dave Fields moved that the State Board of Education approves the Illinois Charter School Annual Report to the Governor and General Assembly with recommendations for legislative changes. The motion was seconded by Dr. Vinni Hall and approved by unanimous voice vote. |

| Adoption of Proposed Amendments to Part 1100 (Procurement by ISBE) | Superintendent Dunn informed the Board that there were no public comments received on the Part 1100 amendments that were published for public review in October 2004. He said that he was recommending Board approval of the proposed amendments.  

**Motion:**
Dr. Andrea Brown moved that the Illinois State Board of Education hereby adopts the proposed rulemaking for:  
• Procurement by the State Board of Education (44 Illinois Administrative Code 1100).  
Dr. Andrea Brown further moved that 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. Mr. Ed Geppert seconded the motion and it was passed by unanimous voice vote. |

| Authorization of PSAE Contract | Superintendent Dunn introduced staff members Ms. Becky McCabe and Dr. John Craig who spoke to the Board regarding the authorization of a Request for Sealed Proposals (RFSP) to continue the Prairie State Achievement Examination (PSAE) system, specifically to include a college-entrance exam and an employment-suitability assessment as part of PSAE. Currently, the |
PSAE includes the ACT Assessment® as the college-entrance exam component and the Workkeys® assessment for applied mathematics and reading and the contract with ACT to use these tests will expire on June 30, 2005.

Motion:
Dr. Chris Ward moved that the Illinois State Board of Education hereby authorizes the staff to prepare an RFSP to solicit bids from private contractors and not-for-profit firms and institutions with existing subject area tests that meet the requirements of the RFSP for use in the PSAE.

The terms of such RFSP will include, without limitation, that:

1. The initial contract period will extend from July 1, 2005, through June 30, 2010, with an option to renew it for an additional five years (through June 30, 2015), contingent upon satisfactory performance in the previous contract periods and sufficient appropriation for the contract;
2. The contract amount will not exceed $27.5 million for the initial five-year contract period; and
3. The existing tests will be made available to the State Board of Education for use in the PSAE at no charge to the students taking the examination.

Dr. Dave Fields seconded the motion and it was unanimously passed with a roll call vote.

Update the Approved List of Supplemental Educational Service (SES) Providers
Superintendent Dunn commented that two additional SES providers other than the one printed in the Board meeting materials (Attachment #2) had been added. He noted that copies of a revised Attachment #2 were on the table in the back of the Board Room. Superintendent Dunn asked the Board for their approval of the updated Approved List of Supplemental Educational Service Providers.

Motion:
Ms. Joyce Karon moved that whereas the No Child Left Behind Act of 2001 requires that the State Board of Education promote maximum participation of supplemental educational service providers and maintains an updated list of approved providers. She further moved that the providers identified on revised attachment #2 be approved for addition to the Illinois List of Approved Supplemental Educational Service Providers. Dr. Andrea Brown seconded the motion and it passed by a majority voice vote. Dr. Vinni Hall voted no.

Update on Rules Streamlining
General Counsel John Furr and staff member Ms. Sally Vogl updated the Board members regarding the rules streamlining process. They informed the Board that they had spent a number of hours with various divisions within the agency as well as external people over the last month talking about ideas regarding rules streamlining. Future and continuing discussion issues are noted below.

- Rules parts 51 and 52 consolidation discussion in February which will provide more flexibility to the City of Chicago regarding the selection of hearing officers.
- Rules parts 475 and 480 consolidation discussion in February to
<table>
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<tr>
<th>Monthly Status Report of Rulemaking and SBE Fiscal &amp; Administrative Monthly Reports</th>
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<td>Superintendent Dunn reported that these reports were for informational purposes only and he asked the Board members if they had any questions. Ms. Brenda Holmes asked for more information regarding a grant to Illinois State University listed in the Financial Status Report on page 93 of the Board meeting materials. Superintendent Dunn said he would find out the answer to her inquiry and e-mail it to the entire Board. Dr. Vinni Hall asked Superintendent Dunn regarding the Reading First Program. He commented that there have been federal concerns regarding this program and negotiations are going on with the USDE. He noted that the concerns are centered around staffing issues and to some degree program decisions that were made during the previous administration.</td>
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<th>Closed Session</th>
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<td>Dr. Vinni Hall moved that the Board enter into closed session under the exceptions set forth in the Open Meetings Act of the State of Illinois as follows: Section c 11 for the purpose of considering pending or probable litigation against or affecting the Board. She further moved that the Board may invite anyone they wish to have included in this closed session.</td>
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The motion was seconded by Dr. David Fields and it was passed with a unanimous roll call vote. The open meeting recessed at 11:15 a.m. and the Board went into closed session. The closed session recessed at 12:15 p.m.

### Reconvene

The Board meeting reconvened at 12:20 p.m.

### Strategic Plan Discussion

The State Board, pursuant to PA 93-1036, must develop and maintain a continuing 5-year comprehensive strategic plan for elementary and secondary education. Their Strategic Plan is further required to reflect 15 different topic areas as spelled out in PA 93-1036, either explicitly or cross-referenced within the plan.

The Superintendent and Board members discussed the Strategic Plan to determine priority goals areas and parameters. Dr. Dunn shared with the Board a draft document regarding his suggested potential goal areas for the Strategic Plan. They included the following goals as possibilities:

- Highlighting Exemplary Educational Practices
- Enhancing Literacy
- Improving Teacher Quality and Retention
- Expanding School Business and Support Practices
- Building School Leadership Capacity
- Supporting Career and Technical Education
- Promoting High School Reform
- Streamlining Certification
- Building Collaboration and Community Partnerships
- Promoting Positive Learning Environments
- Improving Data-Driven Decision Making Through Technology
- Enhancing Regional Service Delivery

Superintendent Dunn went on to discuss his preliminary thoughts regarding his draft goals document and noted that he had developed these by looking at broad policy areas that he thought had implication for change in Illinois.

Dr. Dunn recommended to the Board that they provide him with any changes regarding his goals document. He would then incorporate the consensus of members’ comments into a revised goals document for the Board members to rank in order of importance to them. He noted that the agency division administrators will also rank the updated goals document so that this information from the staff and Board would be available for review at the February State Board meeting.

### Adjourn

Dr. Hall moved that the meeting be adjourned. Ms. Joyce Karon seconded the motion and it passed with unanimous voice vote. The meeting adjourned at 1:25 p.m.

An audio compact disc of the meeting is available by contacting ISBE Board Services Division at 217/557-6626.

Respectfully Submitted,

Dr. Vinni Hall  
Board Secretary

Mr. Jesse Ruiz  
Chairman
**Illinois State Board of Education**  
**Special Meeting Via Videoconference and Teleconference**  
**February 8, 2005**  
**MINUTES**

**CALL MEETING TO ORDER/ROLL CALL**

Mr. Jesse Ruiz, Chairman, called the meeting to order at 9:35 a.m. Chairman Ruiz asked Jean Ladage, Assistant to the Board, to call the roll. A quorum was present. Dr. Randy Dunn, Interim State Superintendent of Education, was also in attendance via videoconference in Springfield.

**Member Present Via Videoconference in Springfield:**

- Ms. Brenda Holmes

**Members Present Via Videoconference in Chicago:**

- Mr. Jesse Ruiz, Chairman  
- Mr. Dean Clark  
- Dr. Vinni Hall, Board Secretary  
- Dr. Chris Ward, Vice Chairman

**Members Present Via Teleconference:**

- Dr. Andrea Brown  
- Dr. David Fields  
- Mr. Ed Geppert  
- Ms. Joyce Karon

**Members Absent:**

- None

**Public Participation**

There was no public participation.

**Discussion of Spending Priorities for FY06 Education Budget**

Chairman Ruiz opened the discussion by informing everyone that the meeting was being held so that the State Board members could determine their FY06 budget priorities which would be relayed to the Governor’s Office. He said that the two budget hearings held on January 28 in Mt. Vernon and on January 31 in Chicago were well attended and great feedback was received.

Mr. Ed Geppert also commented that the budget hearings held in January and said that the number one priority that came out during the hearings is General State Aid and the formula of assistance there in the categoricals. He noted that there are concerns that the agency is properly staffed, especially in the areas of Certification, Bilingual, Special Education, Agriculture, and Career and Technical Education (CTE).

Chairman Jesse Ruiz inquired how much it would cost to fund a $100 increase in the GSA. Staff member Linda Mitchell informed him that it would be approximately $160M for each $100 increase. Staff member Dave McDermott informed the Board members that the State Board spends $1.4B now on mandated categoricals.

Chairman Ruiz said that, under the best of circumstances, he would like to see the GSA increased like it was last year; however he doesn’t know if that is possible this year. Dr. Vinni Hall agreed with him and added that she would also like to see the mandated categoricals increased as well. Mr. Dean Clark commented that he wants to see an increase in the funding for the Philip J. Rock School, which has had no increase for three years. The Board members agreed how difficult it was to pick and choose priorities, especially when the funds available are slim. They also commented regarding how important it was to identify their budget priorities and make sure they are asking for realistic funding.
**Motion to approve the Board's budget priorities**

**Motion:**

Ms. Brenda Holmes moved that the State Board of Education prioritize the following items as its top two priorities for its FY06 budget request:

- General State Aid (GSA)
- Mandated categoricals

Further, the following list of programs and line items will also be considered top priorities by the State Board of Education:

- Drop-Out Prevention/Outreach Grants: Regional Safe Schools Programs (RSSP) and Truant Alternative & Optional Education Programs (TAOEP)
- Early Childhood Education programs
- Career and Technical Education (could include Agriculture Education)
- Technology
- Special emphasis on special education personnel reimbursement and bilingual education mandated categoricals
- Philip J. Rock School

She further moved that the State Board of Education recommend the funding of a School Construction Program with the Maintenance Grant Program included. The Board also strongly suggests that the Agency Administration line item reflect an increase in funding to support Certification staffing, CTE staffing, Technology staffing, and Bilingual staffing.

Ms. Holmes amended the motion with the following information.

- ADA Block Grants will be included within the listing Board’s budget priorities;
- School district consolidation will be included within the Board’s budget priorities;
- The Board members will have a final opportunity to review this motion to ensure that it meets with everyone’s approval;
- Superintendent Dunn will keep the Board informed of the status of the State Board’s budget throughout the legislative process. Members will be notified if a special meeting is necessary;
- A memo will be sent from the State Board and State Superintendent to the Governor and John Filan, Director of the Governor’s Office of Management and Budget, which will include the priorities identified within this motion in final format; and
- The closing paragraph of the memo should reflect that there are many other line items that are very important. However, this Board is cognizant of the current fiscal conditions in the State of Illinois that constrain the Governor and the General Assembly in their ability to fund state programs; as a consequence Board members have made clear their priorities for FY 2006.

Mr. Dean Clark seconded the motion and it passed with a unanimous roll call vote.

Superintendent Dunn said that he would keep the Board informed of the budget process and would recommend a special Board meeting if necessary.

**Adjourn**

The motion to adjourn was made by Dr. Andrea Brown and seconded by Dr. Dave Fields. The February 8, 2005, Special Meeting of the State Board of Education adjourned at 10:45 a.m.

Respectfully Submitted,

Dr. Vinni Hall  
Board Secretary

Mr. Jesse Ruiz  
Chairman
Agenda Topic: Action Item: Rules for Initial Review – Repeal of Inactive Rules
Part 30, Staff Development Plans and Programs
Part 56, Insurance for Certificated Employees
Part 160, Professional Development Block Grant
Part 220, Scientific Literacy
Part 225, Alcohol and Drug Education Initiative
Part 230, Summer School for Remedial Education
Part 240, Alternative Learning Opportunities Program (Subpart B only)
Part 245, Urban Education Partnership Program
Part 250, Comprehensive Arts Program
Part 360, Mathematics and Science Loan Program
Part 575, School Technology Program (Subpart A only)

Materials: Recommended Rules

Staff Contact(s): Jon Furr

Purpose of Agenda Item
The purpose of this agenda item is to present this entire set of proposed repealers and additional amendments repealing selected provisions for the Board’s initial review.

Expected Outcomes of Agenda Item
The Board will be asked to adopt a motion authorizing the solicitation of public comment on these proposed rulemakings.

Background Information
In the course of our comprehensive review of ISBE’s rules, it has become apparent that a number of Parts regulate activities that are no longer being funded or are otherwise no longer current. In addition, there are Subparts within other sets of rules that are similarly inactive and no longer needed. We are exploring various options for removing these rules from the books and are thus suggesting that the Board take the initial step in this process at this time.

Analysis and Implications for Policy, Budget, Legislative Action and Communications
Policy Implications: None; please see above.
Budget Implications: None.
Legislative Action: None needed.
Communication: Please see “Next Steps” below.
Superintendent’s Recommendation
The Superintendent recommends that the State Board of Education adopt the following motion:

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

- Staff Development Plans and Programs (23 Illinois Administrative Code 30);
- Insurance for Certificated Employees (23 Illinois Administrative Code 56);
- Professional Development Block Grant (23 Illinois Administrative Code 160);
- Scientific Literacy (23 Illinois Administrative Code 220);
- Alcohol and Drug Education Initiative (23 Illinois Administrative Code 225);
- Summer School for Remedial Education (23 Illinois Administrative Code 230);
- Alternative Learning Opportunities Program (23 Illinois Administrative Code 240);
- Urban Education Partnership Program (23 Illinois Administrative Code 245);
- Comprehensive Arts Program (23 Illinois Administrative Code 250);
- Mathematics and Science Loan Program (23 Illinois Administrative Code 360);
- Part 575, School Technology Program (23 Illinois Administrative Code 575),

including publication of the proposed repealers and amendments in the Illinois Register when procedurally appropriate.

Next Steps

With the Board’s authorization, staff will submit the proposed repealers and amendments to the Administrative Code Division for publication in the Illinois Register to elicit public comment once we have obtained consensus from legislative caucus staff on the preferred approach for this action. Additional means such as the Superintendent’s message and the agency’s website will also be used to inform interested parties of the opportunity to comment on this rulemaking.
ILLINOIS REGISTER
STATE BOARD OF EDUCATION
NOTICE OF PROPOSED REPEALER

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER b: PERSONNEL

PART 30
STAFF DEVELOPMENT PLANS AND PROGRAMS (REPEALED)

Section
30.10 Purpose of the Program
30.20 Staff Development Plans and Programs
30.30 Plan Elements
30.40 Procedure and Criteria for Approval
30.50 Staff Development Program Assistance


Section 30.10 Purpose of the Program


Section 30.20 Staff Development Plans and Programs

a) School districts; cooperatives or joint agreements with a governing board or board of control; and regional superintendents and administrative agents for educational service centers who are acting on behalf of cooperatives or joint agreements shall conduct staff development programs and may contract with not-for-profit organizations to conduct summer staff development program institutes which specify outcome goals, including the improvement of specific instructional competencies, and which conform to locally developed plans. The State Board of Education shall approve all staff development plans....The State Board of Education shall require school districts; cooperatives or joint agreements with a
governing board or board of control; and regional superintendents and administrative agents for educational service centers who are acting on behalf of cooperatives or joint agreements to design programs which provide continuing education to update or improve a teacher’s skill or knowledge in order to maintain a high level of performance.

b) In this Part the term "agency" means and includes school districts, cooperatives or joint agreements with a governing board or board of control, administrative agents for educational service centers, and regional superintendents acting on behalf of such entities.

Section 30.30 Plan Elements

a) Each agency shall submit a staff development plan, hereinafter called a Plan, using any one of the following procedures.

1) An Agency may submit its existing Plan, or a revision thereof, provided that said Plan addresses the requirements of Sections 2-3.59 and 2-3.60 of The School Code, and that said Plan includes the elements set forth in subsection (b) of this Section.

2) Two or more agencies may submit a joint Plan prepared in accordance with subsection (a)(1) or (a)(3) of this Section, provided that all agencies participating in a joint Plan must be within the service area of an Educational Service Center established pursuant to 23 Ill. Adm. Code 500 (Educational Service Centers).

3) An agency may submit a Plan using the format provided by the State Board of Education and addressing the elements set forth in subsection (b) of this Section.

b) Staff Development Plans shall contain:

1) a description of the process used to prepare the Plan, which demonstrates that the Plan was developed in consultation with the Educational Service Center for the agency, in cooperation with the agency's teachers, and which describes the agency staff development needs identified thereby;

2) specific outcome goals and objectives designed to improve specified instructional competencies and to update and/or improve the professional
knowledge or skills of teachers as required in Sections 2-3.59 and 2-3.60 of The School Code, and which are related to the needs identified pursuant to subsection (b)(1) of this Section;

3) a method of evaluating the results of the program required by The School Code, and designed to ensure that the program will be revised as needed to facilitate achievement of the goals and objectives specified in the Plan; and

4) a statement of the time period covered by the Plan, which shall not exceed three (3) fiscal years.

**Section 30.40 Procedure and Criteria for Approval**

a) Agencies will be granted at least forty-five (45) calendar days from the date specified in a written notification from the State Superintendent of Education to submit their Plans to the State Board of Education and to the Educational Service Center which serves the agencies. An agency's failure to comply with this requirement will delay its receipt of program assistance pursuant to Section 30.50 of this Part.

b) Information provided in the Plan will be reviewed by State Board of Education staff to determine that the information demonstrates compliance with Sections 2-3.59 and 2-3.60 of The School Code and this Part.

c) The Plan will also be reviewed by Educational Service Center staff, who will provide to the State Board of Education a written analysis of staff development needs within the service area and a description of the actions to be taken by Center staff in response to those needs.

d) State Board staff will send a written notice to affected agencies specifying any requested information pursuant to Section 30.30 that is missing from their Plans. Such agencies shall supply the requested information within sixty (60) calendar days of their receipt of said notice.

e) The State Superintendent of Education will approve Plans that demonstrate compliance with Sections 2-3.59 and 2-3.60 of The School Code and this Part, except that the State Superintendent shall invoke subsection (d) of this Section with respect to any requested information that is missing from any such Plan submitted for final approval.
Section 30.50 Staff Development Program Assistance

a) Upon approval of the Plan, assistance will be provided in support of the agency's staff development program, which shall include a description of the activities and resources needed to conform with the approved Plan as required in Sections 2-3.59 and 2-3.60 of The School Code.

b) Agencies with approved Plans will receive funds determined by the State Superintendent of Education on the basis of the following calculation:

1) the total amount appropriated for the purposes of Sections 2-3.59 and 2-3.60 of The School Code;

2) divided by the number of full-time equivalent certificated teachers as reported in the "Teacher Service Record" to the State Board of Education for the preceding fiscal year; and

3) multiplied by the number of certificated teachers served by the applicant agency pursuant to the "Fall Housing Report" cited in subsection (b)(2) of this Section.

c) Agencies with approved Plans will receive funds within thirty (30) calendar days after approval of their Plans.

d) Funds will be disbursed to the agencies by the Educational Service Center serving the agencies.
Section 56.10  Definitions for This Part

"Assault-related personal property damage" means damage to or destruction of the certificated employee’s personal property, or other people’s personal property when being used by the certificated employee, or in the certificated employee’s care, custody or control, which is caused by an assault upon the certificated employee on or surrounding school property or while away from school property on an authorized school activity to the extent that such damages exceed the coverage provided by any coverage.
other than the assault-related coverage under Section 2-3.124 of the School Code [105 ILCS 5/2-3.124]. "Assault" as used in the phrase "assault-related property damage" means a physical attack on the certificated employee or an assault and/or battery upon the certificated employee as defined by relevant criminal law.

"Certificated employee" does not refer to any person who is, or functions as, a bona-fide independent contractor but refers to any person:

who RECEIVES A SALARY OR WAGES IN EXCHANGE FOR PERFORMING EDUCATIONAL EMPLOYMENT ACTIVITIES ON BEHALF OF A SCHOOL BOARD, BOARD OF TRUSTEES, JOINT AGREEMENT PROGRAM BOARD THAT oversees an educational program, COOPERATIVE PROGRAM BOARD THAT oversees an educational program, or SIMILAR GOVERNING BODY OF A PUBLIC ELEMENTARY OR SECONDARY EDUCATION UNIT (Section 2-3.124 of the School Code);

whose position of employment requires, by law and not merely by the employer, a certificate issued pursuant to Article 21 of the School Code [105 ILCS 5/Art. 21]; and

whose position of employment requiring certification is within Illinois.

"Civil liability insurance coverage" refers to coverage that:

is provided through an insurance carrier under contract with the Illinois State Board of Education;

is made available pursuant to Section 2-3.124 of the School Code;

provides, at the applicable limits stated in this Part, the following insurance protection for certificated employees:

- civil liability for specified claims other than claims related to civil rights issues, and

- civil liability claims related to civil rights issues; and

is further defined, specified and limited in this Part.

"Criminal-related insurance coverage" refers to coverage that:
is provided through an insurance carrier under contract with the Illinois State Board of Education;

is made available pursuant to Section 2-3.124 of the School Code;

provides, at the applicable limits stated in this Part, the following insurance protection for certificated employees:

- reimbursement of attorneys’ fees for defense of a criminal proceeding,
- bail bond, and
- assault-related personal property damage; and

is further defined, specified and limited in this Part.

"Educational board" refers to a SCHOOL BOARD, BOARD OF TRUSTEES, JOINT AGREEMENT PROGRAM BOARD that oversees an educational program, COOPERATIVE PROGRAM BOARD that oversees an educational program, or SIMILAR GOVERNING BODY OF A PUBLIC ELEMENTARY OR SECONDARY EDUCATION UNIT (Section 2-3.124 of the School Code). To be within the definition of an educational board, the entity must be located within Illinois and employ one or more persons in positions that require a certificate issued pursuant to Article 21 of the School Code. The term "educational board" does not include the Illinois State Board of Education.

"Insurance carrier" or "carrier" refers to a non-governmental entity that may legally provide in Illinois any or all categories of insurance coverage specified in Section 2-3.124 of the School Code.

"Primary insurer" means, as between two potential insurers or indemifiers, the entity that is first to provide coverage up to the limit of that entity's plan.

"School year" refers to that period beginning in or around late August when schools with grades between kindergarten and 12 are in regular session, with students attending. "End of the school year," unless otherwise indicated in this Part, refers to the last day of the school year, in or around late May, when school lets out.
"Section 2-3.124 carrier" refers to an insurance carrier that is under contract with the Illinois State Board of Education to provide insurance pursuant to Section 2-3.124 of the School Code.

"Section 2-3.124 coverage" refers to the combination of the "civil liability insurance coverage" and the "criminal-related insurance coverage," as these terms are defined in this Part.

"Supplemental insurer" means, has as between two potential insurers or indemnifiers, the entity that provides additional insurance, payments from which entity will only be considered after all other valid and collectible insurance provided by the primary insurer(s) has been exhausted.

**Section 56.20 Coverage Subject to Appropriation**

Section 2-3.124 coverage shall be made available by the State Board of Education, as funds for this purpose are appropriated by the General Assembly. Assuming funds are appropriated, the premium for this coverage shall be paid by the State Board.

**Section 56.30 Section 2-3.124 Carrier**

a) Subject to the availability of funds, the State Board of Education shall, at least once every three years, issue a Request for Proposals ("RFP") to solicit bids from eligible insurance carriers to make available to certificated employees the insurance coverages specified in Section 2-3.124 of the School Code and this Part.

b) The RFP shall identify information that bidders must include in their bids and shall require that bids be submitted to the State Board no later than the date specified in the RFP.

c) If the State Board determines that the best interests of the State of Illinois would be served, the State Board may require that bidders submit proposals, or alternate proposals, calling for certificated employees to submit application to accept Section 2-3.124 coverage. In making this determination, the State Board shall consider the cost in terms of time and money associated with requiring, and not requiring, such application.

**Section 56.40 Extent of Coverage Generally**
Coverage under Section 2-3.124 of the School Code shall consist solely of "civil liability insurance coverage" and "criminal-related insurance coverage," as these two terms are specified, limited and defined in this Part.

a) With the exception of coverage for assault-related property damage, Section 2-3.124 coverage shall extend only to actions or non-actions, including negligence, committed by the certificated employee while actively engaged in his or her capacity as a certificated employee and while employed by an educational board.

b) Section 2-3.124 coverage for assault-related property damage shall extend only to assaults upon the certificated employee while actively engaged in his or her capacity as a certificated employee and while employed by an educational board.

c) Section 2-3.124 coverage, once established through a Section 2-3.124 carrier, shall extend through periods when school is not scheduled to be in session, including summers and other breaks, but only to the extent that a covered action or non-action was committed within the scope of employment with an educational board.

d) Section 2-3.124 coverage shall not extend to any action or non-action, including negligence, committed during any period of time when the insured person would not have been within the scope of the "certificated employee" definition, as set forth in Section 56.10 of this Part.

1) A person shall not be considered a "certificated employee," as defined in this Part, until that person has actually begun to work for the educational board, regardless of the existence of a commitment to be hired in the future.

2) A certificated employee who has been given notice of lay-off, reduction in force or dismissal shall no longer be covered by Section 2-3.124 coverage after the effective date of such notice or, if no effective date is stated in the notice, after the last day of the school year of the educational board by which that person is employed.

e) No Section 2-3.124 coverage shall apply to any certificated employee who has not accepted such coverage in accordance with terms of the insurance policy issued by the Section 2-3.124 carrier. If affirmative acceptance of coverage is required through application or other means, notice of that requirement shall be included with information published pursuant to Section 56.80 of this Part.
Section 56.50 Civil Liability Insurance Coverage

a) Civil liability insurance coverage shall extend only to the following civil liability claims and suits, including legal defense thereof:

1) civil rights damage claims and suits;
2) constitutional rights damage claims and suits;
3) death and bodily injury claims and suits; and
4) property damage claims and suits, including any civil claim or suit arising from assault-related property damage.

b) Such civil liability insurance coverage shall not cover any categories of claims outside of those listed in subsection (a) of this Section and shall not extend to any injury or damage claims or suits that are not in the nature of tort.

c) School boards are regarded as having a duty under Section 10-20.20 of the School Code [105 ILCS 5/10-20.20] to indemnify their employees, including certificated employees.

1) No Section 2-3.124 carrier, by virtue of any Section 2-3.124 coverage, shall have any obligation to insure the school board’s duty to indemnify under Section 10-20.20 of the School Code.

2) The civil liability insurance coverage provided pursuant to Section 2-3.124 shall be regarded only as supplemental to the duty of indemnification under Section 10-20.20 of the School Code, and in no case shall the Section 2-3.124 carrier be regarded as other than a supplemental insurer with respect to those certificated employees employed by educational boards subject to Section 10-20.20 of the School Code.

3) Civil liability insurance coverage provided pursuant to Section 2-3.124 shall be supplemental to any insurance coverage provided pursuant to Section 10-22.3 of the School Code.
Section 56.60 Criminal-Related Insurance Coverage

a) Criminal-related insurance coverage shall not cover any categories of claims outside of those listed specifically within the definition of "criminal-related insurance coverage" in Section 56.10 of this Part and shall not cover any fines levied by any court.

b) Coverage for assault-related personal property damage does not apply to damage or destruction of a vehicle of any kind, or to damage to or destruction of property leased to, or owned or rented by, an educational board.

c) Proof of an assault shall be a report of the incident to the appropriate law enforcement agency as soon as practicable.

d) If there exists any coverage for the criminal acts or non-acts of, or upon, the certificated employee other than that provided pursuant to Section 2-3.124 of the School Code, the Section 2-3.124 carrier shall be regarded only as a supplemental insurer with respect to the criminal-related insurance coverage.

Section 56.70 Limits of Coverage and Recourse

a) Limits on civil liability insurance coverage shall not exceed an aggregate maximum of $3,000,000 per single occurrence, subject to the following additional limitations:

1) For all civil liability claims other than those involving any civil rights issue or claim, the civil liability insurance coverage shall be limited to a maximum of $1,000,000 per person suffering damages from the certificated employee’s action or non-action.

2) For those civil liability claims involving any civil rights issue or claim, the civil liability insurance coverage shall be limited to a maximum of $250,000 per occurrence per person whose civil rights were violated by the certificated employee’s action or non-action.
b) Limits on criminal-related insurance coverage provided pursuant to Section 2-3.124 shall be as follows:

1) Reimbursement of attorneys’ fees for defense of a criminal proceeding shall be limited to a maximum of $35,000.
   
   A) All legal defense work in the certificated employee’s behalf that relates to investigations, charges, motions, hearings, prehearings, trials, conferences, appeals and other actions or activity, and that stems from the same body of facts shall be regarded as one criminal proceeding.
   
   B) The $35,000 maximum shall apply only to the sum total of fees of all attorneys who provide criminal defense legal services to the certificated employee, following that employee’s arrest or service with a formal notice of a criminal charge against him or her. Attorneys’ fees shall include only the fees for one or more attorneys who actually provide criminal defense legal work for the certificated employee. Expenses or fees for private investigative services or for expert witnesses shall not be covered or regarded as attorneys’ fees.

2) Bail bond coverage shall be limited to a maximum of $1,000 per criminal proceeding, as the term "criminal proceeding" is used in subsection (b)(1)(A) of this Section.

3) Coverage for assault-related personal property damage shall be limited to $250 per incident.

c) Nothing in this Part shall preclude any insurance carrier from offering other separate coverage to certificated employees that would have increased limits of coverage or additional coverage and for which the employee would pay a premium.

d) There shall be no recourse against the State Board or the State of Illinois because of any action or non-action of, upon or against a certificated employee. Recourse shall be against parties including, but not necessarily limited to, those in the following list:
STATE BOARD OF EDUCATION

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1) the certificated employee;

2) the educational board, if the educational board is subject to Section 10-20.20 of the School Code;

3) any insurance carrier, company or broker providing coverage pursuant to Section 10-22.3 of the School Code;

4) any insurance carrier, company or broker providing coverage applicable to the employee’s action or non-action but not provided pursuant to any section of the School Code;

5) any other defendant; and

6) any Section 2-3.124 carrier.

Section 56.80 Information about Insurance Coverage

a) Once the State Board has contracted with a Section 2-3.124 carrier to make Section 2-3.124 coverage available, the State Board shall generally publicize the fact that such coverage is in place.

1) Inclusion of the above-required publication in one or more general mailings or newsletters of the State Board to the educational boards contained in the State Board’s mailing list(s) shall be regarded as satisfying this requirement of general publication. This publication may be included with other information or documents from the State Board.

2) An educational board that has received or been made aware of the publication referenced in subsection (a)(1) of this Section shall:

   A) disseminate the information provided in this publication to all of its certificated employees and shall post the information in one or more locations where it is likely to remain and be seen by all of the educational board’s certificated employees; and

   B) inform certificated employees that requests for additional information about particulars of the insurance provided by the Section 2-3.124 carrier should be directed to the carrier and not to
the certificated employee’s employer or to the State Board of Education.

b) If the Section 2-3.124 carrier makes available other additional coverage with increased limits of coverage that can be purchased by the certificated employee, the carrier shall inform the certificated employee that he or she is under no obligation to apply for or purchase any additional coverages or increased limits.

Section 56.90 Effective Date of Coverage

No Section 2-3.124 coverage shall be effective prior to the beginning of the 1998-99 school year, as defined in Section 56.10 of this Part, and in no instance shall the coverage be effective prior to 7 a.m., August 14, 1998.

Section 56.100 Relationship to Insurance Law and Regulation

Nothing in this Part is intended to be construed or implemented in violation of any applicable State or federal insurance law or regulation.

Section 56.110 Relationship to Policy Language

In the event of any conflict between this Part and any policy of insurance issued by any Section 2-3.124 carrier pursuant to Section 2-3.124 of the School Code, the language of this Part shall prevail to the extent permitted by Section 56.100 of this Part.

Section 56.120 Construction and Severability of Rules

If any provision of this Part or application thereof to any entity, person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Part that can be given effect without the invalid provision or application, and to this end the provisions of this Part are declared to be severable.
Section 160.10  Purpose

a) This Part establishes the procedures and criteria for approval of applications submitted by school districts to the State Board of Education for professional development block grant funds as authorized by Article 1C of the School Code [105 ILCS 5/Art. 1C].

b) The purpose of the block grant is to allow greater flexibility and efficiency in the distribution of certain funds to school districts and in the use of these funds for the improvement of educational services pursuant to locally established priorities (Section 1C-1 of the School Code [105 ILCS 5/1C-1]).

Section 160.20  Use of Funds

a) Block grant funds provided pursuant to this Part shall be used only for professional development initiatives that address issues identified in a district’s school improvement plan.

b) An amount not exceeding five percent of a district's block grant funds may be allocated for administrative costs directly related to the use of those grant funds.
Section 160.30 Application, Approval, and Funding

Each public school district is entitled to receive an annual distribution of block grant funds. This shall be calculated by the State Board of Education based upon the total amount of funds appropriated for this purpose and the number of full-time certified instructional staff employed in the district as reflected in the Teacher Service Record for the immediately preceding school year. “Full-time certified instructional staff” includes only those individuals included in the elementary, secondary, and special education categories on the Teacher Service Record who are full-time employees of the district. The following procedures shall apply to the distribution of these funds.

a) The State Board of Education shall annually notify school districts of the estimated amount of the block grant entitlement per qualifying staff member, and shall notify districts of the final entitlement amount within 60 days after the amount of the appropriation is determined. The Board shall distribute application forms to school districts, allowing at least 45 days for districts to complete the applications and return them to the agency.

b) Each school district wishing to apply for block grant funds shall use the forms supplied by the State Board to furnish the following:

1) A summary of the proposed use of the professional development funds, indicating the types of activities to be funded; and

2) Such certifications and assurances as the State Board of Education may require.

c) State Board staff shall contact any school district whose application is incomplete, identifying such additional information as may be necessary for approval of the application.

d) Failure to comply with submission timelines may delay a school district's receipt of block grant funds.

e) The State Superintendent of Education shall approve each application that demonstrates compliance with Article 1C of the School Code and this Part.

Section 160.40 Terms of the Grant

a) Approved block grants will be paid to recipients in semiannual installments.
b) All grant funds shall be subject to the Illinois Grant Funds Recovery Act [30 ILCS 705].

c) Each school district applying for funds under this program must have a staff development plan on file, approved as required by Section 2-3.59 of the School Code and the State Board's rules at 23 Ill. Adm. Code 30 (Staff Development Plans and Programs).

d) Funds granted under this program must be used exclusively as set forth in Section 160.20 of this Part and must be expended in accordance with the approved application and the grantee's policies and procedures related to such expenditures. Funds may only be expended for activities occurring during the grant period, which shall extend from July 1 of one year through June 30 of the following year.

e) Each school district receiving block grant funds shall submit semiannual expenditure reports on forms supplied by the State Board of Education. Such reports shall describe expenditures of block grant funds for particular functions, by categories such as salaries, benefits, purchased services, and supplies and materials.

f) To permit compliance with Section 1C-4 of the School Code [105 ILCS 5/1C-4], each school district shall annually provide to the State Superintendent of Education a year-end report including such information as the State Superintendent may require regarding the use of the funds provided pursuant to this Part (e.g., numbers of teachers served, academic area(s) of focus).
Section 220.10 Purpose
This Part establishes the procedure and criteria for approval of applications submitted by eligible applicants to the State Board of Education for grants to assist in establishing scientific literacy programs as authorized in Section 2-3.94 of the School Code [105 ILCS 5/2-3.94]. "Scientific literacy" shall be understood to include:

a) The capacity to formulate questions; to seek, comprehend and use available information; and to gather and interpret data and draw logical inferences in relation to an area of investigation.

b) The ability to comprehend, communicate, and apply the language, concepts, theories and practices of science, mathematics and technology in ways that promote mutual understanding, cooperative problem-solving, and shared vision.
The awareness that science and mathematics are ongoing processes and growing disciplines, constantly evolving and being refined through inquiry and open-ended investigation.

d) The awareness that science and mathematics are interdependent and that the technology and methods of each are interrelated and mutually supportive.

e) The ability to use appropriate scientific and mathematical instruments to gain access to information, process ideas, and communicate results.

f) The understanding that science, mathematics, and technology have strengths and limitations, in both theory and application, particularly as they relate to societal and ethical issues.

Section 220.20 Eligible Applicants

a) The eligible applicants for grants issued pursuant to this Part shall be as enumerated in Section 2-3.94 of the School Code. Charter schools, public university laboratory schools approved by the State Board of Education pursuant to Section 18-8.05(K) of the School Code [105 ILCS 5/18-8.05(K)], and area vocational centers are also eligible to apply. [105 ILCS 5/27A-11.5, 2-3.109a, and 2-3.109b, respectively.]

b) Any programs or services funded by grants made under this Part may be offered to private school teachers and private school students, provided public schools have already been afforded adequate access to such programs and services. [105 ILCS 5/2-3.94]

c) Any combination of eligible entities may submit a joint proposal. A single entity must be designated as the administrative agent, and the chief executive officer of each participating entity must sign the proposal.

Section 220.30 Application Procedure and Content

a) The State Board of Education will issue a Request for Proposals (RFP) specifying the information that must be included and requiring that proposals be submitted to the State Board of Education no later than the date specified in the RFP, which shall provide at least 45 calendar days in which to submit proposals. Separate RFPs shall be issued for pilot projects and for staff development projects. The State Superintendent of Education will approve one-year projects, as well as multi-year projects that meet the criteria established for continuation.
subsequent years will be contingent on the level of funding appropriated for the program and on the grantee's progress toward meeting its objectives (see Section 220.50).

b) Each RFP shall indicate the descriptive information that applicants will be required to provide about their proposed projects (e.g., needs to be addressed, goals, plan of work, means of evaluation, and plan for dissemination of results). Each RFP shall identify any area or areas of high priority for the program year.

c) Each RFP shall describe the proposal format that applicants will be required to follow (e.g., cover page, proposal abstract, proposal narrative, letters of intent to participate, etc.).

d) Each proposal shall include a budget summary and payment schedule, completed on the form provided, and a narrative budget breakdown, i.e., a detailed explanation of each line item of expenditure.

e) Each proposal shall include a Certification and Assurances for Application and Award and a Drug-Free Workplace Certification, submitted on forms supplied by the State Board.

f) Each not-for-profit applicant shall also be required to:

1) submit either an Internal Revenue Service statement of its 501(c)(3) status, a copy of its certificate of incorporation as a not-for-profit corporation, or evidence of its acceptance as a not-for-profit organization by the U.S. Postal Service; and

2) attach a description of past involvement and present qualifications for providing educational opportunities in scientific literacy for teachers and/or students.

g) Each renewal application must provide the following:

1) a summative evaluation of the preceding year's program, documenting the services provided and describing the degree to which the grantee achieved its stated objectives;

2) an updated narrative description of activities, timelines, evaluation procedures and the personnel to be responsible for them in the renewal
year, relating the activities and objectives proposed to the evaluation results provided pursuant to subsection (g)(1) of this Section;

3) an updated Budget Summary and Payment Schedule, with a budget narrative for the renewal year; and

4) the assurances and certification form referred to in subsection (e) of this Section, bearing a current signature and applicable to the renewal period.

h) Incomplete proposals will not be considered for funding.

Section 220.40 Proposal Review Criteria - Initial Applications

a) It is the intent of the State Board of Education, subject to the quality of proposals received and the level of funding appropriated, to provide funds statewide.

b) Proposals submitted in response to the Request for Proposals shall be evaluated in accordance with the following criteria:

1) The proposed project’s goals, objectives, and activities reflect the description of scientific literacy set forth in Section 220.10 of this Part, and the project’s design will contribute to improvement in either:

   A) knowledge and skills of elementary and secondary teachers in the content and pedagogy of scientific literacy; or

   B) students’ knowledge and skills that constitute scientific literacy.
   (30 points)

2) The proposal incorporates appropriate elements designated in the Request for Proposals as receiving high-priority consideration. (20 points)

3) The evaluation design will provide information that can be used to judge the project’s impact and will add to the research base regarding scientific literacy. (20 points)

4) The proposed project is based on well-documented needs. (15 points)

5) The proposal provides sufficient documentation to support the effectiveness of the proposed program in increasing scientific literacy,
indicates how the program will be sustained when grant funds are no longer available, and includes a dissemination plan. (10 points)

6) The proposed budget is cost-effective and is consistent with the scope of the objectives and activities. (5 points)

c) The State Superintendent of Education will make final determinations in accordance with the criteria set forth in this Section.

Section 220.50 Proposal Review Criteria - Renewal Applications

Renewal applications shall be evaluated in accordance with the following criteria:

a) The evaluation of the previous year’s project indicates that its stated objectives have been met and that the project has been conducted in conformance with the application approved by the State Superintendent of Education; or

b) In instances where certain of a project’s objectives have not been met, the grantee has described the relative status of each such objective, the reason(s) for incomplete achievement, and either:

1) the steps to be taken to ensure that the objective will be met during the renewal period, if the objective remains a valid part of the proposal for renewal; or

2) if the grantee has determined that the objective should be deleted from its plan or altered in light of the previous year’s experience, the grantee has provided its rationale for such deletion or change and has described how the program’s goals for the renewal period will be met in light of the change.

Section 220.60 Approval of Proposals

a) The State Superintendent of Education shall determine the amount of individual grant awards on the basis of:

1) recommendations based on the criteria set forth in Sections 220.40 and 220.50;

2) the total amount of funds appropriated for scientific literacy development grants; and
3) the approvable amounts requested in the top-ranked proposals identified pursuant to Sections 220.40 and 220.50.

b) Notification of grant awards for approved proposals will be made not later than forty-five (45) calendar days after the amount of the appropriation for this program is determined.

**Section 220.70 Terms of the Grant**

Each RFP shall inform potential recipients of the terms and conditions that apply to their receipt and use of grant funds under this program, including the following:

a) Applicants may be asked to clarify certain aspects of their proposals. A negotiated and finalized proposal returned to the applicant, with an authorized signature affixed to the cover page, will constitute an approved grant agreement with the State Board of Education.

b) Orders for payment will be submitted to the Office of the Comptroller by the State Board of Education according to a negotiated payment schedule. Payments may be reduced from scheduled amounts if periodic reports show excessive cash on hand.

c) An approved budget may be amended by completing an amendment to the approved budget, using forms supplied by the State Board of Education, to show the new amounts required and attaching an explanation for the changes. A budget amendment must be submitted for approval whenever an individual line item changes by more than $1,000 or 20 percent, whichever is larger. A budget amendment must also be submitted for approval when a grantee proposes to use funds for allowable expenditures not identified in the approved budget. Budget amendments will be approved if the proposed distribution of resources or activities would have been approvable within the original application.

d) All grants issued under this Part shall be subject to the Illinois Grant Funds Recovery Act [30 ILCS 705].

e) The applicant may operate its own program or may enter into a subcontract with another not-for-profit agency to implement the program.

f) Grant recipients must submit a final project report to the State Board within 30 days after the ending date of the grant period.
g) Programs approved for multi-year funding are expected to comply with the requirements of subsection (f) of this Section at the conclusion of each funding year.
Section 225.10  Purpose

These rules establish the procedure and criteria for approval of applications submitted to the State Board of Education by eligible applicants for grants to assist in establishing alcohol and drug education initiative projects designed to develop drug-free community planning and implementation strategies and staff development activities and to purchase software and curriculum materials as authorized in Section 2-3.93 of the School Code (Ill. Rev. Stat. 1989, ch. 122, par. 2-3.93).

Section 225.20  Eligible Applicants

Proposals for grant awards under Section 2-3.93 of the School Code [105 ILCS 5/2-3.93] may be submitted by public school districts. Charter schools, public university laboratory schools approved by the State Board of Education pursuant to Section 18-8.05(K) of the School Code [105 ILCS 5/18-8.05(K)], and area vocational centers are also eligible to apply (see 105 ILCS 5/27A-11.5, 2-3.109a, and 2-3.109b, respectively).
a) If a joint application is submitted, then an administrative agent shall be designated, and the superintendent from each of the participating entities shall sign the application.

b) Applicants who propose to use a subcontractor shall provide the information required by Section 225.30(c)(8).

Section 225.30 Application Procedure and Content

It is the intention of the State Board of Education to provide discretionary grants to eligible applicants on a year-to-year basis. Funding for future projects, i.e., those projects funded after their initial grant year, shall be contingent upon availability of funds for the initiative. Consideration shall be given to all applicants pursuant to Section 225.40 regardless of previous participation in the drug and alcohol education initiative.

a) The State Board of Education will issue a Request for Proposals (RFP) specifying the information which applicants must include in their proposals, and requiring that proposals be submitted to the State Board of Education no later than the date specified in the RFP. The RFP shall provide at least forty-five (45) calendar days in which to submit proposals. No Fax copies will be accepted.

b) Priority for funding shall be given to projects which focus upon improvement of the curriculum, instructional programs, staff development or school policy development. Higher priority shall be given to project proposals that contain the following elements.

1) A drug abuse prevention instructional model with appropriate curriculum materials (e.g., sequential, age-appropriate instruction in development of self-esteem, communication, decision-making, resistance skills and other areas of critical thinking) as part of a comprehensive health education program in grades K through 12 that allows integration across grade levels and in other areas of learning (i.e., addresses the Illinois State Goals for Learning in Physical Development and Health pursuant to 23 Ill. Adm. Code 210.App. A and/or other fundamental learning areas as defined in Section 27-1 of the School Code).

2) An effective teacher training program that includes curriculum selection or development and strategies for working with community agencies.

3) A school and community partnership to study and recommend drug use prevention policies for use by schools and communities.
4) Prevention strategies that focus on primary prevention (i.e., activities to educate students about drug use, promote self-esteem and strengthen resistance skills) and secondary prevention (i.e., strategies for identification and remediation of at-risk students).

c) Each proposal shall provide the following information:

1) An abstract of the proposal (not more than 200 words).

2) Comprehensive Planning

The applicant shall describe specific proposed efforts to use school, social service agency, business, and other regional and local community services to the extent their use is practicable. The applicant shall list all individuals involved in planning the proposed alcohol and drug education initiative, identify the organization, agency or group each represents, and describe the nature and extent of that individual's involvement.

3) Needs Assessment

The applicant shall describe the students' need for the proposed project and document that need with current statistical and/or descriptive information.

4) Objectives and Activities

A statement of the project's objectives and activities in relation to the needs identified in subsection (3) shall be stated in measurable terms. Applicants shall submit activity statements (program goals along with specific objectives and activities), which shall include:

A) What will be done;

B) When each activity will be implemented and completed;

C) Who will conduct each activity; and

D) Who will be served by each activity.

5) Evaluation Design
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A) Formative Evaluation

The applicant shall describe the evaluation process for determining whether progress is being made toward achieving its project objectives.

B) Summative Evaluation

The applicant shall describe the evaluation process for determining the success of the project. The evaluation shall be designed so that it will report the degree to which the project completed its proposed objectives; document the services provided; and include descriptive statistics, such as the number served and the resources used.

6) Budget/Fiscal Information

The budget summary and payment schedule must be completed on the form provided in the RFP. A budget breakdown, i.e., a detailed explanation of each line item of expenditure, also shall be provided.

7) Certification and Assurances

The applicant shall submit the certification and assurances form attesting to the following:

A) The applicant has the necessary legal authority to apply for and to receive the proposed grant. The filing of the application has been authorized by the governing body of the applicant, and the applicant's representative has been duly authorized to file the application, and to otherwise act as the authorized representative of the applicant in connection with the application and any award in relation thereto.

B) The activities and services for which assistance is sought under the program will be administered by or under the supervision of the applicant in accordance with the laws and regulations applicable to the contract. No subcontractors will be used except as stated in the application.
C) In planning the program proposed in the application, there has been, and in establishing and carrying out the program, there will be (to the extent applicable to the program) participation of persons broadly representative of the cultural and educational resources of the area to be served, including persons representative of the interests of potential beneficiaries.

D) All funds provided shall be used for the purposes stated in the approved proposal.

E) The applicant understands that payment for approved services and expenses will be made on a reimbursement-of-claims basis, and that payment will be made in accordance with the applicable statutes, regulations and standards after an application for payment is submitted to the State Board of Education.

F) The applicant will maintain records on program and fiscal activities related to each award for a period of three (3) years for a state-funded program, and five (5) years for a federally funded program, following the end of each award period. Such records shall include a fiscal accounting for all monies in accordance with generally accepted governmental accounting principles. The State Board of Education shall have the right to inspect the applicant's records for auditing and monitoring purposes. If there are outstanding audit exceptions, then records will be retained on file until such exceptions are closed out to the satisfaction of the State Board of Education.

G) All rights, including copyright, to data, information, and/or other materials developed pursuant to an award are retained by the State Board of Education, unless otherwise agreed in writing by the State Board of Education. All such work products produced by the applicant through work pursuant to the award shall be made available to the State Board of Education upon request.

H) The applicant will obey all laws, regulations, and executive orders prohibiting discrimination on the basis of race, color, national origin, sex, age, or handicap, and all other laws, regulations, and executive orders applicable to its activities, including but not limited to the School Code (Ill. Rev. Stat. 1989, ch. 122, par. 1-1 et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C.)
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L) If the applicant is an individual, then the applicant is not in default on an educational loan as provided in Section 3 of the Educational Loan Default Act (Ill. Rev. Stat. 1989, ch. 127, par. 3553).

8) Subcontracting

The applicant may subcontract to implement the program; however, all program responsibilities are to be retained by the applicant to ensure compliance with the terms and conditions of the grant. All subcontracting shall be documented and have the prior approval of the State Superintendent of Education. Approval of subcontracts shall be subject to the same criteria as are applied to the original project application. The following information is required if any subcontracting is used:

A) Name and address of subcontractor(s).

B) Need/purpose for subcontracting.

C) Measurable and time-specific services to be provided.
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D) Associated costs, i.e., amounts, including the total, to be paid for services specified in the subcontract.

E) Projected number of students to be served.

F) Specific provisions limiting the delivery of goods and services under them to those authorized under the terms of the grant award issued by the State Board of Education to the eligible applicant.

Section 225.40 Proposal Review and Approval Criteria

Proposals submitted in response to the Request for Proposals shall be evaluated in the following manner and in accordance with the criteria set forth in subsection (c).

a) Information contained in proposals submitted in accordance with Section 225.30(c) shall be reviewed by State Board of Education staff to determine that the information demonstrates compliance with Section 2-3.93 of the School Code and this Part.

b) If the proposal is incomplete, then State Board staff shall send a written notice to applicants requesting that they supply the needed information. Such applicants shall supply the requested information within thirty (30) calendar days of said notice.

c) Complete alcohol and drug education initiative project applications shall be reviewed and rank ordered by State Board staff and selected professionals from the drug use prevention and education fields in Illinois on the basis of the following criteria and points:

1) The extent to which the proposal contains specific objectives, corresponding activities, and an evaluation design which meet requirements specified in the Request for Proposals (60 points).

2) The extent to which the proposal demonstrates collaborative planning as evidenced by the inclusion of a variety of school staff members, parents, business and industry leaders, and community representatives to develop a school and community drug-free plan and assist in the implementation of that plan (15 points).
3) The proposal contains a statement of need for the project based upon analysis of relevant data concerning the persons/communities to be served (15 points).

4) The proposed budget is cost-effective in relation to the proposed activities and objectives (10 points).

d) The State Superintendent of Education will make final determinations in accordance with the criteria stated in subsection (c).

Section 225.50 Allocation of Funds

The State Superintendent of Education shall determine the amount of individual grant awards on the basis of the following criteria. The final award amounts will be based on these criteria following negotiations with the grant recipient:

a) the total funds appropriated for alcohol and drug education initiative projects;

b) the program needs, resources, and amounts requested in the top-ranked proposals determined pursuant to Section 225.40; and

c) the need to assure delivery of alcohol and drug education and prevention programs on a statewide basis and in a manner that will have the greatest impact in preventing alcohol and drug use.

Section 225.60 Terms of the Grant

a) All grants issued under this Part shall be governed by the Illinois Grant Funds Recovery Act [30 ILCS 705].

b) The time period of the grant shall run from July 1 of the calendar year or from a date to be negotiated through June 30 of the following calendar year.

c) A negotiated and finalized proposal returned to the applicant, with an authorized signature affixed to the cover page, will constitute an approved agreement with the State Board of Education. This notification will be made not later than 45 calendar days after the amount of the negotiated budget for the applicant's project is determined.

d) Recipients of grant awards shall maintain records on program and fiscal activities for a period of three years following the end of the grant period; however, if there
are outstanding audit exceptions, then records shall be retained until such exceptions are closed out to the satisfaction of the State Board of Education. Such records include fiscal accounting for all monies in accordance with 23 Ill. Adm. Code 110 (Program Accounting Manual) and the final report specified in subsection (f). An audit report which includes a certified opinion and statement of receipts and disbursements compared to the approved budget shall be submitted to the State Board no later than 45 days after the end of the contract period.

e) Payments from the State Board of Education to grantees shall be made according to a negotiated payment schedule. Initial payment shall not exceed 50 percent of the project budget. Amounts projected for each month are expected to be a reflection of need for that month and not simply the total budget divided by the number of months in the project. Following negotiations, budgets may be amended by completing an amendment to the approved budget, using forms supplied by the State Board of Education and attaching supplementary documentation showing variances and justifications. A budget amendment is necessary whenever an approved individual line item changes by more than $1,000 or 20 percent (whichever is larger) from the approved budget. A budget amendment must also be submitted for approval when a grantee proposes to use funds for allowable expenditures not identified in the approved budget. Changes will be approved if the proposed distribution of resources or activities would have been approvable within the original application.

f) Successful applicants shall submit a final report specifying:

1) the extent to which project objectives have been accomplished;

2) prevention services provided;

3) resources utilized; and

4) any similar program-related information that the State Superintendent of Education may request upon 30 days' written notice.
Section 230.10 Definitions

"Potential Dropout" means a student who is subject to compulsory attendance as defined in Section 26-1 of the School Code [105 ILCS 5/26-1] and who is identified by school district officials as a potential dropout on the basis of his or her academic performance and/or personal behavior. This definition includes a student whose academic and/or personal performance demonstrates to school district officials that he or she is uninvolved, unmotivated, and/or disaffected (e.g., repeated tardiness or absence, disruptiveness, or failure to complete assignments).

"Remedial Students" means those students at risk of academic failure as evidenced by meeting at least one of the following criteria:

- students who are potential dropouts as defined in this Section;
- students who have failed an academic subject;
students who are not likely to graduate because of insufficient academic credits; or

students who, by teacher judgment (e.g., based upon observation of students' actions, attendance patterns, or relationships with others) and assessment results, demonstrate a proficiency level one grade or more below current placement level.

"Summer School" means instruction offered during that period of the calendar year not embraced within the regular school term.

Section 230.20 Eligible Applicants

Eligible applicants, for the purposes of this Part, are those school districts with remedial students as defined in Section 230.10 of this Part.

Section 230.30 Procedures and Criteria for Approval of Applications

a) Eligible applicants must annually submit a completed application on forms provided by the State Board of Education that include:

1) a total grant request not more than the amount for which the applicant is eligible in accordance with Section 230.40 of this Part;

2) information describing the local school district's proposed project, including the needs of remedial students and the related project activities, expectations for improving student achievement, and assessment procedures for evaluating the program; and

3) a completed budget and budget summary form of proposed expenditures eligible under Section 2-3.61 of the School Code [105 ILCS 5/2-3.61] and this Part.

b) Local assessment procedures for evaluating the program as specified in subsection (a)(2) of this Section must meet the following minimum standards:

1) assessment procedures must include systematic data collection and analysis of students’ needs, services provided, and results achieved;

2) assessment procedures must be based on good testing practices as described in "Standards for Educational and Psychological Testing"
(1999), published by the American Educational Research Association, 1230 17th St., N.W., Washington, D.C. 20036 (no later amendments to or editions of these standards are incorporated by this Section);

3) assessment criteria must be uniformly applied to all students tested with a particular assessment procedure; and

4) assessment procedures must include statements concerning what actions will be taken to eliminate or alleviate identified problems when analysis of the assessment data demonstrates that the applicant's expectations for improving remedial students' achievement are not being met.

c) Each application will be reviewed by State Board of Education staff to determine the extent to which the applicant has related the needs of the students to be served to the services to be provided to them and has clearly stated expectations for the program's outcomes. Evidence that an applicant has adequately related students' needs to proposed services may include, but not be limited to, plans to provide students who demonstrate deficiency in a particular academic subject area with intensive instructional support in that area.

d) An application must be submitted on or before the date specified in Section 2-3.61 of the School Code.

e) Information provided in the application, as required in subsection (a) of this Section, will be reviewed by State Board of Education staff to determine that the information demonstrates compliance with Section 2-3.61 of the School Code and this Part.

f) State Board staff will send a written notice to applicants specifying any requested information that is missing from their application. Such applicants must supply the requested information within 15 calendar days after receipt of the notice.

g) The State Superintendent of Education will approve applications that demonstrate compliance with Section 2-3.61 of the School Code and this Part, except that the State Superintendent shall have discretion to invoke the provisions of subsection (f) of this Section with respect to any such application submitted for final approval.

Section 230.40 Allocation of Funds
a) The State Superintendent of Education shall determine the amount of individual grant awards on the basis of the following criteria:

1) per pupil allotment based on K-12 enrollment reported on the district's prior year's District Fall Enrollment/Housing Report (70% of annual legislative appropriation distributed statewide);

2) an additional per pupil allotment based on the district's Chapter 1 eligible count (economically disadvantaged students) as issued by U.S. Department of Education (30% of annual legislative appropriation distributed statewide);

3) the total funds appropriated for purposes of Section 2-3.61 of The School Code; and

4) the amounts requested in the approved applications.

b) The minimum grant award for an approved local school district application will be $1,000.

Section 230.50 Distribution of Grant Awards

Distribution of grant award monies to local school districts shall be made on or before the date specified in Section 2-3.61 of The School Code.

Section 230.60 Program Evaluation Standards

The State Board of Education will annually evaluate programs that receive funds under this Part on the basis of the following standards:

a) A review of program records and operations reveals that the program complies with provisions in Section 2-3.61 of The School Code and that it has been conducted in conformance with the provisions of the proposal approved by the State Superintendent of Education pursuant to the provisions of Section 230.30(g) of this Part.

b) Local assessment procedures conform to requirements of Section 230.30(b) of this Part; have determined the degree to which students met the program's objectives; and demonstrate that student achievement has been improved or, if not, that provisions have been made to remove or alleviate problems identified as affecting student achievement results.
TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 240
ALTERNATIVE LEARNING OPPORTUNITIES PROGRAM

SUBPART A: PROGRAM APPROVAL

Section
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SUBPART B: ALTERNATIVE LEARNING OPPORTUNITIES PROGRAM GRANTS

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AUTHORITY: Implementing and authorized by Article 13B of the School Code [105 ILCS 5/Art. 13B].


SUBPART B: ALTERNATIVE LEARNING OPPORTUNITIES PROGRAM GRANTS

Section 240.200 Purpose (Repealed)

This Subpart B establishes the procedures and criteria for approval of applications submitted to the State Board of Education by school districts for grants to assist in planning for, implementing or expanding Alternative Learning Opportunities Programs operated pursuant to Article 13B of the School Code and this Part.

(Source: Repealed at __ Ill. Reg. _____, effective _____________)

Section 240.210 Eligible Applicants (Repealed)

a) School districts, with district plans for the establishment and operation of Alternative Learning Opportunities Programs that have been approved by the State Board of Education pursuant to Section 240.75 of this Part, are eligible to apply for implementation and supplemental grants.

b) Any school district that has not received approval pursuant to Section 240.75 of this Part to operate an Alternative Learning Opportunities Program is eligible to apply for a planning grant.

c) A school district with an approved plan may apply for an implementation and/or a supplemental grant in a given funding cycle.

d) In cases where more than one school district is participating in an Alternative Learning Opportunities Program or planning for such a program, an administrative agent shall be designated and the superintendent from each of the participating districts shall sign the application.

(Source: Repealed at __ Ill. Reg. _____, effective _____________)

Section 240.220 Planning Grants (Repealed)

a) A planning grant shall be used to support costs associated with developing a district plan for the establishment of a new alternative learning opportunities program or to seek approval for an existing program [105 ILCS 5/13B-40.20].

b) Each application for a planning grant shall consist of the following:
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1) background information about the district (e.g., district achievement levels, programs and services currently offered to assist at-risk students, financial condition of the district);

2) background information about the students and families that the district serves (e.g., employment conditions; the community's dropout and truancy rates; number of families with limited English proficiency; rates of poverty, child abuse and neglect; information regarding drug/alcohol abuse);

3) a description of the process to be used to identify the need of the district’s students for the Alternative Learning Opportunities Program;

4) a list of the persons, and their affiliations, who will be involved in the planning process;

5) a plan of work for the planning process that includes objectives, specific activities, timelines, and responsible parties;

6) a detailed budget for the use of the grant funds; and

7) a Certification and Assurances for Application and Award and a Drug-Free Workplace Certification, submitted on forms supplied by the State Board of Education.

c) Planning grant applications shall be reviewed and ranked according to the following criteria.

1) The district’s financial and programmatic resources and student demographics demonstrate that it has unmet needs that could be effectively addressed by an Alternative Learning Opportunities Program. (40 points)

2) The planning activities proposed respond to the needs identified and are directed at improvement of the achievement of students who are at risk of academic failure. (40 points)

3) The activities proposed are cost-effective, as evidenced by the scope of the planning work to be conducted and the number of entities to be involved. (20 points)
d) The selection of proposals for funding may be based in part on geographic distribution and/or the need to provide resources to school districts and communities with varying demographic characteristics.

(Source: Repealed at __ Ill. Reg. _____, effective ______________)

Section 240.230 Implementation Grants (Repealed)

a) An implementation grant shall be used to support the excess cost of instruction and support services provided by an alternative learning opportunities program [105 ILCS 5/13B-40.30].

b) Each application for an initial implementation grant (i.e., from applicants that have not yet received two consecutive years of funding for implementation) shall consist of the following:

1) the district’s plan for the Alternative Learning Opportunities Program developed pursuant to Section 240.70(c) of this Part;

2) evidence that the State Board of Education has approved the Alternative Learning Opportunities Program for operation or that the Application for Program Approval has been submitted in accordance with Section 240.70 of this Part;

3) evidence of the program’s effectiveness in meeting the needs of at-risk students; and

4) a Certification and Assurances for Application and Award and a Drug-Free Workplace Certification, submitted on forms supplied by the State Board of Education.

e) Initial implementation grant applications shall be reviewed and ranked according to the following criteria:

1) The program proposal provides innovative and proven strategies, other than those routinely offered in the regular school program, for developing effective linkages among parents, education, and health and social service providers that are designed to improve the academic achievement of the students enrolled in the program. (50 points)
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2) The proposal has demonstrated a sufficient need for the Alternative Learning Opportunities Program, as evidenced by the number or proportion of students eligible for participation, and that need is unlikely to be met without additional resources to pay for the excess costs of operating the program. (30 points)

3) The program is cost-effective, as evidenced by the cost of proposed services in relation to the numbers to be served and the services to be provided. (20 points)

d) A grantee may seek continuation of its implementation grant in succeeding fiscal years by meeting the requirements of Section 240.80 of this Part and submitting, in a format prescribed by the State Board of Education, evidence of program performance as measured by the percentage of students achieving one or more of the outcomes specified in their Student Success Plans and the overall progress of the program in increasing the percentage of students, in each participating school district, that meets State standards (see Section 13B-40.30 of the School Code).

e) The selection of proposals for funding may be based in part on geographic distribution and/or the need to provide resources to school districts and communities with varying demographic characteristics.

f) Priority consideration may be given to proposals with specific areas of emphasis, as identified by the State Board in a particular Request for Proposals.

(Source: Repealed at __ Ill. Reg. _____, effective _____________)

Section 240.240 Supplemental Grants (Repealed)

a) A supplemental grant shall be used to significantly extend the services of an existing alternative learning opportunities program to additional students or to develop a new component to enhance an existing program [105 ILCS 5/13B-40.25]. For purposes of this grant, the term “significantly” means that additional students cannot be effectively served by the program with existing resources, such as staff or space, or that grade levels not previously served by the program will be added.

b) Each application for a supplemental grant shall consist of the following:

1) the district’s approved plan for the Alternative Learning Opportunities Program developed pursuant to Section 240.70(c) of this Part;
2) if the application proposes the extension of services to additional students, then a description of the students proposed to be served (e.g., percentage or number of additional students to be enrolled; grade levels of those students; need for academic, social, health or other supports not now provided to improve educational achievement);

3) if the application proposes a new component to enhance the current program, then a description of the new component(s) to be developed or implemented and how the component(s) will meet demonstrated needs of both the students enrolled in the program and of the school district(s) that established the Alternative Learning Opportunities Program;

4) evidence that the current program is successfully meeting the needs of the students enrolled, as measured by the percentage of students achieving one or more of the outcomes specified in their Student Success Plans and the overall progress of the program in increasing the percentage of students, in each participating school district, that meet State standards;

5) a detailed funding proposal that at a minimum includes the cost of providing the existing Alternative Learning Opportunities Program, the sources and amount of revenue currently allocated to support the program, and an itemization of the proposed new costs to serve additional students and/or implement the new component(s); and

6) a Certification and Assurances for Application and Award and a Drug-Free Workplace Certification, submitted on forms supplied by the State Board of Education.

e) A supplemental grant application shall be recommended for funding if it provides sufficient evidence of the need for the expanded or enhanced Alternative Learning Opportunities Program and of the program’s inability to meet this need without the supplemental grant.

d) An Alternative Learning Opportunities Program may receive supplemental grants in subsequent years if it proposes enhancements to or expansion of its program not previously funded by supplemental grant awards.

(Source: Repealed at ___ Ill. Reg. _____, effective _____________)

Section 240.250 Grant Awards (Repealed)
Approval of grant applications shall be determined by the State Superintendent of Education based upon the recommendations resulting from the review processes described in Sections 240.220(c), 240.230(c) and (d), and 240.240(c) of this Part and the approvable amounts requested in the top-ranked proposals under each category.

a) The State Board of Education shall annually determine the maximum amount of the Alternative Learning Opportunities Act appropriation to be allocated for each grant type. For planning grants, this amount shall not exceed 20 percent of the total appropriation in any given year.

b) The Request for Proposals shall stipulate the maximum amount available for individual grant awards for each type, except that:

1) for initial implementation grants (not to exceed two consecutive years of funding), a grantee shall receive no more than the amount that exceeds its per-capita tuition rate, up to $2,000 per student enrolled, multiplied by the average daily attendance of the students enrolled in the program;

2) for continuation implementation grants (i.e., beginning in the third consecutive year of funding), a grantee shall receive no more than the amount that exceeds its per capita tuition rate, up to $1,000 per student enrolled, multiplied by the average daily attendance of the students enrolled in the program;

3) for supplemental grants, a grantee shall receive no more than the amount that exceeds its per capita tuition rate, up to $1,000 per student enrolled, multiplied by the average daily attendance of the students enrolled in the program; and

4) no single grant awarded in a given fiscal year will exceed the percentage of the total allocated to the grant type that is equal to the proportion of the school district’s audited average daily attendance used for the purpose of calculating General State Aid to the total average daily attendance of the State.

c) For purposes of this Section 240.250, the per capita tuition rate shall be the rate determined for the school year preceding the date of the application.

d) In instances of a program operated by a cooperative of two or more school districts, the per capita tuition rate used to calculate the maximum grant award
shall be based on the average of the per capita tuition rates of the participating school districts.

e) For programs operated for less than a full school year, both the maximum grant amount specified in subsection (b) of this Section and the per capita tuition rate shall be prorated based upon the number of days the program has operated compared to the required days of actual pupil attendance as specified in Section 10-19 of the School Code [105 ILCS 5/10-19].

(Source: Repealed at __ Ill. Reg. _____, effective _____________)

Section 240.260 Terms of the Grant (Repealed)

a) All grants issued under this Part shall be governed by the Illinois Grant Funds Recovery Act [30 ILCS 705].

b) Applicants may be asked to clarify certain aspects of their proposals. A negotiated and finalized proposal returned to the applicant, with an authorized signature affixed to the cover page, will constitute an approved grant agreement with the State Board of Education.

c) Orders for payment will be submitted to the Office of the Comptroller by the State Board of Education on a quarterly basis.

1) The initial payment for implementation and supplemental grants shall be made based upon the grantee’s projected enrollment multiplied by the district’s attendance rate. This rate shall be calculated by dividing the average daily attendance in the preceding year by the district’s enrollment for the same year.

2) The remaining quarterly grant payments shall be adjusted to reflect the program’s reported average daily attendance for the preceding quarter to ensure that the grantee receives no more than the amount specified in Section 240.250(b) of this Part.

d) If a grantee chooses not to reapply for a grant in the fiscal year following the grant award, then the grantee shall submit a final project report in a format and including information as determined by the State Board of Education. This report must be submitted within 30 days after the ending date of the grant period.
e) An approved budget may be amended by completing an amendment to the approved budget, using forms supplied by the State Board of Education, to show the new amounts required and attaching an explanation for the changes. A budget amendment is necessary whenever an approved individual line item changes by more than $1,000 or 20 percent (whichever is larger) from the approved budget. A budget amendment must also be submitted for approval when a grantee proposes to use funds for allowable expenditures not identified in the approved budget. Changes will be approved if the proposed distribution of resources or activities would have been approvable within the original application.

(Source: Repealed at __ Ill. Reg. _____, effective _____________)
Section 245.10  Purpose

This Part establishes the procedure and criteria for approval of applications submitted by eligible applicants to the State Board of Education for grants under the Urban Education Partnership Program as authorized in Section 2-3.101 of the School Code (Ill. Rev. Stat. 1991, ch. 122, par. 2-3.101) [105 ILCS 5/2-3.101] and pursuant to Chapter 2 of the federal Elementary and Secondary Education Act (ESEA).

Section 245.20 Nature of the Program

a)  Because urban communities house a disproportionate number of low-income, at-risk individuals who require community involvement to address the educational and social needs of students, Urban Education Partnership Programs include:
1) the planning, development, operation, expansion, or dissemination of programs, projects and activities that improve student achievement in large and small urban communities; and

2) the development and maintenance of collaborative efforts or partnerships involving an attendance center and at least one parent or community group, social service agency, business entity, or institution of higher education.

b) Urban education partnership programs shall include but not be limited to components designed to improve student attendance at school and in class, increase student homework output and quality, increase student time on the task of acquiring basic and higher order skills, improve teacher-given classroom grades, improve State and national standardized test scores and assessment results, improve community involvement in the development and implementation of effective school programs, and improve parent involvement to foster a positive home environment, meaningful parent-child communication in matters of educational performance and progress, and increased parent participation in home learning activities, school volunteer activities and school governance. (Section 2-3.101 of the School Code.)

Section 245.30 Eligible Applicants

a) An Illinois school district, charter school, public university laboratory school approved by the State Board of Education pursuant to Section 18-8.05(K) of the School Code [105 ILCS 5/18-8.05(K)], or area vocational center is eligible to apply for an Urban Education Partnership grant if:

1) The number of students enrolled in the public schools of the district, charter or laboratory school, or area vocational center is 1,500 or more, and not less than 10% of those students are low income students as determined with reference to the annual public schools Fall Enrollment Housing Report that the school district is required to file with the State Board of Education; or

2) the school district, charter or laboratory school, or area vocational center receives not less than $100,000 in a fiscal year from funds allocated and distributed under Chapter 1 of Title I of the federal Elementary and Secondary Education Act of 1965, and not less than 10% of the students enrolled in the public schools of the school district are "minority
students”, defined for purposes of this Section to mean a pupil who is Black (having origins in any of the black racial groups in Africa), Hispanic (of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race), Asian American (having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands), or American Indian or Alaskan Native (having origins in any of the original peoples of North America). [Section 2-3.106 of the School Code.]

b) The State Board of Education shall identify in its annual Request for Proposals the types of projects (planning, initial implementation, continuation, and/or dissemination) which will be funded for the fiscal year in question.

c) No grantee will be eligible to receive State funding under this program for more than three consecutive school years for the same attendance center.

Section 245.40 Application Procedure and Content

a) The State Board of Education will issue a Request for Proposals (RFP) specifying the information that must be included in each proposal and requiring that proposals be submitted to the agency no later than the date specified in the RFP. The submission deadline shall provide at least forty-five (45) calendar days in which to submit proposals.

b) Each proposal for an Urban Education Partnership grant must consist of the components listed below.

1) A completed application cover page bearing the signature of the official authorized to submit the proposal and bind the applicant to its contents.

2) An abstract of the proposal (not to exceed one page).

3) A narrative description of the proposed project, containing the elements identified in subsection (c), (d), (e), or (f) below, as applicable to the type of project being proposed.

4) Budget information, supplied on forms provided by the State Board of Education as part of the RFP.
5) A budget narrative correlating the budget line items to descriptions of anticipated expenditures, submitted on the form provided by the State Board as part of the RFP.

6) An evaluation design describing the methods to be used to assess the effectiveness of the project. Implementation and continuation proposals must include a description of how formative evaluation will be used in the development and improvement of the program.

7) A completed Nonpublic School Verification and Involvement Form, provided by the State Board as part of the RFP.

8) Such certifications and assurances as the State Board may require, submitted on forms supplied by the Board as part of the RFP.

9) Letters of intent from all partners external to the school district, describing each entity's commitment to and role in the project (implementation and continuation proposals only).

c) The proposal narrative for each planning proposal shall include the following.

1) Background information on the district and attendance center.

2) A statement of need and a description of the process by which the need was identified.

3) A description of the proposed planning project, indicating whether activities will be conducted for the purpose of

   A) identifying a program whose implementation would address the needs identified, or

   B) planning for an identified program, in which case the program shall be described and its target population identified.

4) The plan of work for the project, delineating objectives, specific activities, timelines, and responsible parties.

d) The proposal narrative for each implementation proposal shall include the following.
1) Background information on the district and attendance center, which may be either

A) a statement that the information previously provided as part of the planning proposal for the program remains accurate, or

B) a description of any changes affecting the overview previously provided.

2) A statement of need and a description of the process by which the need was identified.

3) A description of the proposed program, including identification of the external entity(ies) involved and the roles and responsibilities of each.

4) A description of the features which make the program applicable to other attendance centers and amenable to replication for their use.

5) The plan of work for the project, delineating objectives, specific activities, timelines, and responsible parties.

e) The proposal narrative for each continuation proposal shall include the following.

1) Background information on the district and the attendance center, which may be either

A) a statement that the information previously provided remains accurate, or

B) a description of any changes affecting the overview previously provided.

2) A statement of need, which may be either

A) a statement that no changes have occurred in the information previously provided, or

B) a description of any relevant changes.
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3) Updated program information, including any changes in the external entity(ies) involved or in their roles and responsibilities, or in the relationship of the program to other special projects in operation at the attendance center. This description must discuss the activities proposed for the continuation period in light of the evaluation of the preceding year's project, including especially the identification of each unmet objective and the rationale for its continued inclusion or its deletion from the project.

4) The plan of work for the project, delineating objectives, specific activities, timelines, and responsible parties.

f) The proposal narrative for each dissemination proposal shall include the following.

1) Background information, including:

   A) An overview of the district, the attendance center where the program has been in operation, and the student population served;

   B) A description of the specific program to be disseminated;

   C) A discussion of the features of the program which warrant its replication; and

   D) A description of the target audience for whom this information would be relevant.

2) The plan of work for the project, delineating objectives, specific activities, timelines, and responsible parties.

Section 245.50 Application Review Criteria

Proposals will be evaluated by State Board staff in accordance with the applicable criteria set forth below.

a) Review Criteria for Planning Proposals

1) The proposed activities respond to the need identified and are directed at the improvement of student outcomes. (60 points)
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2) There is a demonstrated need for the program and/or activities identified within the proposal. (30 points)

3) The activities proposed will be cost-effective, as evidenced by the scope of the planning work to be conducted and the number of entities to be involved. (10 points)

b) Review Criteria for Implementation Proposals

1) The proposed program responds to the need identified and the proposed work plan is reasonable in light of the project's goal. (30 points)

2) The proposed program is directed at the improvement of student outcomes. (30 points)

3) There is a demonstrated need for the program and/or activities identified within the proposal. (20 points)

4) The applicant demonstrates the replicability and adaptability of the program to other attendance centers and LEA's. (10 points)

5) The program or activities proposed will be cost-effective, as evidenced by the cost in relation to the numbers to be served, the services to be provided, or the scope of activities to be conducted. (10 points)

c) Review Criteria for Continuation Proposals

1) The program proposal is justified in light of the evaluation of prior project activities. (30 points)

2) The services and/or activities proposed are designed to improve student outcomes. (30 points)

3) There is a demonstrated need for the program and/or activities identified within the proposal. (20 points)

4) The program described can be replicated and adapted for use by other attendance centers and LEA's. (10 points)
5) The program or activities proposed will be cost-effective, as evidenced by the cost in relation to the numbers to be served, the services to be provided, or the scope of activities to be conducted. (10 points)

d) Review Criteria for Dissemination Proposals

1) The applicant has identified a target audience for the program information in question and has demonstrated that the program is relevant to that audience. (60 points)

2) Dissemination of the program involved is warranted, as evidenced by the evaluation of program activities. (30 points)

3) The dissemination plan is cost-effective, based on the scope of the program, the nature and quantity of the materials to be developed, and the size and location of the target audience. (10 points)

Section 245.60 Grant Awards

Final approval of grants under this program will be determined by the State Superintendent of Education and will be based upon recommendations resulting from the evaluation/review process.

a) The State Superintendent of Education shall determine the amount of individual grant awards on the basis of:

1) Recommendations based on the criteria set forth in Section 245.50 of this Part;

2) The total amount of funds appropriated for the Urban Education Partnership Program; and

3) The approvable amounts requested in the top-ranked proposals identified pursuant to Section 245.50 of this Part.

b) Notification of grant awards for approved proposals will be made not later than 45 calendar days after the deadline for proposal submission or the date when the amount of the appropriation for this program is determined, whichever is later.

Section 245.70 Terms of the Grant
a) Applicants may be asked to meet with State Board staff to clarify aspects of their proposals. State Board staff will negotiate a final contract with each successful applicant. Grant payments will be made by the State Board according to a negotiated payment schedule. Payments may be reduced from scheduled amounts if periodic reports show excessive cash on hand.

b) Allocations in an approved budget may be amended by completing an amendment to the approved budget, using forms supplied by the State Board of Education, to show the new amounts required and attaching an explanation for the changes. A budget amendment must be submitted for State Board approval whenever any individual line item changes by more than $1,000 or 20 percent, whichever is larger. A budget amendment must also be submitted for approval when a grantee proposes to use funds for allowable expenditures not identified in the approved budget. Amendments will be approved if the proposed distribution of funds would have been allowable within the original application.

c) All grants issued under this Part shall be governed by the Illinois Grant Funds Recovery Act [30 ILCS 705].

d) No subcontracting is allowed under this program.

e) Each grant recipient must submit a year-end report to the State Board of Education no later than October 15 of the calendar year in which the grant period ends. That report must include the following information:

1) Objectives and activities completed.

2) Resources utilized during the grant period.

3) Planned strategies for the continued development and implementation of the program, including resources to be utilized.

f) Each grant recipient shall submit a complete final expenditure report, on a form supplied by the State Board of Education, no later than 30 calendar days after the end of the grant period.

g) In addition, a final report is required of recipients completing two years of program implementation, i.e., at the end of the continuation phase. This final report must be submitted to the State Board no
later than October 15 of the calendar year in which the continuation grant period ends and must include:

1) A final evaluation of the program, including the extent to which the program proved to be a successful strategy for improving the academic achievement of the target population, and its replicability by other school districts.

2) A final summary of methods, data, and conclusions (as a journal-style article, 2-5 pages).
Section 250.10  Purpose

This Part establishes the procedure and criteria for approval of proposals submitted by eligible applicants to the State Board of Education for grants to assist the applicants in planning comprehensive arts programs in grades kindergarten through six as authorized in Section 2-3.65 of The School Code (Ill. Rev. Stat. 1985, ch. 122, par. 2-3.65). "Comprehensive arts programs" means a program which includes dance, drama, music and visual arts.

Section 250.20  Eligible Applicants

a) Applications for grant awards may be submitted by public school districts offering grades K-6. Districts may submit a joint application for funds. However, a single district must be designated as the fiscal agent for purposes of receiving and distributing grant funds, and the proposal must have the signatures of the superintendents of each of the districts in the joint proposal.
b) One grant will be awarded per district or joint application. The grant monies shall be used to develop a comprehensive arts program in at least one attendance center within the district(s) that receive a grant.

**Section 250.30 Application Procedures and Content**

a) The State Board of Education will issue a Request for Proposal (RFP) specifying the information which applicants must include in their proposal, and requiring that proposals be submitted to the State Board of Education no later than forty-five (45) calendar days from the date specified in the RFP.

b) Each proposal must provide the following information:

1) a description of need for the proposed program including an outline of the current arts education program in grades K-6;

2) a description of the long-term goal(s) of the project, which must include the initial development of a comprehensive K-6 arts program or the expansion of an existing program to achieve comprehensive coverage as defined in Section 2-3.65 of The School Code and Section 250.10 of this Part (These may be based upon the State Board of Education's Fine Arts Outcome Statements printed in the RFP and the State Board of Education's Comprehensive Arts Education Program included in the State Board's "Illinois Plan for the Arts in General Education (Fiscal Years 1984-1988)"); copies of both are available upon request.);

3) a description of the time-specific program objectives to be achieved and the activities to be carried out in relation to them;

4) a list of the attendance center(s), person(s), materials, supplies and facilities to be utilized in the activities;

5) a description of methods the applicant will use to assess the effectiveness of the project in relation to its goals, including criteria to be used and data to be collected;

6) a description of how the evaluation information will be used in the continued development of the program;

7) a description of how and when the goals of the program will be implemented upon its development; and
8) a proposed budget on forms provided by the State Board of Education which shall be limited to the funds needed to support the developmental phase of a comprehensive K-6 arts program. Expenditure shall be limited to Personal Services, Contractual Services, Professional Development materials, and Supporting Services.

Section 250.40 Proposal Review and Approval Criteria

Proposals submitted for competition in response to the Request for Proposal shall be evaluated and ranked in accordance with the following criteria, which are based on Section 250.30(b) of this Part.

a) whether the goal(s) reflect the needs of the district(s) and the provisions of Section 2-3.65 of The School Code - 30 points;

b) whether the proposed objectives and activities are related to the goal(s) - 15 points;

c) whether the proposed evaluation process is designed to assess the effectiveness of project activities in relation to project goals and objectives - 15 points;

d) whether the proposed budget is consistent with the proposal's activities - 15 points;

e) whether a commitment to continued local district development and operation of comprehensive arts is reflected in the proposal, pursuant to Section 250.30(b)(7) - 15 points; and

f) whether the goals of prior year grant awards have been achieved as evidenced in evaluation data - 10 points.

Section 250.50 Allocation of Funds

The State Superintendent of Education shall determine the amount of individual grant awards on the basis of the following criteria:

a) the total funds appropriated for comprehensive arts development grants; and

b) the approvable amounts requested in the top ranked proposals determined pursuant to Section 250.40; and
c) the intent to provide services on a geographic basis throughout the state.

**Section 250.60 Distribution of Grant Awards**

Grant awards for approved proposals will be distributed within 45 days after the State Board of Education receives a Budget Agreement Form signed by the district superintendent. This form and the approved application shall constitute the agreement between the parties.

**Section 250.70 Reporting Requirements**

Grant recipients will annually submit a final report to the State Board of Education by August 15. That report will describe:

a) goal(s) and objectives completed and resources utilized during the grant period;

b) evaluation of the project; and

c) resources to be utilized and planned strategies for the continued development and implementation of a comprehensive arts education instructional program.
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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER j: TEXTBOOKS

PART 360
MATHEMATICS AND SCIENCE LOAN PROGRAM (REPEALED)

Section
360.10 Definitions
360.20 Purpose
360.30 Eligible and Ineligible Items
360.40 Allotment of Funds
360.50 Application Approval Procedure and Criteria
360.60 Purchase and Payment Procedures
360.70 Disposition of Equipment and Materials


SOURCE: Emergency rules adopted at 11 Ill. Reg. 3350, effective January 28, 1987, for a maximum of 150 days; adopted at 11 Ill. Reg. 16541, effective September 30, 1987; Part repealed at __ Ill. Reg. _____, effective _____________.

Section 360.10  Definitions

"Equipment" means durable hardware items (e.g., microscopes, scales, and plastic models) which are nonconsumable, moveable, and usable for a period of more than one year, and which are intended to be used as part of students' mathematics or science instruction.

"Instructional materials" means only those items directly associated with the use of a particular piece of requested equipment, as defined herein (e.g., prepared slides for use with a microscope, computer software packages for use with a computer).

"Parent" means a biological parent or legal guardian.

Section 360.20 Purpose

The purpose of the mathematics and science loan program is to make loans of mathematics and science equipment, including instructional materials, free of charge to any student of a school meeting the requirements of Section 2-3.54 of The School Code. Loans of equipment and instructional materials will be provided directly to the students at their request or at the request of their parents or guardians, as authorized in Section 2-3.54 of The School Code.

Section 360.30 Eligible and Ineligible Items

a) Items eligible for loan under this Part shall be limited to mathematics and science equipment, including instructional materials, as defined in Section 360.10 of this Part.

b) General-purpose equipment and instructional materials, such as chairs, students' desks, audio-visual equipment, chalkboards, and waste receptacles, as well as consumable supplies, such as chemicals, chalk, paper, and workbooks, are ineligible.

c) Equipment which becomes a permanent part of the school building is ineligible.

d) Equipment provided under this program will be inventoried and maintained by the applicant.

Section 360.40 Allotment of Funds

a) Allotment of the funds for this program will be made based upon the amount appropriated and will be calculated according to the following formula:

1) A per-pupil allocation based on K-12 enrollment (70% of the available appropriation); and

2) An additional allocation for each Chapter 1 eligible student, distributed according to the ratio of total public to nonpublic students in schools located within a district's geographic boundaries (30% of the available appropriation).

b) The K-12 enrollment used in making the allocations shall be taken from the 1985-86 Fall Enrollment/Housing Report, adjusted so that students attending school full-time in another district shall be counted in their home districts.
Section 360.50 Application Approval Procedure and Criteria

a) A student or parent must request the loan of eligible equipment and instructional materials through completion of a student request form at the school where the student is in attendance. Such forms shall be provided by the school attended and shall contain the following language: "I hereby request the loan of mathematics and/or science equipment and instructional materials in accordance with Section 2-3.54 of The School Code. I understand that this request will remain valid so long as (student name) is enrolled in (school name) and that I may at any time withdraw this request." Each school shall retain the individual parent or student request forms for three years after the student has left the school.

b) Based upon the student request forms received, schools shall compile aggregate applications, on application forms provided by the State Board of Education. Each school's aggregate application shall then be submitted to the State Board of Education for approval. Schools may not apply more than once, i.e., they may not utilize portions of their allotments at different times. A completed application shall contain the following information:

1) Name, address, and telephone number of the school or district and its contact person.

2) Grade levels where equipment and materials will be used.

3) Complete description of each item requested, including brand name, model or catalog number (if any), quantity, unit price, and amount of shipping and handling costs (if any).

   A) Each price shown shall be a firm figure supplied by the vendor, shall reflect the results of the applicable bidding and advertising procedures required by the Illinois Purchasing Act (Ill. Rev. Stat. 1985, ch. 127, par. 132.1 et seq.), and shall include all applicable costs (i.e., shipping, handling, set-up), as referred to in subsection (b)(3) of this Section.

   B) Payment will not be made in excess of the amount approved for any item.

4) Name(s), address(es), telephone number(s), and Federal Employer Identification Number(s) of vendor(s).
5) Breakdown of amount requested by categories of equipment/materials and areas of use (i.e., mathematics or science).

c) Each completed application form shall bear the current date and the signature of the school's chief administrative officer.

d) Staff of the State Board of Education will review the information provided in the application to ensure compliance with Section 2-3.54 of The School Code and this Part. Staff of the State Board of Education will advise schools in cases where information needed for approval is lacking.

e) No modifications to approved applications (e.g., substitutions, returns, price increases, or changes in model or vendor) may be made without prior written approval by the State Board of Education. Such modifications shall be granted only when made necessary by circumstances beyond the control of the applicant or the vendor and when such modifications otherwise conform to the requirements of this Part.

Section 360.60 Purchase and Payment Procedures

a) The State Board of Education shall approve each application which contains all information set forth in subsections (b) and (c) of Section 360.50 of this Part, requests only eligible items, and does not exceed the amount available for the submitting school.

b) Approval of an application by the State Board of Education shall constitute authorization for the school to order the items requested therein.

1) Purchase of equipment and instructional materials under the provisions of this Part shall be conducted in accordance with the applicable provisions of the Illinois Purchasing Act (Ill. Rev. Stat. 1985, ch. 127, par. 132.1 et seq.).

2) At the time notification of approval of an application is made, the State Board of Education shall provide a supply of documents which shall be used by the school official to confirm the receipt of the listed equipment and materials and to certify that the equipment will be processed as required by the State Property Control Act (Ill. Rev. Stat. 1985, ch. 127, par. 133b1 et seq.).
c) As requested items are received, the responsible official shall sign a confirmation form and return it to the State Board of Education, signifying that the items listed thereon have been received and will be tagged with inventory identification numbers as required by the State Property Control Act. Such forms shall be accompanied by copies of vendors' invoices showing the cost of each item purchased.

d) Invoices for items purchased under this program may not include any costs applicable to items not purchased under this program.

Section 360.70 Disposition of Equipment and Materials

Each school shall notify the State Board of Education in writing when it has unused or unneeded equipment and instructional materials received pursuant to this Part which are available for reallocation to pupils attending another school.
TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER o: MISCELLANEOUS

PART 575

SCHOOL TECHNOLOGY PROGRAM

SUBPART A: SCHOOL TECHNOLOGY GRANTS

Section
575.10  Purpose (Repealed)
575.20  Eligible Expenditures (Repealed)
575.30  Application Procedure and Content (Repealed)
575.40  Matching Requirements (Repealed)
575.50  Proposal Review and Approval (Repealed)
575.60  Terms of the Grant (Repealed)

SUBPART B: SCHOOL TECHNOLOGY REVOLVING LOAN PROGRAM

Section
575.100 Purpose
575.200 Use of Funds
575.300 Maximum Amount of Loan
575.400 Application Procedures
575.500 Review of Application and Notification of Loan Award
575.600 Repayment Procedures
575.700 Terms and Conditions of Loan Agreement

AUTHORITY: Implementing and authorized by Section 2-3.117a of the School Code [105 ILCS 5/2-3.117a].

SUBPART A: SCHOOL TECHNOLOGY GRANTS

Section 575.10  Purpose (Repealed)

This Subpart establishes the procedures and criteria for approval of applications for funding submitted by school districts pursuant to Section 2-3.117 of the School Code [105 ILCS 5/2-3.117]. Charter schools, public university laboratory schools approved by the State Board of Education pursuant to Section 18-8.05(K) of the School Code (see 105 ILCS 5/18-8.05(K)), and area vocational centers are also eligible to apply (see 105 ILCS 5/27A-11.5, 2-3.109a, and 2-3.109b, respectively).

(Source: Repealed at __ Ill. Reg. _____, effective _____________)

Section 575.20  Eligible Expenditures (Repealed)

a) Funding is available under the School Technology Program for technology-based learning resources which will improve educational opportunities and student achievement throughout the State (Section 2-3.117 of the School Code).

b) "Technology-based learning resources" shall include but not be limited to:

1) computers, servers, modems, printers, and other peripheral equipment;

2) software and optical media;

3) CD-ROM drives and laser-disc players;

4) installation, cabling, wiring, network hardware, and routers;

5) on-line services and charges for connectivity;

6) other equipment or technological devices integral to the effective use of technology in an educational setting; and

7) staff development and/or planning activities related to the use of technology in an educational setting.

e) Funding levels available to districts may vary according to the extent of their pre-existing technology-related investments (e.g., access or lack of access to the
Internet, sufficiency or insufficiency of computer equipment). The State Board shall delineate any such parameters in an RFP issued pursuant to Section 575.30 of this Part.

(Source: Repealed at __ Ill. Reg. _____, effective _____________)

Section 575.30 Application Procedure and Content (Repealed)

a) Subject to the availability of funds, the State Board of Education will annually issue one or more Requests for Proposals (RFP’s) specifying particular areas of technology investment eligible for funding. Each RFP shall identify the information which applicants must include in their proposals and shall require that proposals be submitted to the State Board no later than the date specified in the RFP. An RFP shall provide at least 45 calendar days in which to submit proposals.

b) Each proposal shall consist of the following components:

1) A cover page, completed on a form supplied by the State Board of Education and signed by the school district superintendent;

2) A description of the district’s need for the proposed project, activity, and/or resources in light of the technology-based learning resources available to the district’s staff and students;

3) A narrative description of the proposed project, activity, and/or resources requested, responding to the requirements enumerated in the relevant RFP;

4) A statement that the district will provide the matching resources required under the RFP, if applicable; (see Section 575.40 of this Part);

5) Identification of the staff members to be involved in the proposed activities and a description of how they were chosen;

6) If requested, a plan for evaluating the proposed project, activities, and/or use of resources, which shall correspond to the applicable specifications set forth in the RFP;

7) Budget information, provided on forms supplied by the State Board of Education; and
Such certifications and assurances as the State Board of Education may require.

(Source: Repealed at __ Ill. Reg. _____, effective _____________)

Section 575.40 Matching Requirements (Repealed)

School districts receiving funds or technology-based resources under this program may be required to demonstrate particular forms and/or levels of local matching effort. Any such requirements shall be specified by the State Board of Education in the applicable RFP.

(Source: Repealed at __ Ill. Reg. _____, effective _____________)

Section 575.50 Proposal Review and Approval (Repealed)

a) Proposals submitted under this program will be evaluated in accordance with the following criteria:

1) The school district has demonstrated a need for the proposed project, activity, and/or resources. (30 points)

2) There is a clearly expressed relationship between the proposed project, activity, and/or resources and the district’s educational goals, learning approaches, and/or school improvement plans. (30 points)

3) Receipt of funding under this program will contribute to the accomplishment of the district’s long-term plans for the use of technology. (20 points)

4) The school and district staff to be involved were chosen in a manner congruent with the district’s educational goals and school improvement plans. (10 points)

5) The district has well-developed strategies for drawing upon community resources to improve student learning. (10 points)

b) The selection of proposals for funding may be based in part on geographic distribution and/or the need to provide resources to districts with varying demographic characteristics.
e) Priority consideration may be given to proposals with specific areas of emphasis, as identified by the State Board in a particular RFP.

d) The State Superintendent of Education will determine the amount of individual grant awards. The final award amounts will be based upon:

1) the total amount of funds available for the program; and

2) the resources requested in the top-ranked proposals, as identified pursuant to subsections (a), (b), and (c) of this Section.

(Source: Repealed at __ Ill. Reg. _____, effective _____________)

Section 575.60 Terms of the Grant (Repealed)

An approved grant agreement with the Illinois State Board of Education is subject to the following terms.

a) Orders for payment will be submitted to the Office of the Comptroller by the State Board of Education according to a negotiated payment schedule. Following negotiations, budgets may be amended by completing an amendment to the approved budget, using forms supplied by the State Board of Education and attaching supplementary documentation providing a rationale for the changes. A budget amendment must be submitted to the State Board of Education for approval whenever an individual line item changes by $1,000 or 20 percent, whichever is larger. A budget amendment must also be submitted for approval when a grantee proposes to use funds for allowable expenditures not identified in the approved budget. Changes will be approved if the proposed distribution of funds would have been allowable within the original application.

b) All funds granted and all equipment purchased with funds granted under this program shall be subject to the Illinois Grant Funds Recovery Act [30 ILCS 705]. Funds and equipment granted for the operation of this program shall be used exclusively for the purposes stated in the approved proposal and expended in accordance with the approved budget and the grantee’s policies and procedures related to such expenditures. Funds may only be expended for activities occurring during the grant period. No funds may be used to help support or sustain any institution controlled by any church or sectarian denomination (Article 10, Section 3 of the Illinois Constitution; Ill. Const. 1970, Art. X, Sec. 3).
e) Each grant recipient shall submit a final report to the State Board of Education within 30 days after the end of the grant period. The report shall include:

1) an assessment of the extent to which the project’s or activities’ objectives were achieved, as specified by the State Board of Education in the RFP;

2) information on results or outcomes, as specified by the State Board of Education in the RFP;

3) a discussion of planned strategies for sustained activity in the area of technology use, including application of the resources provided under this program.

(Source: Repealed at __ Ill. Reg. _____, effective _____________)
TO: Illinois State Board of Education

FROM: Dr. Randy J. Dunn, State Superintendent of Education (Interim)  
Jonathan Furr, General Counsel  
Ginger Reynolds, Assistant Superintendent (Interim), Teaching and Learning Services

Agenda Topic: Action Item: Rules for Adoption – Student Records (Part 375)

Materials: Proposed Amendments

Staff Contact: Donna Luallen

Purpose(s) of Agenda Item
The purpose of the agenda item is to present the proposed amendments for the Board’s adoption.

Expected Outcome of Agenda Item
The Board will be asked to adopt proposed amendments to Part 375 (Student Records).

Background Information
P.A. 93-859, effective January 1, 2005, made the following changes in Section 2-3.13a of the School Code that necessitate amendments to the rules governing Student Records:

- requires the State Board of Education to establish by rule a system for tracking transfer students;
- requires a school or district to count a student who has withdrawn from that school or district as a dropout for purposes of its annual dropout calculation if the school or district does not receive documentation that the student has enrolled in another school within 150 days after the student withdraws; and
- allows a request for student records (academic transcripts or medical records) to be used as documentation of student enrollment.

The proposed rules to implement these changes were published in the Illinois Register for public comment on December 3, 2004. Two comments were received; no changes are being proposed in response to the public comment. A summary of the issues raised is provided below.

Analysis and Implications for Policy, Budget, Legislative Action and Communications
Currently, Section 5 of both the Missing Children Records Act [325 ILCS 50/5] and Missing Children Registration Law [325 ILCS 55/5] requires that within 14 days of enrolling a transfer student, the school to which that student is transferring must request a certified copy of the student's records from his or her previous school. This requirement currently is referenced in the rules at Section 375.75(e) and is being moved to 375.75(b). Therefore, a requirement already exists for all schools to request records of transfer students enrolling in their schools, thereby providing a mechanism for tracking transfer students to determine whether they have enrolled in another school or have dropped out. These proposed amendments do not establish
additional mandates on schools and districts. Instead, they rely on a mandate currently being imposed by the Missing Children Records Act and the Missing Children Registration Law.

Two letters of public comment were received concerning this rulemaking. Both letters address potential situations -- students who are “home schooled” and students who move outside of the United States -- where a school from which a student has withdrawn might not receive a request for records or other documentation of the student’s enrollment in another school. Under the provisions of Section 2-3.13a of the School Code, such a school would be required to count the student as a dropout if no documentation of enrollment in another school is received within a 150 days after the date that the student withdraws.

In Illinois, home schooling is not regulated by the state, except for broad directives about the courses of study that must be taught. A parent who chooses to remove his or her child from a public school and educate the child at home is not required to inform the school that the child will be “attending” a home school. Likewise, Illinois law does not require schools in other countries to submit evidence of enrollment to the schools the students last attended in Illinois.

While the proposed amendments incorporate an existing requirement as a mechanism for tracking transfer students among schools subject to the provisions of the Missing Children Records Act and Missing Children Registration Law (i.e., a request for records), they do not exclude other means of documenting enrollment of a student in another school. In the case of home schooling, such documentation could include a letter from the parent to the school, indicating the parent’s intent to “home school” the child. State Board staff routinely advise parents seeking information about home schooling to provide such a letter to their children’s schools.

As for students who move out of the country, it is admittedly frustrating for a school to be forced to count a student returning to his or her home country as a dropout if it does not receive a request for records from the next school the student attends or other evidence from that school that the student has enrolled. The State Board, however, cannot by rule make requirements on schools that it does not regulate. Nor can schools and school districts assume for the purpose of calculating their dropout rates under Section 2-3.13a that these students have enrolled in other schools absent evidence of some kind that that has occurred.

Superintendent's Recommendation
The State Superintendent recommends that the State Board of Education adopt the following motion:

I move that the State Board of Education hereby adopts the proposed rulemaking for:

Student Records (23 Illinois Administrative Code 375).

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 (JCAR).

Next Steps
Notice of the adopted amendments will be submitted to the Joint Committee on Administrative Rules to initiate JCAR’s review. When that process is complete, the adopted rules will be filed with the Secretary of State and disseminated as appropriate.
TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER k: SCHOOL RECORDS

PART 375
STUDENT RECORDS

Section
375.10 Definitions
375.20 Rights of Students
375.30 Notification
375.40 Maintenance
375.50 Cost for Copies of Records
375.60 Emergency Release of Information
375.70 Release of Information
375.75 Public and Nonpublic Schools: Transmission of Records for Transfer Students
375.80 Directory Information
375.90 Challenge Procedures
375.100 Implementation
375.110 Enforcement

AUTHORITY: Implementing and authorized by the Illinois School Student Records Act [105 ILCS 10] and Section 2-3.13a of the School Code [105 ILCS 5/2-3.13a].


Section 375.75 Public and Nonpublic Schools: Transmission of Records for Transfer Students

a) This Section implements Section 2-3.13a of the School Code [105 ILCS 5/2-3.13a], Section 5 of the Missing Children Records Act [325 ILCS 50/5] and Section 5 of the Missing Children Registration Law [325 ILCS 55/5]. This Section is applicable to all public, private or nonpublic elementary and secondary schools in the State of Illinois.
b) Within 14 days after enrolling a transfer student, an elementary or secondary school shall comply with the requirements of Section 5 of the Missing Children Records Act and Section 5 of the Missing Children Registration Law regarding the records of such transfer student. The transfer of the record by a public school is subject to the prior notice to parents required by Section 375.70(a) of this Part.

c) A request made pursuant to subsection (b) of this Section for a certified copy of a student’s record shall satisfy the requirement of Section 2-3.13a(c) of the School Code regarding documentation of enrollment of a transfer student.

d) If within 150 days after a student leaves a school, that school or school district has not received a request for the student’s record, or been presented with other documentation that the student has enrolled in another school, then the student shall be counted in the school’s or school district’s calculation of its annual dropout rate (see Section 2-3.13a(c) of the School Code).

e) As used in this Section, "Unofficial Record of Student Grades" means written information relative to the grade levels and subjects in which a student was enrolled and the record of academic grades achieved by that student prior to transfer. Such records shall also include the name and address of the school, the name of the student to whom the records pertain, the name and title of the school official transmitting the records, and the date of transmittal.

f) As used in this Section, "Official Transcript of Scholastic Records" means the formal record showing dates of enrollment, courses studied, grades, credits, and awards received, and bearing the signature and title of the certifying official, the seal of the school, if any, and the date of issue.

g) As used in this Section, "Certified Copy of Student's Record" means:

1) for public schools, the student's permanent and temporary record as defined in Section 375.10 of this Part; and

2) for private and nonpublic schools, the individual student information maintained by such schools for all of their students. Such information may include:
   A) Basic identifying information, including the student’s name and address, birth date and place, and gender, and the names and addresses of the student’s parents;
B) Academic transcript, including grades, class rank, graduation date, grade level achieved and scores on college entrance examinations;

C) Attendance record;

D) Accident reports and health record;

E) Honors and awards received; and

F) Information concerning participation in school-sponsored activities or athletics, or offices held in school-sponsored organizations.

e) Within 14 days after enrolling a transfer student, an elementary or secondary school shall comply with the requirements of Section 5 of the Missing Children Records Act and Section 5 of the Missing Children Registration Law regarding the records of such transfer student. The transfer of the record by a public school is subject to the prior notice to parents required by Section 375.70(a) of this Part.

h) If the student has unpaid fines or fees and is transferring to a public school located in Illinois or any other state, the school may elect to include in the student's record transferred pursuant to this Section the unofficial record of the student's grades in lieu of the student's official transcript of scholastic records. If the school so elects, the school shall within 10 calendar days after the student has paid all of his or her unpaid fines or fees and at its own expense forward the student's official transcript of scholastic records to the student's new school.

i) If the student is transferring to another public school located in Illinois or any other state and at the time of the transfer is currently serving a term of suspension or expulsion for any reason, then the transferring school shall include with the transferred records:

1) the date and duration of the period of any current suspension or expulsion; and

2) whether the suspension or expulsion is for knowingly possessing in a school building or on school grounds a weapon as defined in the Gun Free Schools Act (20 U.S.C. § 8921 et seq.), for knowingly possessing, selling, or delivering in a school building or on school grounds a
controlled substance or cannabis, or for battering a staff member of the school. (Section 2-3.13a of the School Code)

(Source: Amended at 29 Ill. Reg. _____, effective _____________)
TO: Illinois State Board of Education
FROM: Randy J. Dunn, Interim Superintendent  
                        Jonathan Furr, General Counsel


Materials: Recommended Rules
Staff Contacts: Jon Furr

Purpose of Agenda Item: The purpose this agenda item is to present the proposed amendments for adoption.

Expected Outcomes of Agenda Item: The Board will be asked to adopt a motion adopting the proposed amendments to Part 5001.

Background Information: Several of ISBE’s existing Freedom of Information Act rules are repeated verbatim from the text of the Act or are otherwise adequately addressed by statute. These sections were determined to be unnecessary and have been deleted in the suggested amendments. The procedures for providing public records and the procedures for providing access to materials incorporated by reference in Administrative Rules were consolidated into one Subpart. While the suggested amendments streamline ISBE’s FOIA rules, they do not represent a substantive change in ISBE’s FOIA procedures.

The external advisory review that was conducted revealed no substantive issues with these changes. Under the Illinois Administrative Procedure Act, no public comment period is required before amendments to this set of rules can be adopted by the agency and placed into effect. Consequently the Board’s adoption is being sought at this time.

Analysis and Implications for Policy, Budget, Legislative Action and Communications
Policy Implications: None.
Budget Implications: None.
Legislative Action: None needed.
Communication: Please see “Next Steps” below.

Superintendent’s Recommendation: The Superintendent recommends that the State Board of Education adopt the following motion:

I move that the State Board of Education hereby adopts the proposed rulemaking for:


Next Steps: The adopted rules will be filed with the Administrative Code Division to become effective immediately. They will be posted on the rules portion of the ISBE web site and otherwise disseminated as appropriate.
NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE F: EDUCATIONAL AGENCIES
CHAPTER I: STATE BOARD OF EDUCATION

PART 5001
ACCESS TO INFORMATION OF THE STATE BOARD OF EDUCATION
UNDER THE FREEDOM OF INFORMATION ACT

SUBPART A: INTRODUCTION

Section
5001.100 Summary and Purpose
5001.110 Definitions

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section
5001.200 Office to Which Requests are Submitted
5001.210 Form and Content of Requests

SUBPART C: PROCEDURES FOR AGENCY RESPONSE TO REQUESTS FOR PUBLIC RECORDS

Section
5001.300 Agency Timeline for Department Response
5001.310 Types of Responses (Repealed)

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section
5001.400 Appeal of a Denial
5001.410 Superintendent's Response to Appeal (Repealed)

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTERS

Section
5001.500 Inspection of Records and Materials Incorporated by Reference in ISBE’s Administrative Rules
5001.510 Copies of Public Records
5001.520 General Materials Available from the Freedom of Information Office (Repealed)

**SUBPART F: ACCESS TO MATERIALS INCORPORATED BY REFERENCE IN ADMINISTRATIVE RULES**

Section 5001.600 Inspection of Materials (Repealed)

**AUTHORITY:** Implementing and authorized by Section 3(g) of the Freedom of Information Act [5 ILCS 140/3(g)] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

**SOURCE:** Adopted and codified at 8 Ill. Reg. 15443, effective August 8, 1984; amended at 17 Ill. Reg. 14913, effective September 2, 1993; amended at 29 Ill. Reg. _____, effective _______________.

**SUBPART A: INTRODUCTION**

**Section 5001.100 Summary and Purpose**

a) **This Part implements** These rules are established to implement the provisions of the Freedom of Information Act [5 ILCS 140] (Ill. Rev. Stat. 1985, ch. 116, par. 201 et seq.). The purpose of this Part these rules is to support the policy of providing public access to the public records in the possession of the State Board of Education while, at the same time, protecting legitimate privacy interests and maintaining administrative efficiency.

b) **These rules create a procedure by which the public may request and obtain public records. Therefore, they are being filed in accordance with Section 5-15 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1005-15) and Section 3(g) of the Freedom of Information Act (Ill. Rev. Stat. 1985, ch. 116, par. 203(g)).**

(Source: Amended at 29 Ill. Reg. _____, effective _______________)
c) "Freedom of Information Office" ("FIO") means the unit within the agency which is responsible for receiving and responding to requests for public records.

d) "Requester" means a person who submits a request for public records in accordance with these rules.

e) "Agency" means the State Board of Education.

(Source: Amended at 29 Ill. Reg. _____, effective _____________)

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section 5001.210 Form and Content of Requests

a) Requests in accordance with the FOIA and this Part these rules shall be made in writing.

b) Forms will be available in the agency's offices (Springfield, and Chicago, and Mt. Vernon) for visitors who wish to submit written requests for records.

c) The requester shall provide the following information in a request for public records:

1) The requester's full name, address and phone number.

2) A brief description of the public records sought, being as specific as possible.

3) Whether the request is for inspection of public records, copies of public records, or both.

d) Oral requests will be handled expeditiously. However, the required response times and the appeal procedures contained in the FOIA and these rules do not apply to oral requests.

(Source: Amended at 29 Ill. Reg. _____, effective _____________)

SUBPART C: PROCEDURES FOR AGENCY RESPONSE TO REQUESTS FOR PUBLIC RECORDS
Section 5001.300  Agency Timeline for Department Response

a)  The Agency shall respond to a written request for public records within the timeline provided in the FOIA 7 working days after the receipt of such request. The Agency may avail itself of all extensions of time and exceptions set forth in the FOIA.

b)  The Agency may give notice of an extension of time to respond which does not exceed an additional 7 working days. Such an extension is allowable only if written notice is provided within the original 7 working day time limit and only for the reasons provided in Section 3(d) of the FOIA. Such notice of extension shall state the reasons the extension is necessary.

(Source: Amended at 29 Ill. Reg. _____, effective _____________)

Section 5001.310  Types of Responses (Repealed)

a)  The Agency shall respond to a request for public records in one of three ways:

1)  Approve the request;

2)  Approve in part and deny in part;

3)  Deny the request.

b)  Upon approval of a request for public records, the Agency may either provide the materials immediately, give notice that the materials shall be made available upon payment of reproduction costs or give notice of the time and place for inspection of records.

e)  A denial of a request for public records shall be made in writing. It shall state the reasons for the denial in accordance with either Section 3(f) or Section 7 of the FOIA and the names and titles of individuals responsible for the decision. It shall also give notice of the requester’s right to appeal to the State Superintendent of Education.

d)  Categorical requests creating an undue burden upon the Agency shall be denied only after extending to the requester an opportunity to confer in an attempt to reduce the request to manageable proportions in accordance with Section 3(f) of the FOIA.
e) Failure to respond to a written request within 7 working days may be considered by the requester a denial of the request.

(Source: Repealed at 29 Ill. Reg. _____, effective _____________)

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section 5001.400 Appeal of a Denial

a) A requester whose request has been denied by the Freedom of Information Office may appeal the denial to the State Superintendent of Education. The notice of appeal shall be made in writing and sent to:

State Superintendent of Education
State Board of Education
100 North First Street
Springfield, Illinois  62777
ATTN: FOIA Appeal

b) The notice of appeal shall include a copy of the original request, a copy of the denial received by the requester, and a statement of the reasons the appeal should be granted. The Superintendent shall respond to the appeal in accordance with the FOIA.

(Source: Amended at 29 Ill. Reg. _____, effective _____________)

Section 5001.410 Superintendent's Response to Appeal (Repealed)

The Superintendent shall respond to an appeal within 7 working days after receiving notice thereof. The Superintendent shall either affirm the denial or provide access to the requested public records. Failure to respond within 7 working days may be considered by the requester an affirmation of the denial.

(Source: Repealed at 29 Ill. Reg. _____, effective _____________)

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTERS

Section 5001.500 Inspection of Records and Materials Incorporated by Reference in ISBE’s Administrative Rules
a) For purposes of this Subpart E, “records” includes public records and all materials incorporated by reference in the administrative rules of the State Board of Education. Generally, public records will be made available for inspection during normal working hours of the Agency.

b) Unless otherwise approved by the Agency, records will be made available for inspections during normal working hours of the Agency.

c) Documents that the requester wishes to have copied shall be segregated during the course of the inspection. Generally, all copying shall be done by Agency employees.

d) The inspection of records shall take place at the location within the office designated by the FIO Freedom of Information Office.

e) An employee of the Agency may be present throughout the inspection. A requester may be prohibited from bringing bags, brief cases or other containers into the inspection room.

(Source: Amended at 29 Ill. Reg. _____, effective _____________)

Section 5001.510  Copies of Public Records

a) Copies of public records shall be provided to the requester only upon payment of any charges which are due.

b) Charges for copies of public records shall be assessed in accordance with the "Fee Schedule for Duplication of Public Records," which shall be available in each of the Agency's offices.

c) Charges shall be waived if fees for an individual request amount to $10 or less. Charges shall also be waived if the request is from a State agency, a constitutional officer, or a member of the General Assembly. Charges shall not be waived, however, when the records are to be used for political campaign purposes. Charges may be waived in any other case where the Agency determines that the waiver serves the public interest.

(Source: Amended at 29 Ill. Reg. _____, effective _____________)

Section 5001.520  General Materials Available from the Freedom of Information Office (Repealed)
The Freedom of Information Office shall make available to the public at no charge the following materials:

a) A brief description of the organizational structure and budget of the Agency;

b) A brief description of the means for requesting information and public records;

c) A list of types and categories of public records maintained by the Agency; and

d) A fee schedule for duplication of public records.

(Source: Repealed at 29 Ill. Reg. _____, effective _____________)

SUBPART F: ACCESS TO MATERIALS INCORPORATED BY REFERENCE IN ADMINISTRATIVE RULES

Section 5001.600 Inspection of Materials (Repealed)

a) All materials incorporated by reference in administrative rules of the State Board of Education shall be available for inspection at the office of the Agency Rules Coordinator, 100 North First Street, Springfield, Illinois (telephone 217/782-3950).

b) Inspection of incorporated materials shall be governed by the procedures applicable to inspection of other public records pursuant to Subpart E of this Part.

(Source: Repealed at 29 Ill. Reg. _____, effective _____________)
Purpose of Agenda Item
The purpose this agenda item is to present the proposed amendments for the Board’s initial review.

Expected Outcomes of Agenda Item
The Board will be asked to adopt a motion authorizing the solicitation of public comment on the proposed amendments.

Background Information
This set of amendments includes miscellaneous changes that are opportune at this time. One or two of the changes are fairly urgent and need to be made in order to eliminate specific problems, while the others represent either technical clean-up or the result of discussions that have been going on over some period of time. A synopsis of the proposed revisions is as follows:

- Section 25.11(f) is being revised with respect to the definition of “four years of teaching experience” so that an individual who is approaching the end of the fourth year and who is expected to complete that year in his or her current position will be able to apply for the standard certificate.

- The slight revision in each of Sections 25.22, 25.32, 25.42, and 25.82 is technical in nature. Section 25.725 was recently repealed and most of its needed content was subsumed in Section 25.720, so these references need to be updated.

- The addition of a new subsection (m) to Section 25.100 will create another exception to the general model for adding endorsements in the case of “technology specialist”. Since Section 25.100 was added last year, staff have found it very difficult to determine which coursework should be counted toward a major area of concentration relevant to this endorsement. Terminology in this area varies widely, and it seems the more prudent course of action to require passage of the content-area test based on the applicable standards so as to ensure that candidates are, in fact, prepared to perform the functions encompassed within the technology specialist’s area. Thus we are proposing that there be only one option available for adding this endorsement (passage of the test in conjunction with completion of 24 semester hours of coursework).
- Section 25.115 is being revised to clarify that the "programs" under discussion in these rules are only those that prepare individuals for certification.

- Section 25.125(d) discusses the review team that is involved in the on-site accreditation review. As part of the agency’s effort to streamline its procedures and cut down on unnecessary duplication, the requirement for ISBE team members and an ISBE co-chair on visits involving NCATE accreditation is being deleted. At the same time, the role of the ISBE consultant is being clarified, i.e., this individual does participate in the visit.

- The procedure outlined in Section 25.160 has proven to contain one unnecessary step that will be eliminated in this rulemaking. When the State Teacher Certification Board’s recommendation is for approval or accreditation that is not provisional or conditional, there is no need for the affected institution to submit a response and consequently no need for a 30-day waiting period before the recommendation is forwarded to the State Board of Education. This can be eliminated through revising subsection (a), and in the process we believe it will be useful to break out the various situations in which recommendations are made, since the nomenclature for recommendations is not common among them.

- The requirement that each candidate for a school psychologist’s credential have completed a program accredited by the National Association of School Psychologists (Section 25.235(a)) was widely applauded during last year’s rulemaking on this subject but has since proven to create an untenable situation. Even if we disregard the rule’s effect on the out-of-state candidates who have completed programs not accredited by NASP and who would therefore be subject to the requirements of subsection (d) of the rule, another issue requires attention. This rule precludes the establishment of any new approved school psychology programs in Illinois, because accreditation by NASP requires data on graduates. Thus a proposed new program cannot attain that accreditation.

- We have determined that the long-standing rule on lapsed certificates (Section 25.450) is unnecessarily stringent in terms of the timeframe within which individuals serving on reinstated certificates must complete the statutorily required five semester hours of college credit. The proposed revision would allow semester hours earned either during the certification year of reinstatement or during the five immediately preceding years to be counted for this purpose.

These amendments were reviewed with the State Teacher Certification Board at its meeting on February 4, 2005 and the Certification Board recommends this rulemaking for consideration by the State Board of Education.

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

Policy Implications: Please see above.

Budget Implications: None.

Legislative Action: None needed.

Communication: Please see “Next Steps” below.
Superintendent’s Recommendation
The Superintendent recommends that the State Board of Education adopt the following motion:

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

Certification (23 Illinois Administrative Code 25),
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 message and the agency’s website will also be used to inform interested parties of the opportunity to comment on this rulemaking.
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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER b: PERSONNEL

PART 25

CERTIFICATION

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Section 25.10 Definition of Terms Used in This Part

SUBPART B: CERTIFICATES

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25.20 Requirements for the Elementary Certificate
25.30 Requirements for the Secondary Certificate
25.35 Acquisition of Subsequent Certificates; Removal of Deficiencies
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25.86 Special Provisions for Endorsement in Foreign Language for Individuals Prepared as Teachers But Not Currently Certified
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25.125 Accreditation Review of the Educational Unit
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25.140 Transitional Requirements for Unit Assessment Systems
25.145 Approval of New Programs Within Recognized Institutions
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25.150 The Periodic Review Process (Repealed)
25.155 Initial Recognition Procedures
25.160 Notification of Recommendations; Decisions by State Board of Education
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25.200 Relationship Among Credentials in Subpart D
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SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF ADMINISTRATIVE AND SUPERVISORY STAFF

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25.400 Registration of Certificates; Fees
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25.437 Equivalency of General Education Requirements (Repealed)
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25.464 Short-Term Authorization for Positions Otherwise Unfilled
25.465 Credit (Repealed)
25.470 Meaning of Experience on Administrative Certificates (Repealed)
25.475 Certificates and Permits No Longer Issued (Repealed)
25.480 Credit for Certification Purposes (Repealed)
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25.490 Rules for Certification of Persons Who Have Been Convicted of a Crime
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25.497 Supervisory Endorsements

SUBPART G: THE UTILIZATION OF PARAPROFESSIONALS AND OTHER NONCERTIFIED PERSONNEL

Section
25.510 Paraprofessionals; Teacher Aides
25.520 Other Noncertificated Personnel
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SUBPART H: CLINICAL EXPERIENCES

Section
25.610  Definitions
25.620  Student Teaching
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SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section
25.705  Purpose - Severability
25.710  Definitions
25.715  Test Validation
25.717  Test Equivalence
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25.730  Registration
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SUBPART J: RENEWAL OF STANDARD AND MASTER CERTIFICATES

Section
25.800  Professional Development Required
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SUBPART K: REQUIREMENTS FOR RECEIPT OF THE STANDARD TEACHING CERTIFICATE

Section
25.900  Applicability of Requirements in this Subpart
25.905  Choices Available to Holders of Initial Certificates
25.910  Requirements for Induction and Mentoring
25.915  Requirements for Coursework on the Assessment of One’s Own Performance
25.920  Requirements for Coursework Related to the National Board for Professional Teaching Standards (NBPTS)
25.925  Requirements Related to Advanced Degrees and Related Coursework
25.930  Requirements for Continuing Professional Development Units (CPDUs)
25.935  Additional Activities for Which CPDUs May Be Earned
25.940  Examination
25.942  Requirements for Additional Options
25.945  Procedural Requirements

25.APPENDIX A   Statistical Test Equating - Certification Testing System
25.APPENDIX B   Certificates Available Effective February 15, 2000
25.APPENDIX C   Exchange of Certificates
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25.APPENDIX D Criteria for Identification of Teachers as “Highly Qualified” in Various Circumstances

25.APPENDIX E Endorsement Structure Beginning July 1, 2004

AUTHORITY: Implementing Article 21 and Section 14C-8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, 14C-8, and 2-3.6].

Section 25.11 New Certificates (February 15, 2000)

Section 21-2 of the School Code [105 ILCS 5/21-2] established a new system of teaching certificates effective February 15, 2000. A complete list of the certificates that were available as of that date is found in Appendix B to this Part. The transition to the new system affected certified individuals as set forth in subsection (a) of this Section; under the new system, candidates for certification shall be treated in accordance with the remaining provisions of this Section.

a) Holders of certain current Illinois teaching certificates shall receive corresponding standard teaching certificates when they next renew any of their current certificates.

1) Certificates subject to exchange are listed in Appendix C to this Part.

2) No certificate-holder shall be penalized in the exchange of certificates. Each endorsement held by a certificate-holder prior to February 15, 2000, shall be recorded on the appropriate certificate received pursuant to this subsection (a). Qualifications accepted for particular teaching assignments prior to February 15, 2000, shall continue to be acceptable for those assignments, unless Section 25.100(l) of this Part applies.

b) Out-of-state candidates who qualify for Illinois teaching certificates pursuant to Section 25.425 of this Part and who pass the applicable examinations (see Section 25.720 of this Part) shall receive either initial or standard teaching certificates, and, except as provided in subsection (b)(3) of this Section, those who receive initial certificates shall be subject to the requirements of subsection (d) of this Section in terms of their subsequent receipt of standard teaching certificates. An out-of-state applicant who does not qualify for an initial or standard certificate may qualify to receive a provisional certificate subject to the provisions of Section 21-10 of the School Code [105 ILCS 5/21-10].

1) Standard certificates will be issued to candidates who present evidence of at least four years of teaching experience on a valid certificate issued by a state, territory, or possession of the United States. (Section 21-2(b-5) of the School Code [105 ILCS 5/21-2(b-5)])
2) Initial certificates will be issued to qualified candidates with fewer than four years of teaching experience.

   A) A recipient of an initial certificate pursuant to this subsection (b)(2) shall be eligible to apply for a comparable standard certificate when he or she has accumulated a total of four years’ teaching experience on a valid certificate, including the time taught outside Illinois.

   B) Pursuant to Section 21-2(b-5) of the School Code, the 12 semester hours of graduate-level coursework needed to complete the option discussed in Section 25.905(d) of this Part and the 60 continuing professional development units (CPDUs) needed to complete the option discussed in Section 25.905(e) of this Part shall be reduced in proportion to the amount of teaching time a candidate needs to accumulate in Illinois in order to complete four years of teaching. The number of hours or CPDUs required shall be reduced by one-fourth for each full year of teaching completed outside Illinois.

3) The requirements of Subpart K of this Part shall not apply to an individual who holds a second-tier certificate from another state. (Section 21-2(b-5) of the School Code) A “second-tier certificate” is one that is issued after a teacher has:

   A) held a prerequisite teaching certificate that was valid for the same area or areas of assignment, other than an emergency, provisional, or substitute certificate; and

   B) met specified additional requirements for professional development or induction to the profession of teaching.

4) Certificates will be endorsed in accordance with the provisions of Sections 25.100 and 25.425 of this Part.

c) A candidate completing an approved Illinois teacher preparation program on or after February 15, 2000, may qualify for an initial teaching certificate by passing the applicable examinations as set forth in Section 25.20, 25.30, 25.40, or 25.80 of this Part, or in Section 25.22, 25.32, 25.42, or 25.82 of this Part, as applicable.
d) An individual who has completed four years of teaching on an initial certificate (or on another certificate that was issued in conjunction with an initial certificate) may qualify for a comparable standard certificate as set forth in Subpart K of this Part.

1) All endorsements shall be carried forward from an initial to the comparable standard certificate.

2) A holder of an initial certificate who has not completed four years of teaching within four years may renew and register the certificate for additional four-year periods without limitation. (Section 21-14(b) of the School Code [105 ILCS 5/21-14(b)]

3) A candidate who has taught for four years on an initial certificate but has not met the requirements of Subpart K of this Part may not receive another comparable initial teaching certificate. For example, a holder of an initial elementary certificate will not be eligible to receive another initial elementary certificate. However, such an individual may receive a reinstated certificate, valid for one year, during which he or she may complete the option chosen as a means of qualifying for the standard teaching certificate. (Section 21-14(b) of the School Code) No initial certificate-holder may receive a reinstated certificate more than once pursuant to this subsection (d)(3).

4) When an individual completes four years of teaching experience on an initial certificate, that certificate shall become invalid on the following June 30.

e) A holder of an Illinois teaching certificate who has teaching experience on a valid certificate as required by Section 21-11.2 of the School Code [105 ILCS 5/21-11.2] may receive an additional certificate of another type as set forth in Section 25.37 25.35 of this Part, unless the additional certificate is to be issued based on comparable out-of-state certification. Once an individual has received a standard teaching certificate, any other subsequently issued early childhood, elementary, secondary, special K-12, or special preschool–age 21 certificate shall also be a standard certificate, with the exception of any master certificate for which the individual also qualifies.
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f) “Four years of teaching experience” means the equivalent of four years’ full-time employment, i.e., eight semesters of scheduled full-time teaching, which may, however, be accumulated in any combination of increments. That is, it need not be accumulated through full-time teaching. To permit timely processing of applications for standard certificates, the State Superintendent of Education may accept applications from individuals who are at least midway through their final semester of required teaching experience, provided that each such individual submits a letter that otherwise meets the requirements of subsection (g) of this Section but indicates that:

1) the individual has completed 3 ½ years of teaching plus the required portion of the final semester; and

2) the representative of the employing entity knows of no reason why the individual will not complete four years of teaching experience during the then-current semester.

g) “Evidence of teaching experience” means a letter signed by the chief administrator or other designated official of the employing school district or nonpublic school documenting the nature and duration of the candidate’s teaching. A letter signed by an official of the state education agency in another state may be substituted for an employer’s letter when the latter cannot be secured. Experience gained while teaching in a home school shall not be applicable to the fulfillment of this requirement.

h) For purposes of this Section, “valid certificate” means a certificate equivalent to an Illinois master, standard, initial, or provisional early childhood, elementary, secondary, or special certificate.

i) Upon application, a holder of certification issued by the National Board for Professional Teaching Standards (NBPTS) shall be issued a comparable Illinois master certificate. Endorsements comparable to those held by the individual shall appear on the master certificate. The State Board shall make available the list of NBPTS certifications for which Illinois master credentials are available and shall update that list as the NBPTS expands its areas of certification.

(Source: Amended at 29 Ill. Reg. _____, effective _____________)

a) Each applicant shall:

1) have completed an approved Illinois teacher preparation program for the elementary certificate, including coursework addressing the psychology of, the identification of, and the methods of instruction for the exceptional child, including without limitation the learning disabled (Section 21-2a of the School Code [105 ILCS 5/21-2a]) (see Subpart C of this Part); or

2) have completed a comparable program in another state or country or hold an elementary or comparable certificate issued by another state or country (see Section 25.425 of this Part); or

3) hold a valid certificate of another type issued by Illinois, submit his or her credentials for evaluation under Section 21-11.2 of the School Code [105 ILCS 5/21-11.2], and complete such additional coursework and/or experiences as may be required pursuant to Section 25.37 of this Part.

b) Each applicant shall have completed 32 semester hours in elementary education or a major in the field, as identified by the accredited institution on the individual’s official transcript.

c) Each applicant shall have completed pre-student teaching field experiences (see Section 25.610 of this Part). However, applicants with teaching experience at the K-9 level, as verified by the employer, need not complete pre-student teaching clinical experience, except as may be required under Section 25.37 of this Part.

d) Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part. However, applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience, except as may be required under Section 25.37 of this Part.

e) Each applicant shall be required to pass the tests required for the certificate as specified in Sections 25.720 and 25.725 of this Part.

f) Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code [105 ILCS 5/21-10].
g) The requirements of this Section shall not apply to an elementary certificate that is issued along with a secondary certificate in place of a special certificate as provided in Appendix C to this Part.

(Source: Amended at 29 Ill. Reg. _____, effective _____________)


a) Each applicant shall:

1) have completed an approved Illinois teacher preparation program for the secondary certificate, including coursework addressing the psychology of, the identification of, and the methods of instruction for the exceptional child, including without limitation the learning disabled (Section 21-2a of the School Code) (see Subpart C of this Part); or

2) have completed a comparable program in another state or country or hold a secondary or comparable certificate issued by another state or country (see Section 25.425 of this Part); or

3) hold a valid certificate of another type issued by Illinois, submit his or her credentials for evaluation under Section 21-11.2 of the School Code, and complete such additional coursework and/or experiences as may be required pursuant to Section 25.37 of this Part.

b) Each applicant shall have completed pre-student teaching field experiences (see Section 25.610 of this Part). However, applicants with teaching experience at the 6-12 level, as verified by the employer, need not complete pre-student teaching field experience, except as may be required under Section 25.37 of this Part.

c) Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part. However, applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience, except as may be required under Section 25.37 of this Part.

d) A total of 32 semester hours in an area of specialization, or a major as identified by the accredited institution on the individual’s official transcript, shall be required.
e) Each applicant shall be required to pass the tests required for the certificate as specified in Section Sections 25.720 and 25.725 of this Part.

f) Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code.

g) The requirements of this Section shall not apply to a secondary certificate that is issued along with an elementary certificate in place of a special certificate as provided in Appendix C to this Part.

(Source: Amended at 29 Ill. Reg. _____, effective _____________)

Section 25.42 Requirements for the Special Certificate (2004)

a) Each applicant shall:

1) have completed an approved Illinois teacher preparation program for the special certificate, including coursework addressing the psychology of, the identification of, and the methods of instruction for the exceptional child, including without limitation the learning disabled (Section 21-2a of the School Code) (see Subpart C of this Part); or

2) have completed a comparable program in another state or country or hold a special or comparable certificate issued by another state or country (see Section 25.425 of this Part); or

3) hold a valid certificate of another type issued by Illinois, submit his or her credentials for evaluation under Section 21-11.2 of the School Code, and complete such additional coursework and/or experiences as may be required pursuant to Section 25.37 of this Part.

b) Each applicant shall have completed pre-student teaching field experiences (see Section 25.610 of this Part). However, applicants with teaching experience in the field of specialization, as verified by the employer, need not complete pre-student teaching field experience, except as may be required under Section 25.37 of this Part.
c) Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part. However, applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience, except as may be required under Section 25.37 of this Part.

d) A total of 32 semester hours in an area of specialization, or a major as identified by the accredited institution on the individual’s official transcript, shall be required.

e) Each applicant shall be required to pass the tests required for the certificate as specified in Section Sections 25.720 and 25.725 of this Part.

f) Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code.

(Source: Amended at 29 Ill. Reg. _____, effective _____________)

Section 25.82 Requirements for the Early Childhood Certificate (2004)

a) Each applicant shall:

1) have completed an approved Illinois teacher preparation program for the early childhood certificate, including coursework addressing the psychology of, the identification of, and the methods of instruction for the exceptional child, including without limitation the learning disabled (Section 21-2a of the School Code) (see Subpart C of this Part); or

2) have completed a comparable program in another state or country or hold an early childhood or comparable certificate issued by another state or country (see Section 25.425 of this Part); or

3) hold a valid certificate of another type issued by Illinois, submit his or her credentials for evaluation under Section 21-11.2 of the School Code, and complete such additional coursework and/or experiences as may be required pursuant to Section 25.37 of this Part.

b) Each applicant shall have completed pre-student teaching field experiences (see Section 25.610 of this Part). However, applicants with teaching experience at the
PreK-3 level, as verified by the employer, need not complete pre-student teaching field experience, except as may be required under Section 25.37 of this Part.

c) Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part. However, applicants presenting the required credit in student teaching and evidence of teaching experience, as verified by the employer, need not complete another student teaching experience, except as may be required under Section 25.37 of this Part.

d) Each applicant shall have completed 32 semester hours in early childhood education or a major in the field, as identified by the accredited institution on the individual’s official transcript.

e) Each applicant shall be required to pass the tests required for the certificate as specified in Sections 25.720 and 25.725 of this Part.

f) Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code.

(Source: Amended at 29 Ill. Reg. ____., effective ____________)

Section 25.100  Endorsing Teaching Certificates (2004)

Beginning July 1, 2004, the structure of endorsements available on Illinois certificates will be changed. Appendix E to this Part provides a list of the endorsements that will become available at that time, other than the endorsements in special education that are the subject of federal court orders of February 27 and August 15, 2001, in the matter of Corey H., et al., v. Board of Education of the City of Chicago, et al. Appendix E shows for each new endorsement the related endorsements that were previously issued and will be discontinued or replaced. Any semester hours of credit presented toward fulfillment of the requirements of this Section may be earned in on-line or electronically-mediated courses, provided that college credit is awarded for the coursework by a regionally accredited institution of higher education.

a) Subject-area “designations” shall be required in conjunction with some endorsements, as shown in Appendix E to this Part. Except in the case of foreign language, a certificate-holder shall be authorized to teach all the subjects encompassed by a particular endorsement, regardless of the designation or designations received in conjunction with that endorsement. However, a certificate-holder may not teach honors courses, as these are defined by the
employing district, or Advanced Placement courses in a subject for which he or she does not hold the specific designation, unless he or she holds an applicable master certificate. For example, a secondary science teacher with a biology designation may not teach honors physics or chemistry unless he or she holds a master certificate endorsed for sciences.

b) Endorsement(s) at Time of Issuance

Pursuant to Section 21-1b of the School Code [105 ILCS 5/21-1b], all certificates initially issued under this Article...shall be specifically endorsed by the State Board of Education for each subject the holder of the certificate is legally qualified to teach.

1) For each application for certification received on or before September 30, 2004, the certificate issued shall be endorsed in keeping with the program completed and the related test passed by the candidate, as well as for any additional subject in which the candidate completed the required coursework.

2) For each application received on or after October 1, 2004, the certificate issued shall be endorsed in keeping with the program completed and the related content-area test or test of subject matter knowledge passed by the candidate and, except as provided in subsections (g), (h), (i), (j), and (k), and (m) of this Section:

A) any additional area in which the individual has completed a major area of concentration, totaling 32 semester hours or as otherwise identified by a regionally accredited institution on the individual’s official transcript; and

B) any additional area in which the individual presents evidence of having accumulated 24 semester hours of college credit demonstrably related to the subject area, either as a subset of an approved program at an Illinois institution or from one or more regionally accredited institutions of higher education, and has passed the applicable content-area test (or test of subject matter knowledge); and
C) any additional area for which the individual has met the applicable requirements of subsection (e) of this Section.

3) An individual who passes a test of subject matter knowledge prior to July 1, 2004, and applies for the related certificate no later than five years after the date on which the test was taken shall receive an endorsement valid only for the specific subjects covered under the prior system, unless the institution that offered the program completed by the candidate certifies to the State Board of Education that the candidate completed a program that met the applicable standards set forth at 23 Ill. Adm. Code 27 (Standards for Certification in Specific Teaching Fields). An endorsement under the new structure will be issued to an individual who either passes the applicable new content-area test or completes a program based upon the applicable standards for the content area.

4) To account for the differing stages of preparation attained by candidates who were already enrolled in approved programs as of July 1, 2004, each institution may, through June 30, 2006, recommend to the State Board of Education the issuance of one or more endorsements under the structure in effect prior to July 1, 2004, to a candidate who has completed the coursework required for those endorsements and, in the judgment of the institution’s certification officer, did not have a sufficient opportunity to complete the requirements for the comparable new endorsements instead.

c) Pursuant to Section 21-4 of the School Code [105 ILCS 5/21-4], an individual who is eligible to receive a special certificate may elect to receive both an elementary and a secondary certificate, each endorsed as the special or special preschool–age 21 certificate would have been endorsed. An individual who elects to hold a special certificate may add endorsements to it by submitting an application pursuant to Section 21-12 of the School Code and demonstrating that he or she has met the applicable requirements of subsection (f)(3) of this Section.

d) Endorsements issued under the system used prior to July 1, 2004, shall continue to be valid only for the specific subjects covered. An individual who wishes to teach other subjects in the same field shall be required to apply for the relevant new endorsement in keeping with Section 21-12 of the School Code and meet the applicable requirements of this Section.
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e) Each endorsement or designation indicated by an asterisk in Appendix E to this Part has no corresponding content-area test. The provisions of this subsection (e) shall apply to the issuance of these endorsements and designations.

1) For an applicant who is receiving an Illinois teaching certificate, the institution that offered the approved program completed by the applicant shall indicate that the applicant has met the standards applicable to the endorsement or the particular designation.

2) An applicant prepared out of state, or an applicant who is already certified in Illinois and is seeking to add a new endorsement or designation in one of these subjects, other than an endorsement in safety and driver education, shall:

A) present verification from an institution with an approved teacher preparation program that he or she is prepared in the area covered by the endorsement or designation sought; or

B) present evidence of completion of nine semester hours of coursework in the area covered by the endorsement or designation sought; or

C) present evidence of at least one year’s teaching experience on a valid certificate in the area covered by the endorsement or designation sought.

3) An applicant prepared out of state or an applicant who is already certified in Illinois and is seeking to add a new endorsement in safety and driver education shall be subject to the requirements set forth at 23 Ill. Adm. Code 1.730(q).

f) Addition of Endorsements to Previously Issued Certificates

Individuals seeking to endorse previously issued certificates shall apply for such endorsements, using a format specified by the State Board of Education, in accordance with the provisions of Section 21-12 of the School Code [105 ILCS 5/21-12].
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1) An applicant who qualifies for an endorsement shall receive a new copy of the original certificate with the endorsement and date of the endorsement affixed.

2) Applications received through June 30, 2005, shall, at the request of the applicant, be reviewed against the requirements in place immediately prior to July 1, 2004, and deficiency statements shall be issued when an applicant does not qualify for the requested endorsements. Each deficiency statement shall be honored by the State Board of Education for a period of one year from the date of issue, except in the case of reading as provided in subsection (i)(1)(C) of this Section. Applicants will receive the endorsements only if they remove the identified deficiencies within one year after the date of the deficiency statement. Subsequent applications for the same endorsements shall be accompanied by another fee and shall be subject to any new requirements.

3) Except as provided in subsections (g), (h), (i), (j), and (k), and (m) of this Section, for applications received on or after July 1, 2005, an endorsement will be issued to each applicant who:

A) has completed a major area of concentration, totaling 32 semester hours or as otherwise identified by a regionally accredited institution on the individual’s official transcript; or

B) presents evidence of having accumulated 24 semester hours of college credit demonstrably related to the subject area, either as a subset of an approved program at an Illinois institution or from one or more regionally accredited institutions of higher education, and has passed the applicable content-area test (or test of subject matter knowledge); or

C) has met the applicable requirements of subsection (e) of this Section.

g) Special provisions shall apply to the addition of endorsements in self-contained general education. An individual who holds a secondary, special K-12, or special preschool–age 21 certificate, or an individual who holds an elementary certificate endorsed in some other field by virtue of having “split” a special or special preschool–age 21 certificate, may qualify for the endorsement in self-contained
general education on that certificate only by completing an approved program for the elementary certificate in accordance with Section 25.37 of this Part and passing the elementary/middle grades test. Fulfillment of these requirements qualifies the individual for an elementary certificate with this endorsement. However, an individual with an early childhood or a secondary certificate may choose whether to receive the elementary certificate or to add the endorsement to his or her existing certificate, thereby restricting his or her capacity for assignment to the grade levels encompassed by that certificate. An individual who elects to receive a separate certificate pursuant to this subsection (g) shall be required to pass the test of basic skills and/or the applicable assessment of professional teaching if passage of one or both of these tests would be required for receipt of a subsequent standard certificate as explained in Section 25.720 of this Part.

h) Special provisions shall apply to the issuance of endorsements in the sciences and social sciences.

1) An individual seeking to add an endorsement and a designation in either of these fields who does not already hold that endorsement with one of its other available designations shall be required to pass the content-area test for the designation sought and either:

A) be recommended for the endorsement and the designation by an institution with an approved program in the subject area based on having completed coursework sufficient to address the applicable content-area standards; or

B) present evidence of having accumulated 32 semester hours of college coursework in the field, from one or more regionally accredited institutions, that meets the following requirements:

   i) at least 12 semester hours of credit must have been earned in the subject area of the designation sought; and

   ii) some portion of the coursework completed must have addressed at least two additional designations within the field.
2) The requirement stated in subsection (h)(1) of this Section shall apply whenever an individual seeks to add his or her first endorsement in one of these fields.

3) An individual may receive a subsequent designation in the same field if he or she has:
   A) passed the applicable content-area test; or
   B) completed a major in the content area of the designation.

4) An individual who holds an endorsement in the sciences or social sciences under the structure that was in effect prior to July 1, 2004, may receive an endorsement and a designation in that field under the new structure by passing the content-area test for the designation sought. He or she may then qualify for additional designations in the field pursuant to subsection (h)(3) of this Section.

i) Special provisions shall apply to the issuance of endorsements for reading teachers and reading specialists. A reading teacher is one whose assignment involves teaching reading to students, while a reading specialist is one whose assignment involves the provision of technical assistance and/or professional development to other teachers and may also include teaching reading to students.

1) Reading Teacher

This endorsement shall not be issued as an individual’s first teaching credential. An individual who holds or receives an Illinois early childhood, elementary, secondary, or special certificate shall be eligible to receive this additional endorsement on that certificate (and on any other certificate held or subsequently earned) when he or she presents evidence of:

   A) having passed the applicable content-area test (or test of subject matter knowledge) and having been recommended for the endorsement by virtue of completing an approved reading teacher’s preparation program based on the standards set forth at 23 Ill. Adm. Code 27.110 that requires at least 24 semester hours of graduate or undergraduate coursework in reading, including a
practicum, at an institution that is recognized to offer teacher preparation programs in Illinois; or

B) having passed the applicable content-area test (or test of subject matter knowledge) and having completed 24 semester hours of graduate or undergraduate coursework in reading, including a practicum, at one or more regionally accredited institutions of higher education, provided that all the following areas were addressed:

   i) foundations of reading,

   ii) content-area reading,

   iii) assessment and diagnosis of reading problems,

   iv) developmental and remedial reading instruction and support,

   v) developmental and remedial materials and resources, and

   vi) literature appropriate to students across all grade ranges; or

C) having completed, on or before June 30, 2005, the 18 semester hours of college coursework in reading described at 23 Ill. Adm. Code 1.740(a), in which case passage of the content-area test or test of subject matter knowledge shall not be required and no deficiency statement shall extend the timeline for completion of the coursework beyond June 30, 2005.

2) Reading Specialist

The reading specialist’s endorsement shall require two years of teaching experience. An individual who holds an Illinois early childhood, elementary, secondary, or special certificate shall be eligible to receive this endorsement on that certificate or on a separate special K-12 certificate when he or she presents evidence of having completed the required teaching experience and:
A) having completed a K-12 reading specialist’s program approved pursuant to Subpart C of this Part that includes a practicum and leads to the issuance of a master’s or higher degree; and

B) having been recommended for the endorsement by the institution offering the program; and

C) having passed the content-area test for reading specialist.

3) An individual who elects to receive a separate special K-12 certificate pursuant to subsection (i)(2) of this Section shall be required to pass the test of basic skills and/or the applicable assessment of professional teaching if passage of one or both of these tests would be required for receipt of a subsequent certificate as explained in Section 25.720 of this Part.

j) Special provisions shall apply to the addition of endorsements and designations in foreign languages.

1) An endorsement and a designation for a foreign language may be added to an existing certificate when an individual has completed a major area of concentration in the language, totaling 32 semester hours or as otherwise identified by a regionally accredited institution on the individual’s official transcript.

2) An endorsement and a designation for a foreign language may be added to an existing certificate when an individual presents evidence of having accumulated 20 semester hours of college credit in the language, either as a subset of an approved program at an Illinois institution or from one or more regionally accredited institutions of higher education, and has passed the applicable content-area test (or test of subject matter knowledge). The 20 semester hours may be calculated by including semester hours of study that were waived by the institution offering the coursework based on the individual’s prior learning, provided that the individual presents verification issued by the institution to this effect (i.e., a statement on the official transcript or a letter signed by the certification officer identifying the number of hours involved).
3) Each additional designation for a foreign language shall be subject to the requirements of this subsection (j).

4) Sections 25.85 and 25.86 of this Part set forth additional provisions for certification in foreign languages under specified circumstances.

k) The requirements of 23 Ill. Adm. Code 1.720 (Requirements for Teachers of Middle Grades), rather than the requirements of this Section, shall apply to credentials and assignments in the middle grades, including reading assignments in the middle grades. The requirements of 23 Ill. Adm. Code 1.780, 1.781, and 1.782, rather than the requirements of this Section, shall apply to credentials and assignments in the areas of bilingual education and English as a Second (New) Language.

l) Each individual who is first assigned to teach a particular subject on or after July 1, 2004, based on completion of the minimum requirements for college coursework in that subject that are set forth at 23 Ill. Adm. Code 1.737(b), 1.745(b)(3), or 1.755(c), as applicable, but who has not met the requirements of this Section for an endorsement in that subject area shall have three years after the date of first assignment to meet those requirements and receive the relevant endorsement. An individual who does not do so shall become ineligible to teach the subject in question in any subsequent semester, unless he or she later receives the endorsement.

m) An additional endorsement for “technology specialist” shall be issued only upon presentation of evidence that the applicant has completed at least 24 semester hours of college coursework demonstrably related to the subject area at one or more regionally accredited institutions of higher education and has passed the relevant content-area test.

(Source: Amended at 29 Ill. Reg. _____, effective _____________)

SUBPART C: APPROVING PROGRAMS THAT PREPARE PROFESSIONAL EDUCATORS IN THE STATE OF ILLINOIS

Section 25.115 Recognition of Institutions, Accreditation of Educational Units, and Approval of Programs
In order for an Illinois institution of higher education to offer one or more programs that prepare professional educators, that institution must be recognized, and the educational unit responsible for such program(s) must be accredited, by the State Board of Education in consultation with the State Teacher Certification Board. “Educational unit” means the institution or college, school, department, or other administrative body within the institution that is primarily responsible for the initial and continuing preparation of teachers and other education professionals. Each program that is offered by a recognized institution must also be individually approved by the State Board of Education in consultation with the State Teacher Certification Board. “Program” or “preparation program” means a program that leads to certification. When authorized by the State Superintendent, written materials required pursuant to this Subpart C may be submitted in electronic form.

a) An institution shall be recognized if it:

1) is approved as a degree-granting institution by the Illinois Board of Higher Education, if the institution is subject to provisions of the Institution of Learning Powers Act [110 ILCS 50];

2) sponsors a course of study leading to an appropriate baccalaureate or higher degree and awards the degree; and

3) conducts or proposes to conduct at least one approved program that will prepare professional educators.

b) An educational unit shall be accredited if the institution meets the standards enumerated in “Professional Standards for the Accreditation of Schools, Colleges, and Departments of Education” (2002), published by the National Council for the Accreditation of Teacher Education (NCATE), 2010 Massachusetts Avenue, N.W., Suite 500, Washington, D.C. 20036-1023 (no later amendments to or editions of these standards are incorporated by this Section).

c) A preparation program shall be approved if it meets the applicable content standards established by the State Board of Education and the standards set forth at 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers) or 23 Ill. Adm. Code 29.100 (Illinois Professional School Leader Standards), as applicable, except as provided in Section 25.135 of this Part.

d) The accreditation of an educational unit and the approval of its programs shall be subject to review every five years until completion of its first review in light of
the standards incorporated by subsection (b) of this Section. Accreditation Review shall be conducted as provided in Sections 25.125 and 25.127 of this Part and decisions regarding continued accreditation and approval shall be made as provided in those Sections, except as provided in Section 25.130, 25.135, or 25.136 of this Part. Once an institution has completed an Accreditation Review under the standards referenced in subsection (b) of this Section and fulfilled any requirements imposed under Section 25.125(j) of this Part, its Accreditation Reviews shall be scheduled at seven-year intervals.

e) Each accredited educational unit shall annually submit to the State Superintendent of Education, in a format defined by the State Superintendent and according to a timeline announced at least six months in advance:

1) a report that describes any significant changes in the unit or its program(s), updates any information previously provided as-needed, and provides other information requested by the State Superintendent of Education;

2) as relevant to the institution, a report on all programs provided by the institution that have been approved as an alternate route to certification under Section 25.67 of this Part; and

3) institutional data that describe the results of unit and program assessments and the actions taken or planned to address identified areas of concern.

f) If relevant to the institution, the report required under subsection (e) of this Section shall include a description of how the unit has addressed any applicable standard(s) identified during the most recent review of the unit and its programs as “not met” or “met with areas for improvement”. However, for institutions that have been assigned “Continuing Accreditation with Conditions” or “Probation,” this description shall not be required in those years in which the institution is required to submit a special report or is subject to a focused or full visit as discussed in Section 25.127 of this Part.

g) No later than April 7 of each year, each institution shall report to the State Board of Education, using a form supplied by the Board, on its program completers’ pass rates on the examinations required for initial certification pursuant to this Part and other information required by Title II of the Higher Education Act [20 USCA 1027]. Further, each institution shall make this information readily
Section 25.125 Accreditation Review of the Educational Unit

The requirements of this Section shall apply to Accreditation Reviews that take place on or after July 1, 2003. The review visits conducted pursuant to this Section shall occur between March 1 and May 31 and between September 1 and November 30 and shall be scheduled for the mutual convenience of the affected institution and the review team.

a) No later than February 1 (for a spring review) or September 1 (for a fall review) of the year before the year when its Accreditation Review will be held, the institution shall submit to the State Superintendent of Education five copies of each of the two reports specified in this subsection (a). However, in the case of an institution that is also seeking initial accreditation from NCATE, these reports shall be submitted six months earlier than otherwise required by this subsection (a).

1) The institution shall submit a report providing an overview of the unit’s conceptual frameworks(s), which shall include a description of each framework, its development, and any changes that have been made since the institution’s previous Accreditation Review. The discussion of the framework(s) shall address each of the “structural elements” found in the standards referred to in Section 25.115(b) of this Part.

2) The institution shall submit a composite report describing how the unit’s teacher preparation programs address the standards set forth at 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers) and how the unit’s preparation programs for school administrators address the Illinois Professional School Leader Standards set forth at 23 Ill. Adm. Code 29.100 (see Standards for Administrative Certification).

b) A panel established by the State Superintendent shall review the overview of the unit’s conceptual framework(s) no more than 30 days after the overview is submitted. No later than 30 days after the panel completes its review, the State Board of Education shall notify the institution either that the description of its
conceptual framework(s) is adequate or that certain structural elements were not adequately addressed and will undergo additional scrutiny by the review team during the visit described in subsection (e) of this Section.

c) No later than 60 days before its review visit, the institution shall submit to the State Superintendent the number of copies specified in light of the review team’s size, and to NCATE (if applicable) the number of copies required by NCATE, of a report presented in a format prescribed by the State Board of Education and incorporating:

1) an overview of the institution;
2) an overview of the unit’s conceptual framework(s);
3) evidence that it is meeting each of the standards referred to in Section 25.115(b) of this Part; and
4) evidence that it is meeting the standards established by the State Board of Education (see 23 Ill. Adm. Code 24, Standards for All Illinois Teachers, and 23 Ill. Adm. Code 29, Standards for Administrative Certification, as applicable).

d) A review team shall be empanelled to conduct an on-site review to verify the information provided by the institution as required by subsection (c) of this Section. The review team shall be constituted as provided in subsection (d)(1) or (d)(2) of this Section, depending upon whether the institution is also seeking to achieve or retain accreditation of its educational unit by NCATE.

1) Institutions Seeking State Accreditation Only

From a pool of individuals who have been trained in the applicable standards and procedures, the State Superintendent shall empanel a team to conduct the on-site review and shall appoint the team’s chair. A staff member of the State Board of Education or another individual designated by the State Superintendent who has been trained in the applicable standards and procedures shall serve as a consultant to accompany the review team, serving as a consultant to ensure that applicable standards, procedures, rules, and statutes are addressed.
2) Institutions Also Seeking to Achieve or Retain NCATE Accreditation

From a pool of individuals who have been trained in the applicable standards and procedures, the State Superintendent shall select members to serve on a joint review team with representatives of NCATE’s Board of Examiners to conduct the on-site review. The review team shall be co-chaired by a member appointed by the State Superintendent and a member of NCATE’s Board of Examiners. A staff member of the State Board of Education or another individual designated by the State Superintendent who has been trained in the applicable standards and procedures shall serve as a consultant to accompany the review team appointed by NCATE’s Board of Examiners, serving as a consultant to ensure that applicable Illinois standards, procedures, rules, and statutes are addressed.

e) The review team shall visit the institution and verify the degree to which the educational unit and its programs meet the standards referred to in Section 25.115(b) of this Part.

f) The review team shall prepare a draft report during the on-site visit, incorporating an overview of the unit and its conceptual framework(s), summarizing data on the performance of candidates and graduates, and taking into account the recommendations arising from the review of program reports as outlined in Section 25.127 of this Part. This draft report shall be provided to the institution within 30 business days after the conclusion of the visit for the purpose of allowing the institution 30 days to correct any factual errors. The team chair or co-chairs shall review the institution’s suggested revisions and make appropriate corrections in consultation with the State Board staff member who is serving pursuant to subsection (d) of this Section. The final report shall be submitted to the institution within 30 days after the State Board’s receipt of the institution’s suggested corrections.

g) Within 30 days after receipt of the final report, the institution shall submit to the State Superintendent either a letter stating agreement with the report’s findings or a rejoinder to those findings that meets the following requirements:

1) The rejoinder must indicate the grounds for disagreement with one or more of the team’s findings and include documentation to support the institution’s position.
2) All documentation must describe conditions that existed at the time of the on-site review. (Changes made by the unit after the visit will not be considered.)

3) All documentation must relate directly to the standards and procedures that applied at the time of the on-site visit.

h) Staff of the State Board of Education shall convey to the State Teacher Certification Board the institutional report, the review team’s report, the institution’s letter of agreement or rejoinder, a response to that rejoinder provided by the team’s chair or co-chairs, and the results of the review of the program report(s), as well as any other relevant documentation that was available to the review team.

i) After consideration of the information submitted pursuant to subsection (h) of this Section, the Certification Board shall convey to the State Board of Education a recommendation regarding the accreditation of the educational unit as appropriate to the circumstances, in keeping with the provisions of subsection (j) of this Section. The Certification Board shall also convey recommendations regarding approval of the unit’s individual programs (see Section 25.127 of this Part).

j) The possible outcomes of Accreditation Review shall align with those used in the NCATE system of review, so that Illinois institutions desiring both national accreditation through NCATE and the State recognition, accreditation, and program approval required pursuant to this Subpart C will not be caused to duplicate their efforts or undergo duplicate reviews.

1) If the educational unit has met all the applicable standards, the State Teacher Certification Board shall recommend that the State Board of Education continue the accreditation of the educational unit (which may include the identification of areas for improvement), thereby authorization the institution to conduct its approved program(s) and to recommend candidates for certification by entitlement.

2) If the educational unit has failed to meet one or more of the applicable standards, the State Teacher Certification Board shall recommend that the State Board of Education assign accreditation of the educational unit with conditions, thereby authorizing the institution to conduct its approved program(s) and to recommend candidates for certification by entitlement.
An institution to which accreditation with conditions has been assigned shall, within 30 days after receipt of the State Board’s decision, provide written notification to the candidates enrolled in the unit’s programs to this effect.

A) If the State Teacher Certification Board believes that the unit can make adjustments so as to satisfy the conditions expressed within six months, the Board shall recommend that the State Board of Education request submission of documentation that addresses the unmet standard(s) as well as any other areas for improvement within that time. However, the affected unit may choose to undergo a focused visit pursuant to subsections (j)(2)(C) and (D) of this Section instead.

B) If documentation is submitted pursuant to subsection (j)(2)(A) of this Section, the State Board of Education shall either continue the institution’s accreditation, if the conditions expressed have been satisfied, or require a focused visit addressing the unmet standard(s) and any additional area(s) for improvement, which shall occur within one year after the semester in which the documentation was submitted.

C) If the State Teacher Certification Board believes that the conditions expressed cannot be satisfied within six months, the Board shall recommend that the State Board of Education require a focused visit addressing the unmet standard(s) and any additional area(s) for improvement within two years after the semester when the conditions were issued.

D) Each focused visit shall be conducted by a team established by the State Superintendent of Education and trained in the review process. The team conducting a focused visit shall forward to the State Teacher Certification Board a report indicating whether the conditions expressed have been satisfied.

E) After reviewing the team’s report, the State Teacher Certification Board shall recommend that the State Board of Education continue or revoke the unit’s accreditation.
F) A unit to which continued accreditation is granted as a result of a six-month report or a focused visit shall next be due for Accreditation Review according to its original schedule (see Section 25.115(d) of this Part).

3) If the educational unit has failed to meet one or more of the applicable standards and exhibits areas for improvement that may limit its candidates’ ability to meet the standards for certification, the State Teacher Certification Board shall recommend that the State Board of Education assign accreditation of the educational unit with probation. An institution to which accreditation with probation has been assigned shall, within 30 days after receipt of the State Board’s decision, provide written notification to the candidates enrolled in the unit’s programs to this effect. If accreditation with probation is assigned, the unit must schedule an on-site visit within two years after the semester in which the decision was rendered. As part of this visit, the unit must address all the standards in effect at the time of the review that resulted in probation.

A) An on-site review required pursuant to this subsection (j)(3) shall be subject to the requirements of subsections (a) through (g) of this Section.

B) Following the on-site review, the State Teacher Certification Board shall review the team’s report and, based on its assessment of the degree to which the unit has achieved compliance with the applicable standards, shall recommend to the State Board of Education that it either continue or revoke the institution’s recognition and the educational unit’s accreditation.

C) A unit whose accreditation has been continued pursuant to this subsection (j)(3) shall next be subject to Accreditation Review according to its original schedule (see Section 25.115(d) of this Part).

k) The provisions of subsection (j) of this Section notwithstanding, an institution not accredited by NCATE may decide to seek NCATE accreditation at any time, thus becoming subject to NCATE’s initial review cycle. (If NCATE accreditation is sought other than in conjunction with a scheduled Accreditation Review, an
Accreditation Review shall be conducted as described in this Section, and the schedule for subsequent Accreditation Reviews shall be altered accordingly.

l) Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part. Revocation of recognition and accreditation shall be subject to the provisions of Section 25.165(b) of this Part.

m) If NCATE requires a focused visit and the State Board of Education does not, a State Board staff member shall serve as a non-voting observer during the on-site review and report to the State Teacher Certification Board and the State Board of Education as appropriate.

(Source: Amended at 29 Ill. Reg. _____, effective _____________)

Section 25.160 Notification of Recommendations; Decisions by State Board of Education

a) The State Superintendent of Education shall notify an affected institution in writing not later than 30 days after receipt of a recommendation from the State Teacher Certification Board pursuant to the provisions of this Subpart C and, except as provided in this subsection (a), shall await the institution’s response (see subsection (b) of this Section) prior to forwarding that recommendation to the State Board of Education. The State Superintendent shall not await a response from an institution if, as applicable to the nature of the review:

1) the State Teacher Certification Board has recommended the initial recognition of the institution, the accreditation of its educational unit, and the approval of all of its proposed programs under Sections 25.155(l)(1) of this Part; or

2) the State Teacher Certification Board has recommended continuing the accreditation of the educational unit under Section 25.125(j)(1) of this Part and the approval of all the unit’s existing preparation programs under Section 25.127(o)(1) of this Part; or

3) the State Teacher Certification Board has recommended provisional approval of each proposed new preparation program under Section 25.145(d)(1) of this Part.
b) Within 30 days after receipt of written notification from the State Superintendent, an affected institution may submit a notice of objection to the Certification Board’s recommendation, provided that:

1) the institution’s narrative explanation of its objection(s) and any supporting documentation shall be submitted to the State Superintendent not later than 30 days after the institution submits its notice of objection; and

2) the State Teacher Certification Board has recommended anything other than unconditional accreditation of the unit and approval of the affected preparation program(s).

c) The State Superintendent shall forward to the State Board of Education for consideration at its next available meeting the recommendation made by the State Teacher Certification Board and the institution’s presentation of its objection(s) and shall inform the Certification Board that these materials have been submitted for the State Board’s consideration.

d) No more than 30 days after the State Board of Education makes its decision, the State Superintendent shall notify the institution in writing of the State Board’s action.

(Source: Amended at 29 Ill. Reg. _____, effective _____________)

SUBPART D: SCHOOL SERVICE PERSONNEL


a) Each candidate for the school service personnel certificate endorsed for school psychology shall hold a master’s degree in psychology or educational psychology with a specialization in school psychology.

b) Except as provided in subsection (d) of this Section, each candidate shall have completed an Illinois program approved for the preparation of school psychologists pursuant to Subpart C of this Part and accredited by the National Association of School Psychologists or a comparable approved program in another state or country or hold a comparable certificate issued by another state or country (see Section 25.425 of this Part).
c) Each candidate shall have completed both a supervised field experience of at least 250 hours in a school setting and/or child study center and an internship of at least 1200 contact hours and lasting a full school year under the direction of an intern supervisor.

d) An applicant who has completed a program in another state that is not accredited by the National Association of School Psychologists shall be required to enroll in an approved school psychology preparation program. The Illinois institution offering the program shall review the individual’s educational background and identify any of the standards set forth at 23 Ill. Adm. Code 23.130 that the individual’s preparation has not addressed. Upon successful completion of the coursework offered by the institution that addresses the identified standards, the applicant shall be eligible to be recommended for certification by entitlement.

e) Each candidate shall be required to pass the applicable content-area test (see Section 25.710 of this Part), as well as the test of basic skills if its passage would be required for receipt of a subsequent standard certificate pursuant to Section 25.720(a) of this Part. (See also 23 Ill. Adm. Code 23.130.)

f) Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code.

(Source: Amended at 29 Ill. Reg. _____, effective _____________)

SUBPART F: GENERAL PROVISIONS

Section 25.450 Lapsed Certificates

a) A lapsed certificate, one that has not been registered or renewed for a period of five or more years since expiration of its last registration, shall be reinstated for a one-year period upon payment of all accumulated registration fees.

b) The Regional Superintendent shall notify the holder of a reinstated certificate of:

1) The specific time of reinstatement, including beginning and ending dates.
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2) The requirement that, in order to renew the certificate at the end of the period of reinstatement, during the time of reinstatement, the certificate holder in order to renew the certificate at the end of reinstatement must:

A) Have earned, within the six-year period that encompasses the certification year of reinstatement and the five-year period immediately prior to the year of reinstatement, earn five semester hours of college credit from one or more regionally accredited institutions in a recognized institution of higher learning in the field of professional education or in courses related to the holder's contractual teaching duties, or

B) Present evidence of holding a valid regular certificate of some other type, whether issued by Illinois or by another state, territory, or possession of the U.S.

c) As a reinstated certificate is a reissued certificate, the expiration of all reinstated certificates shall be on June 30 following the date of reinstatement in accordance with Section 21-22 of the School Code.

d) The Regional Superintendent shall stamp the back of a lapsed certificate with the date of reinstatement.

e) Standard Certificates issued between July 1, 1929, and July 1, 1951, do not lapse.

f) When a lapsed certificate that was issued prior to February 15, 2000, has been reinstated and then is to be renewed pursuant to this Section, it shall be exchanged for a comparable standard teaching certificate in accordance with Section 25.11 and Appendix C of this Part. The certificate-holder shall thereupon become subject to the requirements of Sections 21-2 and 21-14 of the School Code and Subpart J of this Part regarding continuing professional development.

1) Subsequent renewals of such an individual’s certificate(s) shall be contingent upon his or her completion of continuing professional development activities in accordance with the requirements of Subpart J of this Part.
2) College credit earned pursuant to subsection (b)(2)(A) of this Section shall not be used to satisfy any portion of the continuing professional development requirements of Section 21-14 of the School Code.

(Source: Amended at 29 Ill. Reg. _____, effective _____)
TO: Illinois State Board of Education
FROM: Randy J. Dunn, Interim Superintendent
Jonathan Furr, General Counsel

Agenda Topic: Action Item: Rules for Initial Review
Part 51 (Dismissal of Tenured Teachers)
Repeal of Part 52 (Dismissal of Tenured Teachers and Civil Service
Employees Under Article 34)

Materials: Recommended Rules

Staff Contact(s): Jon Furr

Purpose of Agenda Item
The purpose this agenda item is to present the proposed amendments and proposed repealer
for the Board’s initial review.

Expected Outcomes of Agenda Item
The Board will be asked to adopt a motion authorizing the solicitation of public comment on the
proposed amendments and proposed repealer.

Background Information
The procedures for the dismissal of tenured teachers in school districts outside of the City of
Chicago and within the City of Chicago were previously separated into Parts 51 and 52. The
proposed amendments to Part 51 represent the consolidation of these two Parts.

Where required by the School Code, distinctions have been made within the rules to
accommodate differences between the processes for the City of Chicago and for districts
outside of the City of Chicago. Previously, Parts 51 and 52 had duplicated the statutory
requirements for the provision of reasonable warning to remove remediable conduct, approval
of a motion for dismissal, notice to a teacher, selection of a hearing officer, scheduling of the
hearing, and suspension of a teacher pending the hearing. The new version of the rules does
not include requirements that are sufficiently specified by statute, as ISBE does not want to
force districts, teachers and other constituents to review both the statute and rules to determine
where differences occur.

Under the new version of the rules, hearing officers for hearings involving the City of Chicago
may be residents of the City of Chicago. Part 52 previously required Chicago hearing officers to
be non-residents, even though the statutory restriction on resident hearing officers only applies
to hearings outside of the City of Chicago. Finally, the per diem payment of $300 is no longer
specified in our rules. ISBE is currently reviewing its ability to increase this per diem amount.
Analysis and Implications for Policy, Budget, Legislative Action and Communications

Policy Implications: Please see above.
Budget Implications: None.
Legislative Action: None needed.
Communication: Please see “Next Steps” below.

Superintendent's Recommendation
The Superintendent recommends that the State Board of Education adopt the following motion:

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

    Dismissal of Tenured Teachers (23 Illinois Administrative Code 51); and
    Dismissal of Tenured Teachers and Civil Services Employees Under Article 34 (23 Illinois Administrative Code 52),

including publication of the proposed amendments and the proposed repealer in the Illinois Register.

Next Steps
With the Board’s authorization, staff will submit the proposed amendments and the proposed repealer to the Administrative Code Division for publication in the Illinois Register to elicit public comment. Additional means such as the Superintendent’s message and the agency’s website will also be used to inform interested parties of the opportunity to comment on this rulemaking.
PART 51
DISMISSAL OF TENURED TEACHERS UNDER ARTICLE 24 AND DISMISSAL OF TENURED TEACHERS AND PRINCIPALS UNDER ARTICLE 34 OF THE SCHOOL CODE

Section
51.10  Definitions
51.20  Applicability of this Part
51.30  Initiation of Dismissal Proceedings, Notice to Tenured Teachers, and Compliance with Other Applicable Provisions of the School Code
51.40  Qualifications Rules Regarding the Appointment of Hearing Officers; Conditions of Service
51.50  Suspension Pending the Hearing (Repealed)
51.55  Pre-Hearing Procedures
51.60  The Hearing
51.70  The Decision
51.80  Waiver, Interpretation and Application of this Part

AUTHORITY: Implementing Sections 24-12 and 34-85 and authorized by Sections 24-12 and 34-85 of the School Code [105 ILCS 5/24-12, and 34-85].


Section 51.10  Definitions

"Board" means refers to the local school board and not to the State Board of Education.

"Parties" means the tenured teacher against whom charges are brought and the school board bringing the charges.
"Service" shall mean service of any document by personal service or by depositing in the United States mail by certified mail, postage prepaid, sent to the individual's last known address.

"Tenured Teacher" means any teacher who has entered upon contractual continued service pursuant to Section 24-11 of the School Code [105 ILCS 5/24-11] and, in school districts having a population of 500,000 or more, a teacher or principal as defined in Sections 34-84 and 34-85 of the School Code [105 ILCS 5/34-84 and 34-85]. The School Code, Section 24-11 (Ill. Rev. Stat. 1983, ch. 122, par. 24-11).

(Source: Amended at 29 Ill. Reg. _____, effective _____________)

Section 51.20 Applicability of this Part

a) This Part applies to controversies arising under the fifth paragraph of Section 24-11 and to the dismissal for reason or cause of a tenured teacher (see Section 51.10 of this Part) under teachers "for reason or cause" as delineated in Section 24-12 or Section 34-85 of the School Code (Ill. Rev. Stat. 1983, ch. 122, pars. 24-11 and 24-12).

b) These Rules do not apply to:

1) dismissal of non-tenured teachers;
2) dismissal as a result of a decrease in the number of teachers employed;
3) dismissal as a result of a discontinuance of a particular teaching service;
4) dismissal of a teacher who attains retirement age.

(Source: Amended at 29 Ill. Reg. _____, effective _____________)

Section 51.30 Initiation of Dismissal Proceedings, Notice to Tenured Teachers, and Compliance with Other Applicable Provisions of the School Code

The approval of charges or a motion for dismissal, provision of notice to the affected tenured teacher, selection of the hearing officer, scheduling of the hearing, and suspension of the teacher pending the hearing shall be as set forth in Section 24-12 or Section 34-85 of the School Code, as applicable. To comply with Section 24-12 or Section 34-85 of the School Code, as applicable, the notice to the tenured teacher of the charges or motion for dismissal must inform
the teacher that he or she has ten days after receiving notice to request in writing that a hearing be scheduled. A motion approved by a Board pursuant to Section 24-12 of the School Code or charges approved by the general superintendent pursuant to Section 34-85 of the School Code may include a scheduled date for a hearing, provided that the hearing is scheduled no fewer than 15 nor more than 30 days after the approval of the motion or charges.

a) Where the conduct which gives rise to the cause or reasons for dismissal is remediable the Board must serve the teacher with reasonable warning in writing, stating specific causes which, if not removed, may result in termination. However, no such written warning shall be required if the causes have been the subject of a remediation plan pursuant to Article 24A of the School Code (Added by Public Act 84-126, effective August 1, 1985).

b) In the event the grounds are not remediable or in the event the grounds are not remedied after proper warning, the Board must approve a motion for dismissal which contains specific charges.

1) This motion must be approved by a majority of all the Board's members.

2) The motion shall state either that the causes are irremediable, or if remediable, that after reasonable warning has been given in writing of the specific grounds, they have not been remediated; or that the causes have been the subject of a remediation plan pursuant to Article 24A of The School Code.

3) The teacher must be served with written notice of the charges within 5 days of the adoption of the motion. The notice shall contain a bill of particulars.

4) Such notice shall inform the teacher that he/she has ten days after receiving notice to request in writing that a hearing be scheduled.

c) Upon written request by the teacher that a hearing be scheduled, the Board shall schedule a hearing. The Board may schedule the hearing in the motion.

1) This hearing is to be scheduled no less than 15 nor more than 30 days after the approval of the motion.

2) Within five days after a hearing date is set, a Notice of Hearing is to be forwarded to the teacher and the State Board of Education by the Secretary of the Board.
3) The Notice of Hearing sent to the State Board of Education must be accompanied by a certified copy of the Board's motion and vote for dismissal, copies of the notice of charges including the bill of particulars, the teacher's written request for a hearing, and the last known address of the teacher.

4) Within five days after receiving the Notice of Hearing, the State Board shall provide the local Board of Education and the teacher with a list of five prospective impartial hearing officers. The State Board shall select the first five hearing officers from the master list who do not reside in the school district. The State Board shall place the four hearing officers not selected at the bottom of the master list and shall rotate the names on the list accordingly.

5) Within three days after receipt of the list of impartial hearing officers, first the teacher and then the Board or its authorized agents or attorneys shall alternately strike one name from the list until only one name remains. That person shall be the Hearing Officer.

6) Within three days thereafter, the State Board of Education shall be notified in writing of the person designated as Hearing Officer.

7) A copy of the notice of charges and a bill of particulars shall be forwarded by the State Board of Education to the designated Hearing Officer.

d) The teacher, the Board and the Hearing Officer may mutually agree upon the time and place of the hearing. If there is a dispute as to time or place, the Hearing Officer shall fix the time and place upon request made to the State Board of Education. If the Hearing Officer is fixing the place of hearing it must be within the district's boundaries.

(Source: Amended at 29 Ill. Reg._____, effective ______________)

Section 51.40 Qualifications Rules Regarding the Appointment of Hearing Officers; Conditions of Service

a) Each hearing officer proposed by the State Board of Education shall possess the following qualifications:

1) He or she must be accredited by a national arbitration association.
2) He or she must be a non-resident of the school district involved in the hearing at the time of the hearing, unless the hearing involves a school district organized pursuant to Article 34 of the School Code.

3) He or she must be disinterested and impartial.

4) He or she must have no financial or personal interest in the result of the hearing.

b) The State Board shall place the names of the four hearing officers not selected at the bottom of the master list and shall rotate the names on the list accordingly. Notice of the appointment of the Hearing Officer shall be mailed to the Hearing Officer by the State Board of Education and the signed acceptance of the Hearing Officer shall be filed with the State Board of Education within three days of receipt of notice of appointment.

c) Upon notice of his or her appointment as a hearing officer, the prospective hearing officer shall disclose any circumstances which he or she believes might disqualify him as an impartial hearing officer.

1) Upon receipt of such information the State Board shall immediately disclose it to the parties.

2) The parties may waive the presumptive disqualification.

3) If either party declines to waive the presumptive disqualification, the State Board shall declare a vacancy.

d) If any hearing officer shall resign, die, withdraw, refuse or be unable or disqualified to perform the duties of his/her position, the State Board shall, on proof satisfactory to it, declare the position vacant.

1) Vacancies shall be filled in the same manner as that governing the making of the original appointment.

2) Should a vacancy occur during the course of a hearing, the entire matter shall be reheard by a new hearing officer.
e) The State Board of Education shall pay the Hearing Officer a per diem of $300. Billing procedures shall be arranged on an individual basis between the State Board and the Hearing Officer.

e) f) All communication from the parties to the hearing officer Hearing Officer other than at oral hearing shall be in writing and copies shall be sent at the same time to the opposing party and the State Board of Education. However, where circumstances necessitate, the hearing officer Hearing Officer may make other appropriate arrangements, including but not limited to conference telephone calls. The hearing officer Hearing Officer shall promptly report to the other party the complete substance of any unilateral communications.

f) g) All hearing officers shall abide by the professional standards set forth in "The Code of Professional Responsibility for Arbitrators of Labor Management Disputes," of (2003), published by the National Academy of Arbitrators, 1 No. Main Street, Suite 412, Cortland, New York 13045; the American Arbitration Association, and the Federal Mediation and Conciliation Service (1974 edition; any no later amendments to or editions of these standards are not incorporated by this rule).

(Source: Amended at 29 Ill. Reg. _____, effective _____________)

Section 51.50 Suspension Pending the Hearing (Repealed)

a) If in the opinion of the Board the interests of the school require it, the Board may suspend the teacher pending the hearing.

b) If acquitted, the teacher shall not suffer loss of any salary by reason of the suspension.

(Source: Repealed at 29 Ill. Reg. _____, effective _____________)

Section 51.55 Pre-Hearing Procedures

a) The parties and the hearing officer may agree to a location for the hearing. If there is a dispute as to the location of the hearing, the hearing officer shall fix the place of the hearing at a location within the district’s boundaries.

b) Discovery
Either party may request in writing from the other, with copies to the State Board of Education and the hearing officer, a list of persons (and their addresses) who may be called as expert witnesses at the hearing, the omission of any such name to result in a preclusion of the testimony of such witness in the absence of a showing of good cause and the express permission of the hearing officer.

Either party may request in writing from the other, with copies to the State Board of Education and the hearing officer, a list of persons (and their addresses) who may have knowledge of facts related to the charges and/or the defenses thereto. This is not to be construed as a list of witnesses to be used at the hearing, but no person whose name is not so disclosed may testify except upon good cause shown and by the express permission of the hearing officer.

Further discovery, limited to written interrogatories, bills of particulars, requests to produce, and lists of witnesses, may be allowed for good cause.

Application for such discovery under this subsection (c), shall be made by written motion to the hearing officer, with copies to the State Board of Education and the other party.

The motion shall state the specific nature of the discovery and the circumstances necessitating the discovery. If interrogatories are sought, a copy of these same shall be attached to the motion.

The hearing officer shall rule on the motion within five days of receipt of the said motion, sending copies of the decision to both parties and to the State Board of Education. If the motion for discovery is allowed, the ruling shall set a date by which such discovery shall be completed. In the case of interrogatories, receipt of the hearing officer's ruling shall be deemed service of the interrogatories where the provisions of subsection (b)(3)(B) of this Section 51.55(c)(2) have been complied with.

In ruling on the motion, the hearing officer shall not permit discovery which will unnecessarily delay the proceedings or harass a party, but shall allow only that discovery which will further the resolution of the dispute, avoid surprise to a party, or aid in doing substantial justice.
4) Each party providing answers to discovery requests shall sign his or her responses under oath, and each attorney making objections shall sign his or her objections under oath.

c) Other pretrial motions may be resolved prior to the hearing at the discretion of the hearing officer, provided that no motion shall be resolved prior to the hearing that would result in a default judgment against the tenured teacher employee.

(Source: Amended at 29 Ill. Reg. _____, effective _____________)

Section 51.60 The Hearing

a) The hearing shall be closed to the public unless one of the parties requests that it be open and the hearing officer so orders. The hearing shall be public at the request of either the Board or the teacher. The Hearing Officer shall exclude witnesses during the testimony of other witnesses upon the motion of either party.

b) The parties may be present and represented by counsel and by other authorized representatives.

c) The order of proceeding shall be as follows:

1) The hearing shall be opened by the recording of the place, time, and date of the hearing, the presence of the hearing officer Hearing Officer and the parties and counsel, if any, and any stipulations as to facts. Pre-hearing motions submitted in accordance with Section 51.40 and Section 51.55 of this Part and not previously disposed of shall be heard at this time.

2) Upon the opening of the hearing, the hearing officer Hearing Officer shall allow the parties to make opening statements.

3) The Board shall proceed first to present its evidence first.

4) Either party may cross-examine the witnesses, offer evidence, and present a defense or rebuttal.

5) All testimony shall be taken under oath or affirmation administered by the hearing officer Hearing Officer.

6) The hearing officer Hearing Officer may issue subpoenas requiring the attendance of witnesses and subpoenas duces tecum, and at the request of
either of the parties, shall issue such subpoenas; but the Hearing Officer may limit the number of witnesses to be subpoenaed on behalf of either party to not more than ten.

7) The hearing officer Hearing Officer shall cause a record of the proceedings to be kept and shall employ a competent reporter to take stenotype notes of all the testimony. The State Board of Education shall pay for the attendance and services of the court reporter as well as for the transcript, if any, ordered by the hearing officer Hearing Officer for the purpose of making his or her decision.

8) Exhibits, when offered by either party, may be received in evidence by the hearing officer Hearing Officer. The names and addresses of all witnesses and exhibits, in order received, shall be made a part of the record. The hearing officer Hearing Officer shall make rulings on the admissibility of exhibits.

9) The hearing officer Hearing Officer for good cause shown may continue the hearing upon the request of the teacher or the Board or upon his/her own initiative, and shall adjourn when the teacher and the Board agree thereto.

10) The hearing may proceed in the absence of either party, who, after due notice, fails to be present or fails to obtain a continuance.

11) The hearing officer shall consider and give weight to all of the teacher’s evaluations written pursuant to Article 24A of the School Code.

12) The hearing officer may, at his or her hearing officer has discretion, to vary the normal procedure under which the Board presents its case claim first, but in any event case shall afford full and equal opportunity to all parties for presentation of relevant proof.

13) At Upon the conclusion of the hearing, each party may make a closing statement (orally and/or written at the discretion of the hearing officer Hearing Officer) incorporating arguments of fact and law.

14) The hearing shall not be considered closed until all evidence has been submitted and briefs, if allowed by the hearing officer Hearing Officer, have been received by the hearing officer Hearing Officer. The hearing officer Hearing Officer shall notify the parties, in writing, of the closing
date of the hearing. A copy of the notice shall be forwarded to the State Board of Education.

d) Evidentiary rules to be followed during the hearing shall be as follows:

1) The parties may offer such evidence as they desire, and each party shall produce such additional evidence as the hearing officer may deem necessary to an understanding and determination of the dispute. The hearing officer may limit the number of witnesses on behalf of either party to no more than ten. (Sections 24-12 and 34-85 of the School Code)

2) The hearing officer shall be the judge of the relevancy and materiality of the evidence offered and strict conformity to legal rules of evidence shall not be necessary.

3) Objections to evidentiary offers may be made and shall be noted in the record. The hearing officer shall have the power to make rulings, including the power to exclude irrelevant, immaterial or unduly repetitious evidence. "Offers of Proof" shall be permitted.

4) Any hostile witness designated as hostile by the hearing officer may be examined as if under cross-examination.

5) If the hearing officer grants a party’s request to submit a document after the evidentiary portion of the hearing is closed, the party shall file that document with the hearing officer, with copies to the ISBE and the other party, within the time designated by the hearing officer. All documents not filed with the Hearing Officer at the hearing but which are arranged to be submitted by agreement of the parties at the hearing or subsequently, shall be filed with the Hearing Officer, with copies to the State Board of Education and the other party.

e) Before concluding the hearing, the Hearing Officer shall inquire of all parties whether they have any further proof to offer or witnesses to be heard. Upon receiving negative replies, the Hearing Officer shall declare the hearing concluded, and a minute thereof shall be so noted in the record. If written briefs are to be submitted subsequently, the hearing officer shall so note.

(Source: Amended at 29 Ill. Reg. _____, effective _____________)
Section 51.70  The Decision

When a hearing is held under Section 24-12 of the School Code, *the decision must be rendered within 30 days after the conclusion of the hearing or closure of the record, whichever occurs later*. When a hearing is held under Section 34-85 of the School Code, *the hearing officer’s findings of fact and recommendation must be rendered within 45 days after the conclusion of the hearing*. For purposes of the remainder of this Section, “decision” means either a decision under Section 24-12 of the School Code or the findings of fact and recommendation under Section 34-85 of the School Code.

a) The hearing officer, Hearing Officer shall, with reasonable dispatch, make a decision in writing as to whether or not the teacher shall be dismissed. The hearing officer’s decision shall include findings of fact.

b) If the hearing officer fails, without good cause, to render a decision within the required timeframe, shall be rendered no later than 45 days from the date of closing the hearing, his or her name shall be struck from the master list of hearing officers maintained by the State Board of Education for a period of at least six months unless the parties agree to waive the 45-day period.

c) A copy of the decision shall be given to the State Board of Education to be forwarded by certified mail to both the teacher and the Board, or their legal representatives of record.


1) If neither party appeals, then either party desiring a transcript of the hearing shall pay for the cost thereof.

2) The In the event such review is instituted, any costs of preparing and filing the record of proceedings in the case of a review shall be paid by the State Board of Education.

3) The record of the hearing shall include:

A) all pleadings and exhibits,
notice of proposed amendments

B) a statement of matters officially noticed,

C) a transcript of the hearing, and

D) the decision of the hearing officer.

e) Pursuant to Sections 24-12 and 34-85 of the School Code, the Board shall not lose jurisdiction to discharge a teacher if the hearing officer fails to render a decision within the applicable time specified in this Section.

(Source: Amended at 29 Ill. Reg. _____, effective _____________)

Section 51.80 Waiver, Interpretation and Application of this Part

a) Any party who proceeds with the hearing after knowledge that any provision of this Part prior to hearing has not been complied with and who fails to state his or her objection thereto in writing either to the State Board of Education or to the hearing officer shall be deemed to have waived his or her right to object.

b) The hearing officer shall interpret and apply the provisions of this Part these rules insofar as they relate to his or her powers and duties and shall follow any court interpretation of this Part these rules.

c) A violation of the professional standards identified in Section 51.40(e) of this Part set forth in "The Code of Professional Responsibility for Arbitrators of Labor-Management Disputes," of the National Academy of Arbitrators, the American Arbitration Association, and the Federal Mediation and Conciliation Service (1974 edition; any later amendments are not incorporated by this rule) shall be grounds for removal of the hearing officer from the master list of Hearing Officers maintained by the State Board of Education.

d) All other rules shall be interpreted and applied by the State Board of Education.

(Source: Amended at 29 Ill. Reg. _____, effective _____________)
STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER b: PERSONNEL

PART 52
DISMISSAL OF TENURED TEACHERS AND CIVIL SERVICE EMPLOYEES
UNDER ARTICLE 34 (REPEALED)

Section
52.10 Definitions
52.20 Applicability of This Part
52.30 Initiation of Dismissal Proceedings for Civil Service Employees
52.35 Initiation of Dismissal Proceedings for Tenured Teachers and Principals
52.40 Qualifications and Employment of the Hearing Officers
52.50 Suspension Pending the Hearing
52.60 Pre-Hearing Procedures
52.70 The Hearing
52.80 The Decision
52.90 Waiver, Interpretation and Application of This Part

AUTHORITY: Implementing Sections 34-15 and 34-85 and authorized by Section 34-85b of the School Code [105 ILCS 5/34-15, 34-85 and 34-85b].

SOURCE: Emergency rule at 2 Ill. Reg. 45, p. 56, effective October 26, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 14, p. 71, effective April 1, 1979; codified at 8 Ill. Reg. 4143; emergency amendment at 9 Ill. Reg. 13116, effective August 9, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5818, effective April 2, 1986; Part repealed at 29 Ill. Reg. _____, effective _____________.

Section 52.10 Definitions

"Board" refers to the local school board and not the State Board of Education.


"Employee" shall include tenured teachers, principals and civil service employees.
"Notice of Dismissal" means the copy of the dismissal motion which is served upon the employee and the State Board of Education, and shall include written charges and specifications approved by the Board.

"Parties" means the employee against whom charges are brought and the school board bringing the charges.

"Service" shall mean service of any document by personal service or by depositing in the United States mail by certified mail, postage prepaid, sent to the individual's last known address.

"Tenured Teacher" means any teacher or principal as defined in The School Code, Sections 34-84 and 34-85.

Section 52.20  Applicability of This Part

a) This Part applies to the dismissal of tenured teachers, principals or civil service employees "for reason or cause" as delineated in The School Code, Sections 34-15 and 34-85.

b) This Part does not apply to:

1) dismissal of non-tenured teachers,

2) dismissal of those employees referred to as the general superintendent of schools, heads of other general departments, assistant and district superintendents, members of the board of examiners, attorneys and assistant attorneys,

3) hearings on reclassification of principals to a lower position or administrative grade under the provisions of Section 34-85 of The School Code.

Section 52.30  Initiation of Dismissal Proceedings for Civil Service Employees

a) To initiate the dismissal of a civil service employee as defined in Section 52.10 above, the Board shall approve a motion for dismissal.
1) The motion must contain written charges and specifications which are the grounds for dismissal.

2) The motion must be approved by a majority of the Board's full membership.

3) The motion shall contain a request that the State Board of Education appoint an impartial hearing officer for the conduct of hearings on the stated charges.

b) Service of Notice of Dismissal

1) A written copy of the motion for dismissal shall be served upon the employee no more than 10 days after the approval of the motion along with a notification that the employee may waive a hearing at any time prior to the appointment of a hearing officer.

2) If the employee cannot be found upon diligent inquiry, the charges may be served upon the employee by mailing a copy thereof in a sealed envelope by prepaid certified mail, return receipt requested, to the employee’s last known address. A return receipt showing delivery to such address within 20 days after the date of the adoption of the motion constitutes proof of service.

3) The Board shall send a certified copy of the motion for dismissal to the State Board of Education within 30 days from the date of its adoption and shall include the last known address of the employee.

c) Selection of a Hearing Officer

1) Within 10 days after receiving the copy of the motion for dismissal, the State Board shall provide the employee and the local board with a list of five prospective, impartial hearing officers. The State Board shall select the first five hearing officers from the master list who do not reside in the school district. The State Board shall place the four hearing officers not selected at the bottom of the master list and shall rotate the names on the list accordingly.
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2) Within 10 days of receipt of the list, first the employee and then the Board or their authorized agents or attorneys, shall alternately strike one name from the list until only one name remains.

3) If the employee fails to notify the Board within the statutory 10-day period of any name stricken or fails to cooperate in the selection process, the Board may select the hearing officer from the remaining names on the list.

d) Notification of the Hearing Officer

1) After the hearing officer has been selected, the Board shall promptly notify the State Board of Education of the person chosen.

2) Notification of the selection shall be mailed to the hearing officer by the State Board of Education and a signed acceptance shall be filed with the State Board of Education within 10 days of receipt of the notice of selection.

3) If any hearing officer shall resign, die, withdraw, refuse or be unable to or be disqualified from performing the duties of the position, the State Board of Education shall, on proof satisfactory to it, declare the position vacant.

   A) Vacancies shall be filled in the same manner as that governing the making of the original appointment.

   B) Should the vacancy occur during the course of the hearing, the entire matter shall be reheard by the new hearing officer.

4) After the hearing officer's acceptance has been filed with the State Board of Education, the State Board of Education shall send a Notification of Appointment to the hearing officer with a copy to the parties.

5) For purposes of Section 52.60 the date on the Notification of Appointment shall be deemed the date of notification.

6) A copy of the notice of charges shall be forwarded by the State Board of Education to the designated hearing officer.

Section 52.35 Initiation of Dismissal Proceedings for Tenured Teachers and Principals
a) To initiate the dismissal of a tenured teacher or principal as defined in Section 52.10 of this Part, the Board shall approve a motion for dismissal.

1) The motion must contain written charges and specifications which are the grounds for dismissal.

2) The motion must be approved by a majority of the Board's full membership.

3) The motion shall state either that the causes are irremediable; or if remediable, that after reasonable warning has been given in writing of the specific grounds, they have not been remediated; or that the causes have been the subject of a remediation plan pursuant to Article 24A of The School Code (Added by Public Act 84-124, effective August 1, 1985).

b) Service of Notice of Dismissal

1) A written notice of the charges shall be served upon the teacher or principal within 5 days of the adoption of the motion.

2) Such notice shall inform the teacher or principal that he/she has ten days after receiving notice to request in writing of the Board that a hearing be scheduled.

3) If the teacher or principal cannot be found upon diligent inquiry, the charges may be served upon him/her by mailing a copy thereof in a sealed envelope by prepaid certified mail, return receipt requested, to the teacher’s or principal’s last known address. A return receipt showing delivery to such address within 10 days after the date of the adoption of the motion shall constitute proof of service.

4) Upon written request by the teacher or principal that a hearing be scheduled, The Board shall schedule a hearing on those charges before a disinterested hearing officer on a date no less than 15 nor more than 30 days after the adoption of the motion. The Board may schedule the hearing in the motion.

c) Service of Notice of Hearing
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1) The Board shall forward a copy of the notice of hearing to the State Board of Education within five days from the date of the adoption of the motion.

2) The notice of hearing sent to the State Board of Education must be accompanied by a certified copy of the Board's motion and vote for dismissal, copies of the notice of charges and the written request for a hearing, and the last known address of the teacher or principal.

d) Selection of a Hearing Officer

1) Within five days after receiving a copy of the notice of hearing, the State Board of Education shall provide the teacher or principal and the local board with a list of five prospective, impartial hearing officers. The State Board shall select the first five hearing officers from the master list who do not reside in the school district. The State Board shall place the four hearing officers not selected at the bottom of the master list and shall rotate the names on the list accordingly.

2) Within three days of receipt of the list, first the employee and then the Board or their authorized agents or attorneys, shall alternately strike one name from the list until only one name remains.

3) If the teacher or principal fails to notify the Board, within the statutory three-day period, of any name stricken, or fails to cooperate in the selection process, the Board may select the hearing officer from the remaining names on the list.

e) Notification of the Hearing Officer

1) After the Hearing Officer has been selected, the Board shall promptly notify the State Board of Education in writing of the person chosen.

2) Notification of the selection shall be mailed to the Hearing Officer by the State Board of Education and a signed acceptance shall be filed with the State Board of Education within five days of receipt of the notice of selection.

3) A copy of the notice of charges shall be forwarded by the State Board of Education to the designated Hearing Officer.
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4) If any hearing officer shall resign, die, withdraw, refuse or be unable to or be disqualified from performing the duties of the position, the State Board of Education shall, on proof satisfactory to it, declare the position vacant.

A) Vacancies shall be filled in the same manner as that governing the making of the original appointment.

B) Should the vacancy occur during the course of the hearing, the entire matter shall be reheard by the new hearing officer.

Section 52.40 Qualifications and Employment of the Hearing Officers

a) All hearing officers proposed by the State Board of Education shall possess the following qualifications:

1) They must be accredited by a national arbitration association.

2) They must be disinterested and impartial.

3) They must have no financial or personal interest in the result of the hearing.

b) Upon notice of appointment as a hearing officer, the prospective hearing officer shall disclose any circumstances which might disqualify that person as an impartial hearing officer.

1) Upon receipt of such information, the State Board of Education shall immediately disclose it to the parties.

2) The parties may waive the presumptive disqualification.

3) If either party declines to waive the presumptive disqualification, the State Board of Education shall declare a vacancy.

c) The State Board of Education shall pay the hearing officer a per diem of $300. Billing procedures shall be arranged on an individual basis between the State Board of Education and the hearing officer.
d) All communication from the parties to the hearing officer other than at the hearing shall be in writing and copies shall be sent at the same time to the opposing party and to the State Board of Education. However, where circumstances necessitate, the hearing officer may make other appropriate arrangements, including but not limited to conference telephone calls. The hearing officer shall promptly report to the other party the complete substance of any unilateral communications.


Section 52.50 Suspension Pending the Hearing

a) The employee charged may be suspended pending the hearing pursuant to the rules prescribed by the Board.

b) If acquitted, the employee shall not suffer the loss of any salary by reason of the suspension.

Section 52.60 Pre-Hearing Procedures

a) In the case of civil service employees, the hearing officer shall schedule a hearing date no less than 20 nor more than 45 days after the date of notification as defined in Section 52.30(d)(5), above.

b) The parties and hearing officer may agree to a location for a hearing. If there is a dispute as to the location of the hearing, and the hearing officer fixes the place of the hearing, it must be held within the district.

c) Discovery

1) Either party may request in writing from the other, with copies to the State Board of Education and the hearing officer, a list of persons and their addresses who may have knowledge of facts related to the charges and/or the defenses thereto. This is not to be construed as a list of witnesses to be used at the hearing, but no person whose name is not so disclosed may
testify except upon good cause shown and by permission of the hearing officer.

2) Further discovery limited to interrogatories related to the charges and specifications, requests to produce, and lists of witnesses may be allowed for good cause.

A) Application for such discovery shall be made by motion to the hearing officer, with copies to the State Board of Education and the other party.

B) The motion shall state the specific nature of the discovery and the circumstances necessitating the discovery. If interrogatories are sought, a copy of same shall be attached to the motion.

C) The hearing officer shall rule on the motion within five days of receipt of said motion, sending copies of the decision to both parties and to the State Board of Education. If necessary, the ruling shall set a date by which such discovery shall be completed. In the case of interrogatories, receipt of the hearing officer’s ruling shall be deemed service of the interrogatories where the provisions of Section 52.60(c)(2)(B) have been complied with.

D) In ruling on the motion, the hearing officer should not permit discovery which will unnecessarily delay the proceedings or harass a party, but should allow only that discovery which in his/her opinion will further the resolution of the dispute, avoid surprise to a party, or aid in doing substantial justice.

d) Other pretrial motions may be resolved prior to the hearing at the discretion of the hearing officer, provided that no motion shall be resolved prior to the hearing which would result in a default judgment against the employee.

Section 52.70 The Hearing

a) The hearing shall be public at the request of either the Board or the employee. The hearing officer shall exclude witnesses during the testimony of other witnesses upon the motion of either party.

b) The parties may be present and represented by counsel.
c) The order of proceedings shall be as follows:

1) The hearing shall be opened by the recording of the place, time, and date of the hearing, the presence of the hearing officer and the parties and counsel, if any, and any stipulations as to facts. Pre-hearing motions not previously disposed of shall be heard at this time.

2) Upon the opening of the hearing, the hearing officer shall allow the parties to make opening statements.

3) The Board shall proceed first to present its evidence.

4) Either party may cross-examine the witnesses, offer evidence, and present a defense or rebuttal.

5) All testimony shall be taken under oath or affirmation administered by the hearing officer.

6) The hearing officer may issue subpoenas requiring the attendance of witnesses and, at the request of either of the parties, shall issue such subpoenas but may limit the number of witnesses to be subpoenaed on behalf of either party to not more than ten.

7) The hearing officer shall cause a record of the proceedings to be kept and shall employ a competent reporter to take stenotype notes of all the testimony. The State Board of Education shall pay for the attendance and services of the court reporter as well as for the transcript, if any, ordered by the hearing officer for the purpose of making his/her decision.

8) Exhibits, when offered by either party, may be received in evidence by the hearing officer. The names and addresses of all witnesses and exhibits, in order received, shall be made a part of the record. The hearing officer shall make rulings on the admissibility of exhibits.

9) The hearing officer for good cause shown may continue the hearing upon the request of the employee or the board or upon his/her own initiative, and shall adjourn when the employee and the Board agree thereto.

10) The hearing may proceed in the absence of either party who, after due notice, fails to be present and fails to obtain a continuance.
11) A decision of dismissal of a civil service employee shall not be made solely on the default of the employee. The hearing officer shall require the Board to submit such evidence as may be required to understand and determine the dispute, including but not limited to proof of due notice.

12) *The hearing officer shall consider and give weight to all the teacher’s evaluations written pursuant to Article 24A.*

13) The hearing officer may, in his/her discretion, vary the normal procedure under which the Board first presents its case, but in any event shall afford full and equal opportunity to all parties for presentation of relevant proofs.

14) At the conclusion of the hearing, each party may make a closing statement (orally and/or written at the discretion of the hearing officer) incorporating arguments of fact and law.

15) The hearing shall not be considered closed until all evidence has been submitted and briefs, if allowed by the hearing officer, have been received by the hearing officer. The hearing officer shall notify the parties, in writing, of the closing date of the hearing. A copy of the notice shall be forwarded to the State Board of Education.

d) Evidentiary rules to be followed during the hearing shall be as follows:

1) The parties may offer such evidence as they desire and shall produce such additional evidence as the hearing officer may deem necessary to an understanding and determination of the dispute.

2) The hearing officer shall be the judge of the relevancy and materiality of the evidence offered and strict conformity to legal rules of evidence shall not be required.

3) Objections to evidentiary offers may be made and shall be noted in the record. The hearing officer shall have the power to make rulings including the power to exclude evidence. "Offers of Proof" shall be permitted.

4) Any hostile witness may be examined as if under cross-examination.
5) All documents not filed with the hearing officer at the hearing but which are arranged at the hearing to be subsequently submitted, shall be filed with the hearing officer with copies to the State Board of Education and the other party.

e) Before concluding the hearing, the hearing officer shall inquire of all parties whether they have any further proofs to offer or witnesses to be heard. Upon receiving negative replies, the hearing officer shall declare the hearing concluded and shall be so recorded. If written briefs are to be submitted subsequently, the hearing officer shall so note.

Section 52.80 The Decision

a) The hearing officer shall, within 45 days of the conclusion of the hearing, make a decision in writing as to whether or not the employee shall be dismissed. Such decision shall include findings of fact.

b) If the hearing officer fails, without good cause, to render a decision within 45 days, the name of such hearing officer shall be struck from the master list of hearing officers maintained by the State Board of Education for a period of at least six months.

c) A copy of the decision shall be given to the State Board of Education to be forwarded by certified mail to both the employee and the Board or their legal representatives of record.

d) The decision of the hearing officer is final unless reviewed under the Administrative Review Law (Ill. Rev. Stat. 1981, ch. 110, pars. 3-101 et seq.) as provided in Section 34-85b of The School Code.

1) If neither party appeals, then either party desiring a transcript of the hearing shall pay for the cost thereof.

2) The costs of preparing and filing the record of proceedings in the case of a review shall be paid by the party instituting the review.

3) The record of the hearing shall include:

A) all pleadings and exhibits,
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B) a statement of matters officially noticed,

C) a transcript of the hearing, and

D) the decision of the hearing officer.

Section 52.90 Waiver, Interpretation and Application of this Part

a) Any party who proceeds with the hearing after knowledge that any provision of this Part prior to hearing has not been complied with and fails to state his/her objection thereto in writing to the State Board of Education or the hearing officer shall be deemed to have waived his/her right to object.

b) The hearing officer shall interpret and apply the provisions of this Part insofar as they relate to his/her powers and duties and shall follow any court interpretation of this Part.

c) A violation of the professional standards set forth in "The Code of Professional Responsibility for Arbitrators of Labor Management Disputes," of the National Academy of Arbitrators, the American Arbitration Association, and the Federal Mediation and Conciliation Service (1974 edition; any later amendments are not incorporated by this rule) shall be grounds for removal of the hearing officer from the master list of hearing officers maintained by the State Board of Education.

d) All other rules shall be interpreted and applied by the State Board of Education.
TO: Illinois State Board of Education

FROM: Randy J. Dunn, Interim Superintendent
Jonathan Furr, General Counsel
Linda Mitchell, Director

Agenda Topic: Action Item: Rules for Initial Review – Part 145 (Temporary Relocation Expenses)

Materials: Recommended Rules

Staff Contacts: Deb Vespa and Ken Wargo

Purpose of Agenda Item
The purpose this agenda item is to present the proposed amendments for the Board’s initial review.

Expected Outcomes of Agenda Item
The Board will be asked to adopt a motion authorizing the solicitation of public comment on the proposed amendments.

Background Information
As a result of the general review of these rules, it has been determined that the process for repaying loan funds to the State Board can be simplified. Instead of requiring that districts submit to ISBE the proceeds of tax levies related to these expenses within 30 days after the proceeds are received, we believe it will be sufficient for each affected district to make one payment annually, consisting of all proceeds received to that point.

This set of rules was distributed for external advisory review and one response was received, suggesting that the annual payment date be moved from December 15 (proposed) to January or February of the following year because not all levy proceeds come in by the December date.

It is not necessary for the State Board to receive the entire total for a given calendar year at the end of that year. Therefore, to accommodate later receipts it seems a reasonable solution to move the collection date into the early part of the subsequent year and to provide explicitly that amounts not received by the annual payment date can be held by the affected districts until the next annual payment is due. In this way it will be clear that there is no penalty for a district whose levy proceeds arrive too late to be included in the relevant annual payment.

Analysis and Implications for Policy, Budget, Legislative Action and Communications
Policy Implications: Please see above.

Budget Implications: Establishment of one annual payment date will mean that repayments come in to the State Board generally later than has previously been the case. However, we do not expect that this difference in the repayment timetable will have a significant effect on the availability of these funds for assisting additional districts that experience temporary relocation.
Legislative Action: None needed.
Communication: Please see “Next Steps” below.

**Superintendent’s Recommendation**
The Superintendent recommends that the State Board of Education adopt the following motion:

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

Temporary Relocation Expenses (23 Illinois Administrative Code 145), 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 message and the agency website will also be used to inform interested parties of the opportunity to comment on this rulemaking.
Section 145.20  General Requirements

a) The school board of a district making initial application for a temporary relocation expense loan or grant shall adopt and submit to the State Board of Education along with its application:

1) a resolution levying the tax provided for by Section 17-2.2c of the School Code [105 ILCS 5/17-2.2c] at the maximum rate permitted thereunder, in order to repay the State of Illinois for funds received pursuant to this Part, and agreeing to submit the levy proceeds to the State Board within thirty days after their receipt by the district; and

2) a resolution encumbering all insurance proceeds payable to the district for relocation expenses for the affected facility and providing that these proceeds shall be paid to the State Board of Education within thirty days after their receipt by the district.
b) Each district shall remit to the State Board of Education all proceeds received by the district from the tax levied under Section 17-2.2c of the School Code no later than January 31 of the year following the calendar year to which the proceeds are attributable. Proceeds received by the district after that date may, at the district’s discretion, be remitted at any time prior to the next January 31 deadline or may be held by the district and included with that payment. (That is, only one payment per year shall be required, but a district may make additional payments at its option.)

c) Each application shall indicate:

1) whether the application is for a loan, a grant, or both;

2) the date and nature of the qualifying event leading to the application;

3) that the school board has adopted a plan to house the displaced students permanently;

4) the time required to effect the permanent solution described in the plan;

5) an estimate of the necessary temporary relocation expenses to be incurred and a description of the necessity for them;

6) an estimate of the amount of insurance proceeds to be received;

7) an estimate of the amount of funds that can be raised through the levy of the tax called for in Section 17-2.2c of the School Code;

8) the amount which the district does not expect to be able to repay to the State Board of Education from funds realized under subsections (b)(6) and (7) and for which an outright grant is requested, if any; and

9) an agreement to comply with Section 2-3.77 of the School Code and this Part and to authorize the State Board of Education to deduct from the district’s general State aid any amount owed to the State Board under this Part which is in default.

d) Applications shall be considered on a first come, first served basis as long as
funds remain available. Districts otherwise eligible but not receiving a loan or grant due to insufficiency of the appropriation shall receive first consideration in the subsequent fiscal year.

(Source: Amended at 29 Ill. Reg. _____, effective _____________)
TO: Illinois State Board of Education
FROM: Randy J. Dunn, Interim Superintendent
       Jonathan Furr, General Counsel
       Linda Mitchell, Director

Agenda Topic: Action Item: Rules for Initial Review – Part 155 (Electronic Transfer of Funds)

Materials: Recommended Rules

Staff Contacts: Tim Imler

Purpose of Agenda Item
The purpose this agenda item is to present the proposed amendments for the Board’s initial review.

Expected Outcomes of Agenda Item
The Board will be asked to adopt a motion authorizing the solicitation of public comment on the proposed amendments.

Background Information
These proposed changes represent the results of the general review of this set of rules. In addition to general technical updating, the revisions include elimination of the option for certain participants to designate multiple bank accounts for the receipt of electronically transmitted funds. We have not found that many entities have used this option, perhaps because it entails time-consuming maintenance not only on ISBE’s part but also on the part of payees.

External advisory input on the discussion draft of these amendments was solicited, but no comments were received. Section 2-3.116 of the School Code requires that ISBE’s rules on this subject be approved by the Comptroller, and contact has already been initiated for the purpose of securing that approval by the time this rulemaking is concluded.

Analysis and Implications for Policy, Budget, Legislative Action and Communications
Policy Implications: Please see above.
Budget Implications: None.
Legislative Action: None needed.
Communication: Please see “Next Steps” below.
**Superintendent’s Recommendation**

The Superintendent recommends that the State Board of Education adopt the following motion:

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

Electronic Transfer of Funds (23 Illinois Administrative Code 155), 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 message and the agency website will also be used to inform interested parties of the opportunity to comment on this rulemaking.
Section 155.20  Participation

a) Beginning July 1, 2002, each payment made under a program administered by the State Board of Education shall be disbursed by the Comptroller through the electronic transfer of funds. Entities required to receive funds electronically shall include but not be limited to:

1) school districts;

2) regional superintendents of schools;

3) other public educational agencies such as cooperatives, joint agreements, and charter schools;
4) other payees such as nonpublic schools, universities, hospitals, township treasurers, community-based organizations, and day care centers; and

5) individuals.

b) At the option of the local school board, a school district may request its regional superintendent of schools to receive all payments due to the district. Each school board that wishes payments to be directed to the regional office of education shall adopt a resolution to this effect. A school district shall make this request in writing no later than May 31 of the fiscal year preceding the fiscal year in which the arrangement is to begin and shall forward to the regional superintendent a copy of the resolution adopted by the local board.

1) If the regional superintendent wishes to accept receipt of one or more districts’ funds, he or she shall do so no later than June 10 of the fiscal year preceding the fiscal year in which the arrangement is to begin by submitting to the State Superintendent Board of Education a copy of each school board’s resolution.

2) If the regional superintendent does not accept receipt of a district’s funds, he or she shall send written notification to this effect to the district superintendent no later than ten days after receiving the district’s request so that the district may comply with the requirements of Section 155.30 of this Part prior to the beginning of the new fiscal year.

c) The State Superintendent Board of Education shall direct the Comptroller to transfer each payment to an account identified by a participant pursuant to Section 155.30 of this Part, unless:

1) an entity participates in the public funds investment account administered by the State Treasurer and an approved application has been provided to the State Superintendent Board by the Treasurer;

2) a State agency, by completing a form supplied by the State Superintendent Board, instructs the State Superintendent Board to remit funds due to the agency via intergovernmental transfer;

3) the State Board is required to direct funds to a specified financial institution in conformance with an agreement executed under Section 820-
59(b) 7.59 of the Illinois Development Finance Authority Act [20 ILCS 3501/820-50(b) 3505/7.59], Section 13 of the Local Government Debt Reform Act [30 ILCS 350/13], or other applicable law; or

4) the expected duration of a financial relationship is so short or the expected number of payments is so small as to make the establishment of an arrangement for the electronic transfer of funds undesirable in the judgment of the State Superintendent Board.

(Source: Amended at 29 Ill. Reg. _____, effective ____________)

Section 155.30 Initiation of Electronic Fund Transfers

a) To initiate electronic transfer of payments, the participant shall provide the following information to the State Superintendent Board of Education on an authorization form prescribed by the State Superintendent Board and approved by the Comptroller.

1) The participant's nine-digit taxpayer identification number or Social Security number;

2) The participant's eleven-digit code assigned by the State Superintendent Board;

3) The name of the participant;

4) The telephone number of the participant's main business office;

5) The street address, city, state, and zip code of the participant's main business office;

6) The name of the chief executive officer for the participant;

7) A dated statement of authorization, signed by the chief executive officer of the participant, for all payments to be directed to the participant's account and for necessary debit entries and adjustments for errors to be initiated;
8) The name of the financial organization to which funds are to be electronically transferred, which shall be a member of the Federal Access or the Automated Clearing House (the nationwide network that provides the electronic payment system);

9) The street address, city, state, and zip code of the financial organization designated;

10) The title, type (checking or savings), and number of the account into which electronic transfers are to be made;

11) The nine-digit routing number of the financial organization designated; and

12) The telephone number of the financial organization.

b) A copy of a deposit slip or voided check for the account into which funds are to be electronically transferred must be attached to the authorization application form required under subsection (a) of this Section. If no deposit slip or voided check is available, the participant shall submit a signed statement from the financial organization verifying that the account belongs to the participant and that the information supplied is correct.

c) Each participant shall make all necessary arrangements with the designated financial organization for the receipt of electronic fund transfers, including at least:

1) obtaining the organization's signed, written agreement for electronic transfers, on a form supplied by the State Superintendent Board of Education as approved by the Comptroller, which shall state that:

   A) the financial organization agrees to receive and deposit sums for the participant payee,

   B) the financial organization understands that its account number will be included as additional identification on individual payment credits to the participant payee's account and that the participant payee has the right to cancel the authorization with the financial organization,
C) the financial organization agrees to forward all communications from the State of Illinois to the participant payee promptly, including the information contained in the addendum,

D) the financial organization agrees to return all payments that are not due to the participant payee, and

E) the financial organization may reserve the right to cancel the agreement by notice to the participant payee; and

2) establishing the frequency and detail of transaction communications to ensure the participant payee’s receipt of the 38-character descriptive entry called for in Section 155.60(c) of this Part, so that the origin and nature of each payment can be correctly identified.

d) Unless otherwise provided in this subsection (d), each participant shall designate only one financial organization and one account number to which funds shall be electronically transferred.

1) A regional superintendent of schools may designate two accounts, provided that one is reserved for the operational funds of the regional office and the other is a distributive account into which funds received for school districts shall be deposited.

2) A fiscal or administrative agent for a cooperative, a joint agreement, or another similar public educational entity may designate multiple accounts if necessary to segregate the funds attributable to different members.

3) A university or college may designate one account for each of its administrative offices (e.g., the University of Illinois at Urbana/Champaign and at Chicago).

4) A nonpublic or not-for-profit entity such as a child care company that operates several day care centers may designate one account for each of its administrative offices.
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5) A participant may receive approval from the State Board of Education to designate more than one account if it demonstrates that its structure, scope, or complexity compares to that of an entity discussed in any of subsections (d)(1) through (4) of this Section.

e) Within 30 days after receipt of a completed authorization application from a participant, the State Superintendent Board of Education will request the Comptroller to establish the establishment of the electronic transfer of funds for the participant by submission of a pre-note or zero fund transfer, i.e., a practice exercise in which no funds are transmitted.

f) After a pre-note transfer from the Comptroller is attempted and the time period allowed for completion of the pre-note transfer has expired, all payments to the participant for programs administered by the State Board of Education will be directed electronically unless the Comptroller receives notice from the financial institution that the pre-note transfer has failed or as may be otherwise required by law.

g) Upon receipt of notice that a pre-note transfer has failed, the Comptroller shall notify the State Superintendent Board of Education. The State Superintendent Board of Education shall take the actions necessary to identify the reason for the pre-note transfer’s failure and to facilitate the electronic payment to the participant.

(Source: Amended at 29 Ill. Reg. _____, effective _____________)

Section 155.40 Altering Electronic Fund Transfer Arrangements

a) A participant wishing to designate a different account for the transfer of funds under this Part shall complete a new authorization application form as called for in Section 155.30(a) of this Part and submit it to the State Superintendent Board of Education at least thirty days before activation of transfers to the new account is desired.

b) Each change in an account will be confirmed via submission of a pre-note transfer as described in Section 155.30(e) of this Part.
c) After the State Superintendent Board receives confirmation of an accurate pre-note fund transfer, all payments to the participant will be made to the newly designated account.

(Source: Amended at 29 Ill. Reg. _____, effective _____________)

Section 155.50 Terminating Electronic Fund Transfer Arrangements

The State Superintendent Board of Education and the Comptroller shall have the right to terminate an arrangement for the electronic transfer of funds for repeated problems or other interruptions in the processing of electronic fund transfers, or as otherwise permitted or required by law.

(Source: Amended at 29 Ill. Reg. _____, effective _____________)

Section 155.60 Responsibilities of the State Superintendent Board of Education

a) The State Superintendent Board of Education shall follow the instructions given by a participant in an authorization form application submitted pursuant to Section 155.30 or Section 155.40 of this Part.

b) The State Superintendent Board of Education shall transmit information received from participants pursuant to this Part to the Comptroller, to ensure that participants receive transfers into the correct accounts.

c) The State Superintendent Board of Education shall transmit to the Comptroller a 38-character descriptive entry for each payment authorized which, when communicated to the participant (see Section 155.70 of this Part), will describe the origin and nature of the payment.

d) The State Superintendent Board of Education or the Comptroller may withhold payments to a participant as permitted or required by law. The State Superintendent Board or the Comptroller, as applicable, shall provide written notice to the participant of its action.

e) The State Superintendent Board of Education may withhold payments to a participant for failure to meet the terms of a contract.
f) The State Superintendent Board of Education will handle all inquiries regarding electronic fund transfers made by the State Superintendent Board, and only authorized personnel of the State Board shall forward unresolved inquiries to the office of the Comptroller.

(Source: Amended at 29 Ill. Reg. _____, effective _____________)

Section 155.70 Responsibilities of the Comptroller

a) The Comptroller will receive transmissions of information and instructions from the State Superintendent Board of Education permitting the electronic transfer of funds.

b) In response to instructions received from the State Superintendent Board, the Comptroller will transmit payments electronically to designated financial institutions. Each such transmission shall include the complete 38-character descriptive entry called for in Section 155.60(c) of this Part.

c) The Comptroller will notify the State Superintendent Board of Education of all unsuccessful pre-note fund transfers.

d) The Comptroller may issue a warrant instead of transferring funds electronically when:

1) A designated financial institution rejects a transfer attempted pursuant to this Part;

2) An amount is subject to garnishment, offset, reduction, involuntary withholding, or other proceeding as provided by law (any amount payable after such action may be issued as a warrant); or

3) The transfer is rejected by the Comptroller's internal authorization system.

(Source: Amended at 29 Ill. Reg. _____, effective _____________)
TO: Illinois State Board of Education

FROM: Dr. Randy J. Dunn, State Superintendent of Education (Interim)
       Jonathan Furr, General Counsel
       Linda Mitchell, Chief Financial Officer, Fiscal & School Support Services

Agenda Topic: Action Item: Rules for Initial Review – Secular Textbook Loan (Part 350)

Materials: Proposed Amendments

Staff Contact: Joe Klickna
               Charles Hayes

Purpose(s) of Agenda Item
The purpose of the agenda item is to present the proposed amendments for initial review and secure the Board’s authorization to distribute them for public comment.

Expected Outcome of Agenda Item
The Board will be asked to authorize staff to publish the proposed amendments in the Illinois Register to elicit public comment.

Background Information
The proposed amendments respond to two separate issues.

1. Section 18-17 of the School Code authorizes either a parent/guardian or a student to request the loan of a textbook under the Secular Textbook Loan Program. The rules implementing this provision, however, have stipulated the content of that request in such a way that it appears only a parent can request the loan of a textbook.

2. The rules set forth the deadlines by which applicants can request the purchase of textbooks through the loan program. Using the April 15 deadline currently in the rules, applicants found that the textbooks they ordered were sometimes not received by the start of the school year. Additionally, problems arose for the agency when vendors could not be paid by the end of the fiscal year for books ordered in that fiscal year.

State Board staff became aware of both of these issues via the Superintendent’s “lessredtape” suggestion box. The proposed amendments have been shared with representatives of entities likely to be affected by the rulemaking (e.g., teacher unions, school district organizations, regional superintendents). No comments were received during this external review process.

Analysis and Implications for Policy, Budget, Legislative Action and Communications
Rather than stipulating the content of the request form, the proposed amendments would require that school districts establish procedures for parents/guardians and students to use when requesting the loan of a textbook and that information about the process be provided to parents in writing (e.g., student handbook, newsletter, flyer).
For this year, the agency had proposed moving the deadline to December 15. School districts had indicated that this earlier deadline would not provide them with sufficient time to review their textbook needs and would not allow them to order the newest editions of textbooks. Yet the agency found that under the April 15 deadline, textbooks ordered by applicants sometimes were not received by the start of the school year.

In addition, problems arose for the agency when vendors could not be paid by the end of the fiscal year for books ordered in that fiscal year. Program staff believe that the March 15 submission deadline will give districts sufficient time to evaluate their textbook needs, while also ensuring that the program is implemented in a more timely and efficient manner.

**Superintendent’s Recommendation**

The State Superintendent recommends that the State Board of Education adopt the following motion:

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

> Secular Textbook Loan (23 Illinois Administrative Code 350),

> 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 Weekly Message and the agency’s website, will be used to inform interested parties of the opportunity to comment on this rulemaking.
Section 350.15 Acquisition Procedures

a) Students shall not be assessed a fee for any textbook or book substitute provided under the Secular Textbook Loan Program.

b) Eligible applicants shall provide parents with a brief written explanation of the textbook loan program and the process for a parent/guardian or student to request the loan of a secular textbook in a student handbook, newsletter, flyer or by similar means. A parent/guardian or student may request the loan of a secular textbook(s) by submitting an individual request (see Section 18-17 of the School Code). School districts shall develop procedures for taking a request from a parent/guardian or student that shall contain the following language: "I hereby request the loan of secular textbooks in accordance with Section 18-17 of the School
c) Requested textbooks shall be those that have been adopted for use in the district or school and that are available from those vendors that are bonded through the State Board of Education. The State Board of Education each fiscal year shall provide on its textbook loan website the list of vendors from which materials may be purchased and the list of secular textbooks that the State Board of Education has identified as eligible under the program.

d) By the end of November, in January of each year, the State Board of Education will identify the grade levels to be funded and calculate the per-pupil allocation. Those school administrators with schools eligible to participate will be notified in writing as to:

1) the total amount available to their students to be used for the grade levels identified for funding (the per-pupil allocation will be based upon the total amount of funds appropriated for the program and the total statewide public and nonpublic school enrollment in the specific grade levels to be funded, as of the last school day in September of the current school year); and

2) the password to be used to access the textbook loan website for the purposes of completing a Request Form.

e) The Request Forms shall be completed by the school administrator. Electronic submission of the Request Form shall certify compliance with Section 18-17 of the School Code and this Part, as well as with Article X, Section 3, of the Illinois Constitution, which provides in pertinent part that no funds may be used to help support or sustain any institution controlled by any church or sectarian denomination.

f) Each eligible applicant shall submit its completed Request Form on or before March 15. Eligible applicants will be unable to access the Request Form after this deadline.

g) Each school administrator shall be informed via U.S. mail by April 15 the end of May as to the specific textbooks that will be purchased.

h) On a form provided by the State Board of Education, the school administrator shall confirm that the quantity and titles of all textbooks received are the same as ordered.
Such confirmation shall be mailed or faxed to the State Board of Education, using the address or fax number provided on the form, within seven days after receipt of the textbooks.

i) All textbooks provided through the program shall be listed on an inventory maintained by the State Board of Education. Each school shall identify (stamp) the materials received under the program as "Property of the State of Illinois, School Year _____".

j) Each recipient shall have procedures to assure the return of all textbooks from those to whom they have been loaned.

(Source: Amended at 29 Ill. Reg. _____, effective _____________)
TO: Illinois State Board of Education

FROM: Randy J. Dunn, Interim Superintendent
      Jonathan Furr, General Counsel

Agenda Topic: Action Item:
Rules for Initial Review – Part 475 (Contested Cases and Other Formal Hearings)
and
Repeal of Part 480 (Hearings Before the State Teacher Certification Board)

Materials: Recommended Rules

Staff Contact(s): Jon Furr

Purpose of Agenda Item
The purpose this agenda item is to present the proposed amendments and proposed repealer for the Board’s initial review.

Expected Outcomes of Agenda Item
The Board will be asked to adopt a motion authorizing the solicitation of public comment on the proposed amendments and proposed repealer.

Background Information
Part 475 is being generally updated and also revised to incorporate a number of provisions that are currently found in another set of rules (Hearings Before the State Teacher Certification Board – Part 480). These two Parts cover similar topics and therefore lend themselves to being combined.

Part 475 will now require evidentiary hearings that are under the jurisdiction of the Certification Board (STCB) to be conducted by a hearing officer in accordance with the Illinois Administrative Procedure Act (IAPA), unless the STCB specifically elects not to appoint a hearing officer. A hearing can be held in the presence of the entire Certification Board or independent of it. In any case, the STCB will make the final decision.

Others of the amendments change timeframes for notices and responses in order to give the parties more time to prepare their material. Finally, the language of the rules is generally being brought into conformance with the requirements of the IAPA and current rulemaking style. When the amendments to Part 475 are formally proposed, they will be accompanied by the proposed repeal of Part 480.

These amendments and the repealer were discussed at some length with the State Teacher Certification Board at its meeting on February 4, 2005, and the Certification Board recommends this rulemaking for consideration by the State Board of Education.
Analysis and Implications for Policy, Budget, Legislative Action and Communications

Policy Implications: Please see above.

Budget Implications: None.

Legislative Action: None needed.

Communication: Please see “Next Steps” below.

Superintendent’s Recommendation
The Superintendent recommends that the State Board of Education adopt the following motion:

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

Contested Cases and Other Formal Hearings (23 Illinois Administrative Code 475);

and

Hearings Before the State Teacher Certification Board (23 Illinois Administrative Code 480),

including publication of the proposed amendments and the proposed repealer in the Illinois Register.

Next Steps
With the Board’s authorization, staff will submit the proposed amendments and the proposed repealer to the Administrative Code Division for publication in the Illinois Register to elicit public comment. Additional means such as the Superintendent’s message and the agency’s website will also be used to inform interested parties of the opportunity to comment on this rulemaking.
Section 475.10  Authority and Applicability

a) The rules in this Part are enacted pursuant to is authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1005-10(a)(i)) [5 ILCS 100/5-10(a)(i)].

b) This Part shall apply to all administrative hearings conducted under the jurisdiction of the Illinois State Board of Education (“ISBE”), the State Superintendent of Education, or the State Teacher Certification Board (“STCB”) wherein the provisions of the Illinois Administrative Procedure Act concerning contested cases shall apply or where provided by the rules of the State Board of Education governing formal administrative hearings, except as provided in subsection (c) of this Section below.
c) Where statutes or other rules of applicable to the State Board of Education ISBE or the STCB contain practices different from those set forth in this Part, these rules, then those separate statutes and rules shall apply insofar as they differ from this Part, e.g., in the case of hearings related to renewal of teaching certificates conducted under Section 21-14 of the School Code [105 ILCS 5/21-14(h)(2)] and pursuant to 23 Ill. Adm. Code 25 (Certification).

(Source: Amended at 29 Ill. Reg. _____, effective _____________)

Section 475.15 Alternatives to Appointment of Hearing Officers

a) When an administrative hearing is to be held pursuant to this Part, the entity under whose jurisdiction the hearing will be held may determine whether a hearing officer will be designated. When no hearing officer is designated, all authority to conduct the hearing pursuant to this Part shall be exercised by:

1) the State Superintendent or his representative, for hearings conducted under the jurisdiction of the ISBE or the State Superintendent;

2) the STCB or its representative, for hearings conducted under the jurisdiction of the STCB.

b) For purposes of this Part, the term “hearing officer” shall, as applicable, include the individuals described in subsection (a) of this Section.

(Source: Added at 29 Ill. Reg. _____, effective _____________)

Section 475.20 Filing and Form of Documents

a) Documents and requests permitted or required to be filed with the State Board of Education ISBE or the State Superintendent of Education pursuant to this Part in connection with a hearing shall be addressed and mailed or personally delivered in duplicate to the State Superintendent of Education, 100 North First Street, Springfield, Illinois 62777, unless another address is designated in the notice of hearing such as for electronic transmission or the submission of facsimile copies. The office of the State Board of Education is open for filing of documents from 8:00 a.m. to 5:00 p.m., Monday through Friday, except on federal National and State legal holidays.
b) Documents and requests permitted or required to be filed with the STCB in connection with an evidentiary hearing shall be mailed or personally delivered to the Secretary of the STCB, at the same address specified in subsection (a) of this Section.

c) Documents shall clearly show the title of the proceedings in connection with which they are filed.

d) Except as otherwise provided, a copy of all documents, including notices, motions, and petitions, shall be simultaneously filed with the designated hearing officer and the Legal Advisor General Counsel to the State Superintendent of Education ISBE ("General Counsel") at Room 607, 188 West Randolph Street, Chicago, Illinois, 60601-100 North First Street, Springfield, Illinois 62777.

e) Documents shall be presented in letter-quality print on one side only of letter-sized typewritten or reproduced from typewritten copy on letter or legal size paper, and one; and

f) Computation of any period of time prescribed by this Part or any other applicable requirement section shall begin with the first business day following the date of filing of the document with the State Superintendent of Education and shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday or legal holiday. Notice requirements shall be construed to mean notice received, but proof that notice was sent by certified or registered mail at least four days prior to dispatched by means reasonably calculated to be received by the prescribed date shall be prima facie proof that notice was timely received.

(Source: Amended at 29 Ill. Reg. _____, effective _______________)

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Section 475.30 Appearance of Parties

Any person entitled to participation in proceedings may appear as follows:

a) A natural person may appear on his/her own behalf or by a representative designated in writing.

b) An association or other business, nonprofit or government organization may appear by any bona fide officer, employee or representative designated in writing.

c) For hearings conducted under the jurisdiction of the ISBE or the State Superintendent of Education, a designated representative appearing on behalf of a party shall file a written notice of appearance with the Hearing Officer hearing officer designated by the State Superintendent. For hearings conducted under the jurisdiction of the STCB, a designated representative appearing on behalf of a party shall file a written notice of appearance with the hearing officer designated by the STCB, the Secretary of the State Teacher Certification Board, or the State Superintendent, as provided in Section 475.60 of this Part.

(Source: Amended at 29 Ill. Reg. _____, effective _____________)

Section 475.40 Notice of Hearing

a) All hearings conducted under the jurisdiction of the ISBE or the State Superintendent shall be initiated by the issuance by the State Board of Education ISBE or the State Superintendent of Education, upon written request or upon the Superintendent's own motion, of a written Notice of Opportunity for Hearing, which shall be served upon all known parties to the hearing.

b) All hearings conducted under the jurisdiction of the STCB shall be initiated when the STCB or the State Superintendent of Education issues a written Notice of Opportunity for Hearing. Such a notice shall be served upon all known parties to the hearing and shall be issued:

1) upon written request of a person entitled to a hearing; or

2) upon presentation of evidence to the STCB or the State Superintendent demonstrating that a certificate should be suspended or revoked under Section 21-1 or 21-23 of the School Code [105 ILCS 5/21-1 or 21-23] or
that an application for a certificate should be denied under Section 21-1 of the School Code.

c) Any party receiving a Notice of Opportunity for Hearing must file a request for hearing within ten days after receipt. When such a request is received, a Notice of Hearing shall be issued by the entity under whose jurisdiction the hearing will be held.

d) Requirements for Service of Notices

1) Service of either a Notice of Opportunity for Hearing or a Notice of Hearing shall be complete when it has been:

   a) served in person;
   
   or

   b) served by certified or registered mail, postage prepaid, addressed to the last known address of the person(s), partnership(s), association(s), or corporation(s) involved not less than ten (10) days before the day designated for the hearing. Such notice shall be served by certified or registered mail.

2) A Notice of Hearing shall be served no fewer than 30 days before the day designated for the hearing.

3) The person serving the notice shall certify to the manner and date of service in the following form:

   I certify that I served the foregoing by depositing a copy thereof in the United States Mail, postage prepaid, on __________________, 20__, addressed to the following at the address shown:

   ___________________________ Signature

   If service is made by a non-attorney, the certificate of manner and date of service shall be subscribed and sworn to before a notary public.
e) A Notice of Opportunity for Hearing served under paragraph (a) of this Section shall include:

1) The time, place and nature of the hearing;
2) The legal authority and jurisdiction under which the hearing is to be held;
3) A reference to the particular section of the statutes and rules involved;
4) A short and plain statement of the matters asserted, except where a more detailed statement is otherwise provided for by law; and
5) A designation of a hearing officer, if any, to preside over the hearing, and the hearing officer’s address.

d) A copy of a Notice of Hearing served pursuant to this Section paragraph (a) above shall be referred to the designated hearing officer or other designated individual, together with the original complaint, application or report and any written request for a hearing filed pursuant to this Part.

e) Service of any document other than a notice upon any party may be made by personal delivery or by depositing it in the United States Mail, postage prepaid, addressed to the last known address of the party. The person serving the document shall certify to the manner and date of service as specified in subsection (d)(3) of this Section.

1) The person serving the document shall certify to the manner and date of service in the following form:

I certify that I served the foregoing by depositing a copy thereof in the United States Mail, postage prepaid, on ________________, 19___, addressed to the following at the address shown:

____________________
Signature

2) If service is made by a non-attorney, the certificate of manner and date of service shall be subscribed and sworn to before a notary public.
Section 475.50 Motion and Answer

a) Any party receiving a Notice of Opportunity for Hearing must file a request for hearing within ten (10) days of receipt. A written answer to a Notice of Hearing may be filed not later than seven (7) days prior to the date of the hearing. For hearings conducted under the jurisdiction of the ISBE or the State Superintendent of Education, all answers or motions preliminary to a hearing shall be presented to the State Superintendent or a designated hearing officer in accordance with Section 475.20 of this Part at least seven (7) days prior to the date of the hearing. For hearings conducted under the jurisdiction of the STCB, all answers or motions preliminary to a hearing shall be presented to the Secretary of the STCB or a designated hearing officer in accordance with Section 475.20 of this Part at least seven days prior to the date of the hearing. Failure to file an answer shall be deemed a general denial of matters asserted.

b) Unless made orally on the record during a hearing, or unless the hearing officer directs otherwise, a motion shall be in writing and shall be accompanied by any affidavits or other evidence relied upon, and, when appropriate, by a proposed order. For hearings conducted under the jurisdiction of the ISBE or the State Superintendent of Education, at least two copies of all such motions shall be filed with the Legal Advisor, General Counsel, and one copy with the hearing officer. For hearings conducted under the jurisdiction of the STCB, at least two copies of all motions shall be filed with the Secretary to the STCB, one copy with the General Counsel, one copy with the hearing officer, and at least one copy served on each additional party, if any, to the hearing.

c) Within seven (7) days after service of a written motion, or such other period of time as the hearing officer may prescribe, owing to the complexity of the issues involved, a party may file a response in support of or in opposition to the motion, accompanied by affidavits or other evidence.

d) No oral argument will be heard on a motion unless the hearing officer directs otherwise. If oral argument is permitted, then the hearing officer shall issue an order setting a date, time, and place for such argument.
conference may be scheduled. A written brief may be filed with a motion or an answer to a motion, stating the arguments and authorities relied upon.

e) A written motion will be disposed of by written order, with and on notice to of all parties.

f) The hearing officer Hearing Officer shall rule upon all motions, except that the hearing officer Hearing Officer shall have no authority to dismiss or decide a hearing on the merits without granting all parties to the proceeding a right to be heard and to establish a record.

g) Unless otherwise ordered, the filing of an answer or motion shall not stay the proceeding or extend the time for the performance of any act.

h) A party may participate in the proceeding without forfeiting any jurisdictional objection, if such objection is raised at or before the time the party files an answer or motion, or, if no answer or motion is made, before the commencement of the hearing.

i) Additional Parties

1) In the interest of convenient, expeditious and complete determination of matters, the hearing officer Hearing Officer may consolidate or sever hearing proceedings involving any number of parties, and may order additional parties to be joined.

2) Upon timely written application, the hearing officer Hearing Officer may permit any party to intervene in a hearing proceeding, subject to the necessity for conducting an orderly and expeditious hearing, when any either of the following conditions is met:

   A) The party is so situated as to be adversely affected by a final order arising from the hearing; or

   B) The party has an unconditional statutory right to intervene in the proceedings; or

   C) A party's circumstances and the hearing proceeding have a question of law or fact in common.
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3) Two copies of a petition for intervention shall be filed with the Legal Advisor General Counsel and one copy shall be filed with the hearing officer Hearing Officer, and one copy served on each party, no later than 48 hours prior to the date set for hearing of matters set forth in the Notice of Hearing. The hearing officer Hearing Officer may permit later intervention when there is good cause shown for the delay.

4) An intervenor shall have all the rights of an original party, except that the hearing officer Hearing Officer may, in the Order allowing intervention, provide that the party shall not raise issues which might more properly have been raised at an earlier stage of the proceeding, that the party shall not raise new issues or add new parties, or that in other respects the party shall not interfere with the conduct of the hearing, as justice and the avoidance of undue delay might require.

j) A hearing may be postponed or continued for due cause by the hearing officer Hearing Officer upon the hearing officer’s Hearing Officer’s own motion or upon motion of a party to the hearing. Such motion of the party shall set forth facts attesting that the request for continuance is not for the purpose of delay. Notice of any postponement or continuance shall be given in writing to all parties to the hearing within a reasonable time in advance of the previously scheduled hearing date. All parties involved in a hearing shall attempt to avoid undue delay caused by repeated postponements or continuances so that the subject matter may be resolved expeditiously.

(Source: Amended at 29 Ill. Reg. _____, effective _____________)

Section 475.60 Hearing Officer: Qualifications, Powers and Duties

a) The State Superintendent or an attorney licensed to practice law in Illinois may act as a hearing officer to preside over a hearing and to exercise all the powers of a hearing officer enumerated in this Part. [5 ILCS 100/10-20]

b) Appointment of Hearing Officer

1) When a hearing officer is to be appointed for a hearing conducted under the jurisdiction of the ISBE or the State Superintendent, the appointment shall be made by the State Superintendent.
2) When a hearing officer is to be appointed for a hearing conducted under the jurisdiction of the STCB, the STCB may either appoint the hearing officer or request that the State Superintendent appoint a hearing officer. At the direction of the STCB, a hearing officer may either preside over the hearing in the presence of the STCB or conduct an independent hearing. A hearing officer may also afford the STCB such legal counsel as it may require during the course of a hearing and until a final order is executed.

c) A hearing officer designated to preside over a hearing shall have all powers necessary and appropriate to conduct a fair, full and impartial hearing, including the following:

1) To administer oaths and affirmations;

2) To rule upon offers of proof and receive relevant evidence;

3) To exercise the power of the Superintendent and issue subpoenas under any applicable statute;

4) To provide for discovery and determine its scope;

5) To initiate, schedule, and conduct a pre-hearing conference;

6) To regulate the course of the hearing and the conduct of the parties and their counsel therein;

7) To consider and rule upon procedural requests;

8) To rule upon motions, objections, and evidentiary questions;

9) To hold conferences for the settlement or simplification of the issues;

10) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious or cumulative testimony and set reasonable limits on the amount of time each witness may testify;

11) To make decisions in accordance with the appropriate Act, any rules and Rules adopted pursuant thereto, this Part, and the Illinois Administrative Procedure Act [5 ILCS 100].
d) Except in the disposition of matters that are authorized by law to be entertained or disposed of on an ex parte basis, no agency employee or hearing officer shall, after notice of hearing pursuant to this Part, communicate directly or indirectly, in connection with any issue of fact, with any person or party, or in connection with any other issue with any party or representative except upon notice and opportunity for all parties to participate. However, an agency member may communicate with other members of the agency and an agency member or hearing officer may have the aid and advice of one or more personal assistants. [5 ILCS 100/10-60]

e) Disqualification:

1) When a hearing officer deems himself or herself disqualified to preside over a particular hearing, he or she shall withdraw therefrom by notice on the record directed to the State Superintendent of Education for hearings conducted under the jurisdiction of the ISBE or the State Superintendent or to the Secretary of the STCB for hearings conducted under the jurisdiction of the STCB.

2) Any party who deems a Hearing Officer, for any reason, especially for reasons of bias, prejudice, or possible prior involvement, to be disqualified to preside over a particular hearing may file with the Legal Advisor a motion to disqualify and remove the Hearing Officer, such motion to be supported by affidavits setting forth the alleged grounds for disqualification. The Legal Advisor shall refer the motion, together with affidavits, including any affidavits of the Legal Advisor, to the State Superintendent of Education who shall rule upon the motion.

The ISBE, State Superintendent, or STCB, on its own motion or the motion of any party, may disqualify a hearing officer for bias or conflict of interest as provided under Section 10-30(b) of the Illinois Administrative Procedure Act [5 ILCS 100/10-30(b)]. A party’s motion shall be supported by affidavits setting forth the alleged grounds for disqualification. A motion by the ISBE, the State Superintendent, or the STCB shall state the alleged grounds for disqualification.

f) Failure of or Refusal to Appear or to Obey the Rulings of a Presiding Hearing Officer:
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1) Contumacious or improper conduct at any hearing before the hearing officer shall be grounds for exclusion from the hearing.

2) If a witness or a party refuses to answer a question after being directed to do so or refuses to obey an order to provide or to permit discovery, the hearing officer may make such orders with regard to the refusal as are just and appropriate, including an order denying the application or complaint of a party or regulating the contents of the record of the hearing.

g) Exclusion

At the request of any party, the hearing officer shall exclude all witnesses from the hearing room, except that, at any time, one representative of each party in addition to counsel shall be allowed to be present.

h) On any procedural question not regulated by these rules, the appropriate Act and Rules, or the Illinois Administrative Procedure Act, a hearing officer may be guided to the extent practicable by any pertinent provisions of the Illinois Supreme Court Rules or the Illinois Code of Civil Procedure [735 ILCS 5].

(Source: Amended at 29 Ill. Reg. _____, effective _____________)

Section 475.70 Pre-Hearing Conferences and Consent Orders

a) Convening a Conference: Upon the hearing officer's own motion or the motion of a party, the hearing officer may direct the parties or their counsel to meet with the hearing officer for a conference to consider:

1) Simplification of the issues;

2) Necessity or desirability of amendment to documents for purposes of clarification, simplification or limitation;

3) Stipulations, admissions of fact and of contents and authenticity of documents;
4) Limitation of the number of witnesses;

5) Propriety of prior mutual exchange between and among the parties who have prepared testimony or exhibits; and

6) Such other matters as may tend to expedite disposition of the proceedings and assure a just conclusion thereof.

b) Record of Conference: The hearing officer shall make an order that recites the action taken at the conference, the amendments allowed to any documents and the agreements made between the parties as to any of the matters considered, and which limits the issues for hearing to those not disposed of by admissions or agreements, and such an order, when entered, shall control the subsequent course of the hearing unless modified at the hearing to prevent manifest injustice.

c) Consent Orders: At any time before the reception of evidence in any hearing or during any hearing, a reasonable opportunity may be afforded to permit negotiations by the parties or an agreement containing consent findings and a rule or order disposing of the whole or any part of the proceedings. The allowance of such opportunity and the duration thereof shall be in the discretion of the hearing officer after consideration of the nature of the proceedings, the requirements of the public interest, the representations of the parties, and the probability of an agreement which will result in a just disposition of the issues involved.

1) Any agreement containing consent findings and rules or orders disposing of a proceeding shall also provide:

A) That the rule or order shall have the same force and effect as if made after a full hearing;

B) That the entire record on which any rule or order may be based shall consist solely of the application or complaint and the agreement;

C) A waiver of any further procedural steps before the hearing officer for the State Superintendent of Education; and
D) Waiver of any right to challenge or contest the validity of the findings and of the rule or order made in accordance with the agreement.

2) On or before the expiration of the time granted for negotiations, the parties or their counsel may:

A) Submit the proposed agreement in writing to the hearing officer for his or her consideration; or

B) Inform the hearing officer that agreement cannot be reached.

3) In the event that an agreement contains consent findings and a rule or order is submitted in the time allowed therefore, the hearing officer, upon written approval of the final decision-maker, i.e., the ISBE, the STCB, or the State Superintendent, may accept the such agreement by issuing a decision based upon the agreed findings in accordance with Section 10-25(c) of the Illinois Administrative Procedure Act [5 ILCS 100/10-25(c)].

(Source: Amended at 29 Ill. Reg. _____, effective _____________)

Section 475.80 Depositions and Discovery

a) For reasons of unavailability or for other good cause shown, the testimony of any witness may be taken by deposition. Depositions may be taken orally, or upon written interrogatories before any person designated by the hearing officer and having the power to administer oaths.

b) Any party desiring to take the deposition of a witness may make application in writing to the hearing officer, setting forth:

1) The reasons why such deposition should be taken;

2) The time when, the place where, and the name and post office address of the person before whom the deposition is to be taken;

3) The name and address of each witness; and
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4) The subject matter concerning which each witness is expected to testify.

c) Such notice as the hearing officer presiding Hearing Officer may order shall be given by the party taking the deposition to every other party.

d) Each witness testifying upon deposition shall be sworn, and the parties not calling this witness shall have the right to cross-examination. The questions propounded and the answers thereto, together with all objections made, shall be reduced to writing, read to the witness, subscribed to by the witness and certified by the officer before whom the deposition is taken. Thereafter, the officer shall seal the deposition, with two copies thereof, in an envelope and mail the same by registered mail to the hearing officer presiding Hearing Officer. Subject to such objections to the questions and answers as were noted at the time of taking, the deposition may be read and offered in evidence by the party taking it as against any party who was present, was represented at the taking of the deposition, or who had due notice thereof. No part of a deposition shall be admitted in evidence unless there is a showing that the reasons for the taking of the deposition in the first instance exist at the time of the hearing.

e) Whenever appropriate to a just disposition of any issue in a hearing, the hearing officer presiding Hearing Officer may allow discovery by any other appropriate procedure, such as by written interrogatories upon a party, by requests for admission, or by entry for inspection of the employment or place of employment involved.

(Source: Amended at 29 Ill. Reg. _____, effective _____________)

Section 475.90 Hearings

a) All hearings shall be public unless required by statute to be otherwise.

b) The following shall be the order of proceedings of all hearings, subject to modification by the hearing officer presiding Hearing Officer for good cause:

1) Presentation, argument, and disposition of motions preliminary to a hearing on the merits of the matters raised in the notice or answer;

2) Presentation of complainant's opening statement;

3) Presentation of respondent's opening statement;
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4) Complainant's case;
5) Respondent's case;
6) Complainant’s rebuttal, if any;
7) Respondent’s rebuttal, if any;
8) Complainant's closing statement;
9) Respondent's closing statement;
10) Presentation and argument of all motions prior to final order;
11) Presentation of written briefs if required or allowed by the hearing officer;
12) Filing of proposed findings of fact and conclusions of law and recommendations of the hearing officer.

c) The complainant shall have the burden of proof except in cases under the jurisdiction of the STCB pursuant to Section 21-1 of the School Code where the STCB must determine the good character of an applicant, in which case the applicant has the burden of proof.

d) Failure of a party to appear on the date set for hearing or failure to proceed as ordered by the hearing officer may, at the sole discretion of the hearing officer, constitute a default. In the case of a default, the hearing officer shall thereupon enter such findings, opinions, and recommendations as are appropriate under the pleadings and such evidence as is received into the record.

e) Evidence:

1) A party shall be entitled to present the party's case or defense and oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for full and true disclosure of the facts. Any oral or documentary evidence may be received but a presiding hearing officer may exclude evidence that is
irrelevant, immaterial or unduly repetitious. The rules of evidence and privileges applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under such rules of evidence may be admitted, except where excluded by statute, if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Subject to these requirements, when a hearing will be expedited and the interest of the parties will not be prejudiced, a hearing officer may allow evidence to be received in written form. [5 ILCS 100/10-40]

2) The testimony of a witness shall be under oath or affirmation administered by the hearing officer presiding.

3) If a party objects to the admission or rejection of any examination, or to the failure to limit its scope, the party shall state briefly the grounds for the objection. Rulings on all objections shall appear in the record. When the admissibility of disputed evidence depends upon an arguable interpretation of substantive law, the hearing officer shall admit such evidence subject to the right of the hearing officer to strike the evidence from the record either during the hearing or as a part of the findings of fact and conclusions of law if the hearing officer determines that it was improperly admitted, in which case it shall not be considered in making findings of fact, conclusions of law and recommendations.

4) Formal exception to an adverse ruling is not required.

f) Official notice may be taken of any material fact not appearing in evidence in the record if the Circuit Courts of this State could take judicial notice of such fact. In addition, notice may be taken of generally recognized technical or scientific facts within the State Board of Education's STCB's, ISBE's, or its employees' specialized knowledge. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the facts so noticed. The agency's expertise, technical competence and specialized knowledge may be utilized in the evaluation of the evidence. [5 ILCS 100/10-40(c)]

g) Hostile or Adverse Witness:
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1) If the hearing officer Hearing Officer determines that a witness is hostile or unwilling or adverse, the witness may be examined by the party calling the witness as if under cross-examination.

2) The party calling an occurrence witness, upon the showing that the party called the witness in good faith and is surprised by the witness' testimony, may impeach the witness by proof of prior inconsistent statements.

h) Oral proceedings or any part thereof shall be recorded by a certified court reporter or by a mechanical recording device. Such records shall be transcribed either:

1) upon written application filed with the reporter or hearing officer Hearing Officer by any party and upon the payment of fees at the rate provided in the agreement with the reporter or as established by the State Superintendent of Education, or

2) upon receipt of summons in Administrative Review or order of court, with payment of fees when allowed or required by statute. Any recording or transcription will be retained through and including the time allotted for appeal, revision, re-hearing, or other manner of review, prior to final disposition as provided for by the State Board of Education, ISBE, the State Superintendent of Education, the STCB, the hearing officer, or Hearing Officer or by law.

i) The official record of each hearing conducted pursuant to this Part these rules shall consist of the items enumerated in Section 10-35(a) of the Illinois Administrative Procedure Act [5 ILCS 100/10-35(a)].

1) All pleadings, including all notices and responses thereto;

2) Evidence received;

3) A statement of matters officially noticed;

4) Offers of proof or objections and rulings thereon;

5) Proposed findings and acceptance;

6) Any decision, opinion, or report of the Hearing Officer;
7) All staff memoranda or data submitted to the Hearing Officer or members of the agency in connection with their consideration of the case; and

8) Any communication prohibited by Section 10-60 of the Illinois Administrative Procedure Act, but such communication shall not form the basis for any findings of fact.

j) The hearing officer may require or allow parties to submit written briefs to the hearing officer within ten (10) days after the close of the hearing or such other reasonable time as the hearing officer shall determine consistent with the State Board of Education's, the ISBE's, the STCB's, or the State Superintendent of Education's responsibility for expeditious decision.

(Source: Amended at 29 Ill. Reg. _____, effective _____________)

Section 475.100 Orders

a) The provisions of this subsection (a) shall apply in those cases where the hearing officer is authorized by statute or rule to act as the personal representative of the State Superintendent of Education and in those cases where no hearing officer has been designated by the entity authorized to conduct the hearing and that entity or its representative is acting as the hearing officer, as provided in Section 475.15 of this Part. Hearing Officer’s Findings, Opinions and Decisions:

1) The hearing officer’s findings and Opinions conclusions shall be in writing and shall include findings of fact and conclusions of law or opinions separately stated when possible and in conformance with Section 10-50(a) of the Illinois Administrative Procedure Act [5 ILCS 100/10-50(a)]. Findings of fact shall be based exclusively on the evidence presented at the hearing or known to all parties, including matters officially noticed. Findings of fact, if set forth in statutory language, shall be accompanied by a statement of the underlying, supporting facts. Each conclusion of law shall be supported by authority or reasoned opinion.

2) The hearing officer, where authorized by statute or rule to act as the personal representative of the State Superintendent of Education, shall, in addition to the findings of fact and opinion required by subsection (a)(1) of this Section above, render a decision and
issue an order upon consideration of the record as a whole or such portion thereof as may be supported by competent, material and substantial evidence. The decision in the case will be the decision for and of the State Board of Education or ISBE, the State Superintendent of Education, or the STCB, as applicable and shall become effective immediately upon the execution of the Order by the Hearing Officer or as otherwise specified within the order or an applicable statute. The parties shall be immediately notified either personally or by mail, postage prepaid, certified or registered, addressed to the last known address of each party. A copy of the order shall be delivered or mailed to each party and to each attorney of record.

b) The provisions of this subsection (b) shall apply in those cases where the final decision is required to be rendered by an individual or entity other than the hearing officer, including all hearings conducted under the jurisdiction of the State Teacher Certification Board pursuant to Section 21-1 or Section 21-23 of the School Code for which hearing officers are appointed. Order of the State Board of Education or the State Superintendent of Education:

1) Hearing Officer's Recommendations:

A) Initial Recommendations: Where the State Board of Education or the State Superintendent of Education is required by law or by delegation to be the sole, personal acting officer, the Hearing Officer shall, in lieu of decision and order under paragraph (a)(2) above, and in addition to the findings and opinions required by paragraph (a)(1), make recommendations by way of a proposal for decision, prepare proposed findings of fact and conclusions of law and make recommendations by way of a proposed order that complies with Section 10-45 of the Illinois Administrative Procedure Act. These recommendations shall be made upon consideration of the record as a whole or such portion thereof as may be supported by competent, material and substantial evidence.

B) Opportunity to file Exceptions: The hearing officer shall forward a copy of the proposed findings of fact, opinions conclusions of law and recommendations to each party of record in the hearing and each party of record shall be allowed ten (10) 21 days in which to submit exceptions to the findings,
NOTICE OF PROPOSED AMENDMENTS

opinions, conclusions and recommendations of the hearing officer and to present a brief to the hearing officer in support of the position of the party.

C) Final Recommendations: The hearing officer shall then prepare and submit to the State Board of Education or to the State Superintendent of Education a final set of findings, opinions and recommendations which, if a party submitted proposed finding of fact which might control the decision or order, shall include a ruling upon each proposed finding of fact together with the exceptions and briefs pursuant to paragraph (b)(1)(B) of this Section.

2) Preparation of Final Order of the State Board of Education or the State Superintendent of Education: Upon the hearing officer’s recommendations, the State Board of Education ISBE, the STCB, or the State Superintendent of Education shall review the record and the hearing officer’s findings, opinions, conclusions, and recommendations together with exceptions thereto and briefs in support thereof and shall either:

A) request the hearing officer to prepare a final set of findings and conclusions and a recommended order for approval and issuance; or

B) issue a final order that complies with Section 10-50 of the Illinois Administrative Procedure Act [5 ILCS 100/10-50] and as set forth by applicable statutes within a reasonable time.

e) Effectiveness of Orders: The final decision in each the case will become effective immediately upon the execution of the order or as specified by applicable statute. The parties shall be immediately notified either personally or by mail, postage paid, certified or registered, addressed to the last known address of each party. A copy of the order shall be delivered or mailed to each party and to the party's attorney of record. Each order shall indicate whether it is final and, if so, that it is subject to the Administrative Review Law [735 ILCS 5/3-101 et seq.]

(Source: Amended at 29 Ill. Reg. _____, effective _______________)

Board Packet - Page 214
Section 480.10  Authority and Applicability

a) This Part is enacted pursuant to Section 5-10(a)(i) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1005-10(a)(i)).

b) This Part shall apply to all administrative hearings conducted under the jurisdiction of the State Teacher Certification Board (hereinafter, Board) wherein the provisions of the Illinois Administrative Procedure Act concerning contested cases shall apply.

Section 480.20  Filing and Form of Documents
a) Documents and requests permitted or required to be filed with the State Teacher Certification Board or the State Superintendent of Education in connection with a hearing shall be addressed and mailed or personally delivered in duplicate to the Secretary of the State Teacher Certification Board (hereinafter, Secretary of the Board), State Board of Education, 100 North First Street, Springfield, Illinois 62777. The office is open for filing of documents from 8:00 a.m. to 5:00 p.m. Monday through Friday, except on national and State of Illinois legal holidays.

b) Documents shall clearly show the title of the proceedings in connection with which they are filed.

c) A copy of all documents, including notices, motions, and petitions, shall be simultaneously filed with the Legal Advisor to the State Board of Education (hereinafter, Legal Advisor) at 100 North First Street, Springfield, Illinois 62777.

d) Documents shall be typewritten or reproduced from typewritten copy on 8 1/2" x 11" white paper.

e) One copy of each document filed shall be signed by the party or by the party's authorized representative.

f) Computation of any period of time prescribed by this or any other section of this Part shall be calculated in accordance with Section 1.11 of "AN ACT to revise the law in relation to the construction of the statutes" (Ill. Rev. Stat. 1985, ch. 1, par. 1012). Notice requirements shall be construed to mean notice received, but proof that notice was sent by certified or registered mail at least 4 days prior to the prescribed date shall be prima facie proof that notice was timely received.

Section 480.30 Appearance of Parties

Any person entitled to participation in proceedings may appear as follows.

a) A natural person may appear on his/her own behalf or by legal counsel.

b) A party which is not a natural person shall appear only through legal counsel.

c) An attorney appearing on behalf of a party shall file a written notice of appearance with the Secretary of the Board.

Section 480.40 Notice of Hearing
a) Initiation - All hearings shall be initiated when the State Teacher Certification Board or the State Superintendent of Education, upon written request of a person entitled to a hearing, or whenever evidence is presented to the Superintendent or Board demonstrating that a certificate should be suspended or revoked or an application for a certificate be denied under Article 21 of The School Code, issues a written Notice of Hearing, which shall be served upon all known parties of the hearing.

b) Service of the Notice of Hearing - Service shall be made:

1) in person, or

2) deposited in the United States Mail, postage prepaid, addressed to the last known address of the person(s) involved, not less than thirty (30) days before the day designated for the hearing. Such notice shall be served by certified or registered mail.

c) Contents - A Notice of Hearing served under subsection (a) of this Section shall include:

1) the time, place and nature of the hearing;

2) the legal authority and jurisdiction under which the hearing is to be held;

3) a reference to the particular section of the statutes and rules involved;

4) a short and plain statement of the matters asserted.

d) Service of any document upon any party may be made by personal delivery or by depositing it in the United States Mail, postage prepaid, addressed to the last known address of the party.

1) The person serving the document shall certify to the manner and date of service in the following form: "I certify that I served the foregoing by depositing a copy thereof in the United States Mail, postage prepaid, on ___, 19__, addressed to the following at the address shown:

________________________
Signature
2) If service is made by a non-attorney, the certificate of manner and date of service shall be subscribed and sworn to before a notary public.

Section 480.50 Motion and Answer

a) Any party receiving a Notice of Hearing may file a written answer not later than fourteen (14) days prior to the date of the hearing. The failure to file an answer shall be deemed a general denial of matters asserted.

b) Unless made orally on the record during a hearing, a motion shall be in writing and shall be accompanied by any affidavits or other evidence relied upon, and, when appropriate, by a proposed order. At least two copies of all such motions shall be filed with the Secretary of the Board, one copy with the Legal Advisor, and at least one copy served on each additional party, if any, to the hearing.

c) Within seven (7) days after service of a written motion, a party may file a response in support of or in opposition to the motion, accompanied by affidavits or other evidence.

d) All motions filed prior to the hearing, except motions for postponement or continuance of the hearing, will be heard and determined at the beginning of the hearing.

e) Unless otherwise ordered upon a specific finding that additional time is necessary, the filing of an answer or motion shall not stay the proceeding or extend the time for the performance of any act.

f) A party may participate in the proceeding without forfeiting any jurisdictional objection, if such objection is raised at or before the time the party files an answer or motion, or, if no answer or motion is made, before the commencement of the hearing.

g) Postponement or Continuance of Hearing - A hearing may be postponed or continued by the Board upon the Board's own motion or upon motion of a party to the hearing for good cause shown such as the unavailability of a witness, party or counsel due to illness or other circumstances beyond the individual's control. Such motion of the party shall set forth the facts attesting that the request for continuance is not for purposes of delay. Notice of any postponement or
continuance shall be given in writing to all parties to the hearing as soon as the
continuance or postponement is granted.

Section 480.60  State Teacher Certification Board:  Powers and Duties

a) Powers - The Board shall have the power to conduct a fair, full and impartial
hearing, including the power to:

1) administer oaths and affirmations;

2) rule upon offers of proof and receive relevant evidence;

3) regulate the course of the hearing and the conduct of the parties and their
counsel therein to ensure an orderly hearing;

4) consider and rule upon procedural requests;

5) examine witnesses and request witnesses to testify to obtain information
which has not been presented by the parties, and to limit repetitious or
cumulative testimony; and

6) make decisions in accordance with Article 21 of the School Code (Ill.
Rev. Stat. 1985, ch. 122, par. 21-1 et seq.) and Rules adopted pursuant
thereto (23 Ill. Adm. Code 25, Certification, and 23 Ill. Adm. Code 1,
Public Schools Evaluation, Recognition and Supervision), this Part, and
par. 1001-1 et seq.).

b) Ex parte consultations – Except in the disposition of matters which are authorized
by law to be entertained or disposed of on an ex parte basis, no State Board of
Education employee, member of the Board thereof, or Board member shall, after
receiving notice of hearing pursuant to this Part, communicate directly or
indirectly with any person or party or, in connection with any issue, with any
party or representative except upon notice and opportunity for all parties to
participate. However, a State Board of Education employee may communicate
with other employees of the agency and a State Board of Education employee or
Board member may have the aid and advice of one or more personal assistants.

c) Failure or Refusal to Appear or to Obey the Rulings of the Board -
1) Contumacious conduct at any hearing before the Board shall be grounds for exclusion from the Hearing.

2) If a witness or a party refuses to answer a question after being directed to do so or refuses to obey an order to provide or to permit discovery, the Board shall make such orders with regard to the refusal as are just and appropriate, including an order denying the application or complaint of a party or regulating the contents of the record of the Hearing (for example, an order excluding evidence or striking testimony).

Section 480.70 Hearing Officer

Whenever the Board determines that the dispute is of such a nature that it can best be resolved through the use of a hearing officer, the Board shall request the State Superintendent of Education to appoint an attorney, licensed to practice in Illinois, to serve as hearing officer with power to conduct the hearing, question witnesses, make rulings on motions and objections, or to submit proposed findings of fact and conclusions of law to the Board at the conclusion of the case. The hearing officer may also afford the Board such legal counsel as it may require during the course of the hearing and until a final order is signed.

Section 480.80 Hearings

a) All hearings shall be public.

b) Order of Proceeding - The following shall be the order of proceeding of all hearings, unless the Board orders otherwise (e.g., due to the unavailability of a witness):

1) Presentation, argument and disposition of motions by the parties preliminary to a hearing on the merits of the matters raised in the notice or answer.

2) Presentation of complainant's opening statement.

3) Presentation of respondent's opening statement.

4) Complainant's case.

5) Respondent's case.
6) Complainant's closing statement.

7) Respondent's closing statement.

8) Presentation and argument of all motions prior to final order.

9) Decision or Recommendation of the Board.

c) Burden of Proof - The complainant shall have the burden of proof except in cases pursuant to Section 21-1 of The School Code (Ill. Rev. Stat. 1985, ch. 122, par. 21-1) where the Board must determine the good character of an applicant, in which case the applicant has the burden of proof.

d) Evidence

1) Admissibility - A party shall be entitled to present the party's case or defense, oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received but the Board may exclude evidence which is irrelevant, immaterial or unduly repetitious. The rules of evidence and privileges applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under such rules of evidence may be admitted, except where excluded by statute, it it is of a type relied upon by prudent persons in the conduct of their affairs. Subject to these requirements, when a hearing will except where excluded by statute, it it is of a type commonly relied upon by prudent persons in the conduct of their affairs. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, the Board may allow evidence to be received in written form (Ill. Rev. Stat. 1985, ch. 127, par. 1012).

2) Testimony of Witnesses - The testimony of a witness shall be under oath or affirmation administered by the official court reporter.

e) Official Notice - Official notice may be taken of any material fact not appearing in evidence in the record if the Circuit Courts of this state could take judicial notice of such fact. In addition, notice may be taken of generally recognized technical or scientific facts within the Board's specialized knowledge.
f) Hostile or Adverse Witnesses

1) If the Board determines that a witness is hostile or unwilling or adverse, the witness may be examined by the party calling the witness as if under cross-examination.

2) The credibility of a witness may be attacked by any party, including the party calling him.

g) Transcript - Oral proceedings shall be recorded by a certified court reporter or by a mechanical recording device. Such records shall be transcribed and a copy provided to each party who requests it. Any recording or transcription will be retained through and including the time allotted for appeal, revision, rehearing, or other manner of review, prior to final disposition as provided for by the State Board of Education, the State Superintendent of Education, or the Board, or by law.

h) Official Record – The official record of each hearing conducted pursuant to this Part shall consist of:

1) all pleadings and other documents relating to the hearing, including all notices and responses thereto;

2) evidence received;

3) a statement of matters officially noticed;

4) offers of proof or objections and rulings thereon;

5) written briefs or proposed findings of fact and conclusions of law submitted by the parties;

6) hearing officer’s final set of findings, opinions and recommendations; and

7) any decision, opinion or report of the Board.

8) staff memoranda, if any, and all data submitted to the hearing officer or the Board in connection with consideration of the case;
9) *any communications prohibited by Section 10-60 of the Illinois Administrative Procedure Act, but such communications shall not form the basis for any finding of fact.* (Ill. Rev. Stat. 1991, ch. 127, par. 1010-60)

i) Briefs - The Board may require or allow parties to submit written briefs and/or proposed findings of fact and conclusions of law to the Hearing Officer whenever the Board determines that such briefs, findings or conclusions would aid in resolving the issues in dispute. The Board shall set a due date for such submissions, which shall be no later than 60 days following the parties' receipt of the transcript.

**Section 480.90 Orders**

a) In those cases involving the suspension of a certificate in which the Board is authorized to issue a final decision by Section 21-23 of the School Code, the Board, at the conclusion of the hearing, shall make a final decision which complies with Section 10-50 of the Illinois Administrative Procedure Act and shall serve a copy of the final decision on each party.

b) In those cases in which the Board is not authorized to issue a final decision, the Board, at the conclusion of the hearing, shall cause to be prepared findings of fact and conclusions of law, and shall submit the findings and conclusions to the State Superintendent of Education, who shall review the findings and conclusions, together with briefs in support thereof, if any, and prepare a proposal for decision in accordance with Section 10-45 of the Illinois Administrative Procedure Act. The State Superintendent shall serve a copy of the proposal on each of the parties, who shall have 21 days from receipt of the proposal to file exceptions and briefs with the State Superintendent. The State Superintendent shall, within 30 days thereafter, issue a final decision and serve the parties and the Secretary of the State Teacher Certification Board with a copy of the final decision.
ILLINOIS STATE BOARD OF EDUCATION MEETING
February 17, 2005

TO: Illinois State Board of Education
FROM: Randy Dunn, Interim Superintendent

Agenda Topic: Action Item: Approval of Institutional Accreditation and Program Approval Recommendations

Staff Contact(s): Certification and Professional Development
Marti A. Woelfle
Phyliss Jones

Purpose of Agenda Item
The purpose of this agenda item is to consider the State Teacher Certification Board recommendations for the accreditation status of three teacher preparation institutions and the programs they offer.

Expected Outcome(s) of Agenda Item
The Board will take final action on the accreditation status of the three institutions.

Background Information
As defined by Section 25.125 (h-j) of the State Board’s administrative rules, the State Teacher Certification Board conducted its accreditation review of three institutions (Eureka College, Olivet Nazarene University, and National-Louis University) on Thursday and Friday, December 2-3, 2004.

Continuing Accreditation Review:

National-Louis University’s joint ISBE/NCATE continuing accreditation review was conducted on April 17-21, 2004. The review was based on the National Council for Accreditation of Teacher Education (NCATE) 2000 Edition 2002 Standards to determine the state and national accreditation of the institution. On October 18-21, 2004, the Unit Accreditation Board of NCATE granted National-Louis University continuing national accreditation with four areas for improvement.

As part of the National-Louis University accreditation review, each program leading to certification was reviewed by the NCATE-recognized national specialty professional associations (SPAs) and/or the ISBE program review panels. The ISBE program reviews were completed by trained Illinois higher education and P-12 representatives of the specialization areas for which there are no national professional associations (SPAs). The Illinois panels also reviewed addendums to SPA reports if there were Illinois program standards not considered by the national organization. An example would be the teaching of Illinois history in an approved Social Science - History program.

The program panel reports were reviewed by the State Teacher Certification Board because the continuing accreditation review requires a decision regarding the institution’s accreditation and approval of each the institution’s professional preparation programs.
Focused Visit Reviews:

Eureka College and Olivet Nazarene University received “accreditations with conditions” following their last accreditation review, which was conducted under the NCATE 2000 Standards. These institutions were required to address the cited unmet standards and weaknesses and to undergo a focused visit within two years of the State Board of Education’s decision. The focused visit of Olivet Nazarene University was conducted on January 24-27, 2004, and Eureka College’s focused visit was conducted on April 17-20, 2004.

On December 2-3, 2004, the Certification Board reviewed the team reports, institutional responses, documents provided by the institutions during the on-site review, and the state chair responses. The Board also met with representatives of Eureka College and Olivet Nazarene University to confirm the institutions’ efforts to address the cited concerns.

Certification Board Analysis and Recommendations

National-Louis University

A joint ISBE/NCATE four-day on-site accreditation review was conducted on April 17-21, 2004. The team reviewed the institutional report (self-study) of how National-Louis University addressed the NCATE 2000 Edition 2002 Standards; reviewed extensive exhibits related to the conceptual framework and six unit standards; interviewed administrators, full- and part-time faculty, support personnel, undergraduate and graduate program candidates, alumni, and members of the P-12 community who participate in the preparation of candidates and decision-making processes of the educational unit; observed in P-12 classrooms throughout the National-Louis University service region; and visited campus facilities.

The team findings indicate that National-Louis University met the six NCATE 2000 Edition 2002 Standards with four areas for improvement, and the State Teacher Certification Board concurred.

STANDARD 1 – Candidate Knowledge, Skills and Dispositions
Met

STANDARD 2 – Assessment System and Unit Evaluation
Met with Areas for Improvement

- Initial and Advanced
  The evaluation of the fairness, accuracy, and consistency of the major assessments in initial- and advanced-level programs is not systematic.

- Advanced:
  Advanced programs do not systematically aggregate and analyze candidate performance assessment data to improve program quality.

STANDARD 3 – Field Experiences and Clinical Practice
Met

STANDARD 4 – Diversity
Met
STANDARD 5 – Faculty Qualifications, Performance and Development
Met with Area for Improvement
- Unit faculty do not consistently integrate technology in their teaching.

STANDARD 6 – Unit Governance and Resources
Met

As defined in Section 25.125 (j) (1) of the Illinois administrative rules, the State Teacher Certification Board recommends that the State Board of Education continue the accreditation of National-Louis University because the educational unit met all of the applicable standards (which may include the identification of areas of improvement), thereby authorizing the institution to conduct its approved programs and recommend candidates for certification by entitlement.

Approval of National-Louis University Programs:

Based on its review, the State Teacher Certification Board recommends that the State Board of Education grant continuing approval to the following professional preparation programs in accordance with Section 25.127 (m) of the State Board of Education’s Administrative Rules on Certification (23 IL Adm. Code 25.127).

- IPTS, Language Arts, and Technology-Elementary
- IPTS, Language Arts, and Technology–Reading
- IPTS, Language Arts, and Technology–Secondary Education
- Early Childhood Education-Undergraduate
- Early Childhood Education-Graduate
- Elementary Education-Undergraduate
- Elementary Education-Graduate
- English Language Arts
- Foreign Language
- Learning Behavior Specialist I (LBS I)
- Mathematics
- Reading Specialist
- Core Science
- Biological Science
- Physical Science
- Technology Specialist
- School Psychologist
- Principals/General Administrative
- Superintendent

Eureka College

A focused visit of Eureka College was conducted on April 17-20, 2004. The team centered its review on Standard Two and the cited weaknesses that were determined by the State Board of Education in June 2003. The institutional evidence included an institutional report that addressed the cited concerns, extensive exhibits, and interviews with members of the professional community, including faculty, candidates, alumni, and representatives of the P-12
schools who participate in the preparation of candidates and decision-making processes of the educational unit.

On December 2, 2004, The State Teacher Certification Board reviewed the focused review team report and interviewed representatives of Eureka College. Based on the evidence presented by Eureka College, the State Teacher Certification Board determined that Standard Two was met and all cited weaknesses were addressed.

The Certification Board recommends that the State Board of Education grant Eureka College continuing accreditation based on the Board’s review of the documentation provided in the ISBE focused review team report and institutional response, thereby authorizing the institution to continue offering programs and to recommend candidates for certification by entitlement until the time of the institution’s next scheduled accreditation review [Section 25.125(j) (2) (E)].

Olivet Nazarene University

A focused visit of Olivet Nazarene University was conducted on January 24-27, 2004. The team centered its review on Standard Four and the cited weaknesses that were determined by the State Board of Education in June 2003. The institutional evidence included an institutional report that addressed the cited concerns, extensive exhibits, and interviews with members of the professional community, including faculty, candidates, and representatives of the P-12 schools who participate in the preparation of candidates and decision-making processes of the educational unit.

On December 2, 2004, The State Teacher Certification Board reviewed the focused review team report, the institution’s rejoinder to the team’s findings, the state chair’s report, and interviewed representatives of Olivet Nazarene University. Based on the evidence presented by Olivet Nazarene University, the State Teacher Certification Board determined that Standard Four was met with weaknesses and seven of the eleven weaknesses were corrected. The institution has made progress in addressing the four remaining weaknesses so the STCB recommends revised weakness statements to reflect the areas that continue to need improvement.

The STCB recommended findings for Olivet Nazarene University are as follows:

**STANDARD 1 – Candidate Knowledge, Skills and Dispositions**
- Met

**STANDARD 2 – Assessment System and Unit Evaluation**
- Met with Weakness
  - Data analysis is inconsistent to support program assessment.

**STANDARD 3 – Field Experiences and Clinical Practice**
- Met

**STANDARD 4 - Diversity**
- Met with Weaknesses
  - Candidates have limited experience with diverse faculty.
  - M.Ed. students may or may not have experiences with diverse faculty and students.
STANDARD 5 – Faculty Qualifications, Performance and Development
Met with Weakness

• Education faculty do not have a sustained record of scholarly activity.

STANDARD 6 – Unit Governance and Resources
Met

The Certification Board recommends that the State Board of Education grant Olivet Nazarene University continuing accreditation based on the Board’s review of the documentation provided in the ISBE focused review team report and institutional response, thereby authorizing the institution to continue offering programs and to recommend candidates for certification by entitlement until the time of the institution’s next scheduled accreditation review [Section 25.125(j) (2) (E)].

Superintendent’s Recommendation
The Superintendent recommends that the Board adopt the following motion:

I move that the State Board of Education accepts the following State Teacher Certification Board recommendations:

• National-Louis University be assigned “continuing accreditation” status. This action is in accordance with Section 25.125 (j) (1) of the State Board’s Administrative Rules on Certification and authorizes the institution to conduct programs and recommend candidates for certification through entitlement until the time of the institution’s next scheduled review.

• The specific professional education preparation programs listed for National-Louis University be awarded “continuing approval” as they meet the applicable content standards. This action is in accordance with Section 25.127 (m) (1) of the State Board’s Administrative Rules on the review of individual programs.

• Eureka College be assigned “continuing accreditation” status. This action is in accordance with Section 25.125 (j) (2) (E) of the State Board’s Administrative Rules on certification and authorizes the institution to conduct programs and recommend candidates for certification through entitlement until the time of the institution’s next scheduled review.

• Olivet-Nazarene University be assigned “continuing accreditation” status. This action is in accordance with Section 25.125 (j) (2) (E) of the State Board’s Administrative Rules on certification and authorizes the institution to conduct programs and recommend candidates for certification through entitlement until the time of the institution’s next scheduled review.

Next Steps
Each of the institutions will be notified regarding the State Board’s decision. The State Teacher Certification Board will also be notified and the State Board’s Illinois Institutions Accreditation Decisions record will be updated to reflect the accreditation decisions and approval of programs.
TO: Illinois State Board of Education
FROM: Randy Dunn, Interim Superintendent

Agenda Topic: Approval of New Teacher Preparation Programs

Materials: State Teacher Certification Board New Programs Recommendation

Staff Contact(s): Certification and Professional Development:
Marti A. Woelfle
Phyliss Jones
Brenda Stonecipher

Purpose of Agenda Item
The purpose of this agenda item is to consider the State Teacher Certification Board recommendations for the approval of five new professional preparation programs at four recognized and accredited institutions.

Expected Outcome(s) of Agenda Item
The Board will take final action on the five proposed programs.

Background Information
The following proposals for new professional education preparation programs have been submitted for approval and implementation.

<table>
<thead>
<tr>
<th>Institution</th>
<th>Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illinois State University</td>
<td>Director of Special Education</td>
</tr>
<tr>
<td>Southern Illinois University Edwardsville</td>
<td>Reading Specialist</td>
</tr>
<tr>
<td>Southern Illinois University Edwardsville</td>
<td>LBS II: Curriculum Adaptation Specialist</td>
</tr>
<tr>
<td>University of Illinois at Chicago</td>
<td>Early Childhood/Early Childhood Special Education</td>
</tr>
<tr>
<td>Western Illinois University</td>
<td>Reading Specialist</td>
</tr>
</tbody>
</table>

The State Teacher Certification Board has reviewed the proposals and voted to recommend that the professional preparation programs be granted provisional approval in accordance with Section 25.145 (d) of the State Board’s administrative rules, and the State Board authorizes the institutions to conduct the programs and recommend candidates for certification by entitlement.
Certification Board Analysis and Recommendations

Illinois State University

Illinois State University is an established Illinois-approved teacher preparation institution that offers undergraduate and graduate programs in early childhood education, elementary education, fifteen secondary education areas, nine K-12 certification areas, LBS I special education, LBS II Curriculum Adaptation Specialist, two school service personnel areas, and three administrative areas. The proposed Director of Special Education program has been developed to meet the need for highly qualified Directors of Special Education.

Director of Special Education Program:
The Illinois State University - Director of Special Education program is a post-masters program that will lead to a Type 75 certificate. Courses will be offered in the Special Education department at the master's and doctoral levels and in the Educational Administration and Foundations department at the master's level. Applicants must hold either a teaching certificate or school service personnel certificate and have two years of successful teaching or school service experience. Furthermore, the applicant must have a master's degree in one of the following areas: Special Education, Educational Administration and Foundations, School Psychology, School Social Work, or Speech Language Pathology. The applicant must provide letters that describe a disposition for special education leadership.

The proposal provided an overview of the knowledge base and how the outcomes relate to the conceptual framework; a description of the course of study, including the clinical experience components; an assurance that the applicable Illinois standards will be met; a description of the program assessment system; the program faculty and their expertise in this field; and the resources that will be available for program candidates.

The State Teacher Certification Board (STCB) determined that the program satisfies the statutory requirements and applicable administrative rules, including the content-area standards defined in the Standards for Director of Special Education (IAC Section 29.140), and the program requirements defined in the Illinois Administrative Rules Section 25.127 (b) (1-5).

The STCB recommended that the Illinois State University’s Director of Special Education program be granted provisional approval until the institution’s next review.
Southern Illinois University Edwardsville

Southern Illinois University Edwardsville is an established Illinois-approved teacher preparation institution that offers undergraduate and graduate programs in early childhood education, elementary education, nine secondary education areas, three K-12 certification areas, LBS I special education, four school service personnel areas, and two administrative areas. The proposed Reading Specialist program and Learning Behavior Specialist II (LBS II) Curriculum Adaptation Specialist have been developed to meet the need for highly qualified reading specialists and LBS II specialists.

**Reading Specialist Program:**
The Southern Illinois University Edwardsville – Reading Specialist program is an advanced-level program that will lead to a Type 10 certificate with a Reading Specialist endorsement and a Master of Science in Literacy Education degree. Applicants must hold a Bachelor’s degree with a grade point average of 3.0 or above, a valid teaching certificate, a minimum of two years of classroom teaching, established SIUE scores on the Millers Analogies Test or Graduate Records Exam, two letters of recommendation, and complete an interview with university faculty.

The proposal provided an overview of the knowledge base and how the outcomes relate to the conceptual framework; a description of the course of study, including the clinical experience components; an assurance that the applicable Illinois standards will be met; a description of the program assessment system; the program faculty and their expertise in this field; and the resources that will be available for program candidates.

The State Teacher Certification Board (STCB) determined that the program satisfies the statutory requirements and applicable administrative rules, including the content-area standards defined in the Standards for Reading Specialists (IAC Section 27.120), and the program requirements defined in the Illinois Administrative Rules Section 25.127 (b) (1-5).

The STCB recommended that the Southern Illinois University Edwardsville’s Reading Specialist program be granted provisional approval until the institution’s next review.

**Learning Behavior Specialist II: Curriculum Adaptation Specialist Program:**
The Southern Illinois University Edwardsville – Learning Behavior Specialist II: Curriculum Adaptation Specialist program is an advanced-level program that will lead to a Type 10 certificate with an LBS II: Curriculum Adaptation Specialist endorsement and a Master of Science in Education (M.S. in Ed) degree in special education. A second non-degree option is designed to provide advanced professional preparation leading to certification in the area of the program’s specialization. Applicants must hold a Bachelor’s degree, a valid LBS I certificate, and have passed the Illinois Test of Basic Skills to be eligible for admission.

The proposal provided an overview of the knowledge base and how the outcomes relate to the conceptual framework; a description of the course of study, including the clinical experience components; an assurance that the applicable Illinois standards will be met; a description of the program assessment system; the program faculty and their expertise in this field; and the resources that will be available for program candidates.

The State Teacher Certification Board (STCB) determined that the program satisfies the statutory requirements and applicable administrative rules, including the content-area standards defined in the Standards for the LBS II: Curriculum Adaptation Specialists (IAC Section 28.360) and the program requirements defined in the Illinois Administrative Rules Section 25.127 (b) (1-5).

The STCB recommended that the Southern Illinois University Edwardsville’s LBS II Curriculum Adaptation Specialist program be granted provisional approval until the institution’s next review.
University of Illinois at Chicago

Early Childhood/Early Childhood Special Education Program:
The University of Illinois at Chicago’s Early Childhood/Early Childhood Special Education program is an initial Type 04 certificate offered for candidates that hold undergraduate degrees and have some experience working with children. The candidates will receive a master’s degree in Instructional Leadership with a specialization in Early Childhood.

The proposal provided an overview of the knowledge base and how the outcomes relate to the conceptual framework; a description of the course of study, including the clinical experience components; an assurance that the applicable Illinois standards will be met; a description of the program assessment system; the program faculty and their expertise in this field; and the resources that will be available for program candidates.

The State Teacher Certification Board (STCB) determined that the program satisfies the statutory requirements and applicable administrative rules, including the content-area standards defined in the Standards in Early Childhood (IAC Section 26.100 through 26.270) and Standards for the Early Childhood Special Education Teacher (IAC Section 28.240), and the program requirements defined in the Illinois Administrative Rules Section 25.127 (b) (1-5). The STCB recommended that the University of Illinois at Chicago Early Childhood/Early Childhood Special Education program be granted provisional approval until the institution’s next review.

Western Illinois University

Western Illinois University is an established Illinois-approved teacher preparation institution that offers undergraduate and graduate programs in early childhood education, elementary education, eight secondary education areas, four K-12 certification areas, LBS I special education, three school service personnel areas, and one administrative area. The proposed Reading Specialist program has been designed to prepare teachers for a variety of professional positions: as effective elementary and secondary classroom teachers, as reading specialists endorsed to teach in specialized reading programs such as Title I at either the elementary or the secondary level, as reading coaches, and as K-12 reading specialists.

Reading Specialist Program:
The Western Illinois University Reading Specialist Program is an advanced-level program. Completion of the program will lead to a Type 10 certificate with a Reading Specialist endorsement and a Master of Science in Education degree. Applicants must hold an undergraduate degree in education with an earned teaching certificate. Passing scores on the Basic Skills Test and K-12 Assessment of Professional Teaching is required before completing 18 semester hours of coursework. The comprehensive degree program requires a minimum of 32 hours of coursework, including the diagnostic core courses and a supervised reading practicum.

The proposal provides an overview of the knowledge base, how the outcomes relate to the conceptual framework; a description of the course of study, including the clinical experience components; an assurance that the applicable Illinois standards will be met; a description of the program assessment system; the program faculty and their expertise in this field; and the resources that will be available for program candidates.

The State Teacher Certification Board (STCB) determined that the program satisfies the statutory requirements and applicable administrative rules, including the content-area standards defined in the Standards for Reading Specialists (IAC Section 27.120), and the program requirements defined in the Illinois Administrative Rules Section 25.127 (b) (1-5). The STCB recommended that the Western Illinois University’s Reading Specialist program be granted provisional approval until the institution’s next review.
Superintendent’s Recommendation
The Superintendent recommends that the Board adopt the following motion:

I move that the State Board of Education accepts the State Teacher Certification Board recommendations as follows:

- Provisionally approve the following programs, thereby authorizing the institutions to conduct the programs and to recommend candidates for certification by entitlement until the time of the institution’s next review.
  - Illinois State University – Director of Special Education
  - Southern Illinois University Edwardsville – Reading Specialist
  - Southern Illinois University Edwardsville – LBS II: Curriculum Adaptation Specialist
  - University of Illinois at Chicago – Early Childhood/Early Childhood Special Education
  - Western Illinois University – Reading Specialist

Further, the State Board of Education authorizes the Superintendent to inform the institutions of the State Board’s decisions.

Next Steps

Each of the institutions will be notified regarding the State Board’s decision. The State Teacher Certification Board will also be notified and the State Board’s Directory of Approved Institutions and Programs will be updated to identify the new programs.
Illinois State Board of Education

February 16-17, 2005

TO: Illinois State Board of Education

FROM: Randy J. Dunn, Interim Superintendent
Jonathan Furr, General Counsel


Materials: Recommended Rules, Proposed Amendment to Standard Grant Agreement

Staff Contact(s): Jonathan Furr

Purpose of Agenda Item
The purpose of this agenda item is to present the proposed amendments to Part 1 for the Board’s initial review, and present an amendment to ISBE’s Standard Grant Agreement for Board adoption.

Expected Outcomes of Agenda Item
The Board will be asked to adopt a motion authorizing the solicitation of public comment on the proposed amendments, and directing the Superintendent to amend the State Board’s standard grant agreement.

Background Information
Illinois is nationally recognized for the high quality of the programs funded under the Early Childhood Block Grant. In at least one case, a public preschool denied access to a child to its early childhood program because of the child’s immigration status. The Mexican American Legal Defense and Education Fund (MALDEF) asked the Illinois State Board of Education and the Governor’s Office to intervene on behalf of the child’s family.

The Governor directed the State Board of Education (ISBE) to take action and prohibit state funded preschools from denying undocumented immigrants access to its programs. The proposed amendment to Part I responds to the Governor’s directive. The amendment ensures that the protections of the 1982 U.S. Supreme Court Case Plyler v. Doe, which guaranteed free public education regardless of immigration status, apply to all Illinois children. Similarly, ISBE will require that all private preschools receiving funds from ISBE do not discriminate on the basis of immigration status. ISBE recommends adopting the following amendment to its form grant agreement to ensure this result:

The applicant will obey all laws, regulations, and executive orders prohibiting discrimination on the basis of race, color, national origin, sex, age, or handicap, and all other laws, regulations, and executive orders applicable to its activities, including but not limited to the School Code (105 ILCS 5/1-1 et seq.) Title IX of the Amendments of 1972 (20 U.S.C. 1681 et seq.) the Illinois Human Rights Act (775 ILCS 5/1-101 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Age Discrimination in Employment Act of 1967 (29

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

Policy Implications: Please see above.

Budget Implications: None.

Legislative Action: None needed.

Communication: Please see “Next Steps” below.

**Superintendent's Recommendation**
The Superintendent recommends that the State Board of Education adopt the following motion:

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

*Part 1 Public Schools Evaluation, Recognition and Supervision,*

*including publication of the proposed amendments in the Illinois Register, and hereby directs the State Superintendent to amend ISBE's standard grant agreement to ensure that all private and public programs receiving funds from ISBE do not discriminate on the basis of immigration status.*

**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 message and the agency's website will also be used to inform interested parties of the opportunity to comment on this rulemaking. In addition, staff will amend its form grant agreement as directed by the Board for all future grant programs.
STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1
PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: SCHOOL RECOGNITION REQUIREMENTS

Section
1.10 Public School Accountability Framework
1.20 Operational Requirements
1.30 Quality Assurance Reviews
1.40 Student Performance and School Improvement Requirements (Repealed)
1.50 State Assessment
1.60 Operational Compliance (Repealed)
1.70 Effective Dates of Accreditation (Repealed)
1.80 Academic Early Warning and Watch Lists
1.85 Revisions to School Improvement Plans
1.90 System of Rewards and Recognition
1.100 Waiver and Modification of State Board Rules and School Code Mandates

SUBPART B: SCHOOL GOVERNANCE

Section
1.210 Powers and Duties
1.220 Duties of Superintendent
1.230 Board of Education and the School Code
1.240 Equal Opportunities for all Students
1.245 Waiver of School Fees
1.250 District to Comply with 23 Ill. Adm. Code 180
1.260 Commemorative Holidays to be Observed by Public Schools
1.270 Book and Material Selection
1.280 Discipline
1.285 Requirements for the Use of Isolated Time Out and Physical Restraint
1.290 Absenteeism and Truancy Policies
SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section
1.310 Administrative Responsibilities
1.320 Duties
1.330 Hazardous Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section
1.410 Determination of the Instructional Program
1.420 Basic Standards
1.430 Additional Criteria for Elementary Schools
1.440 Additional Criteria for High Schools
1.445 Required Course Substitute
1.450 Special Programs
1.460 Credit Earned Through Proficiency Examinations
1.462 Uniform Annual Consumer Education Proficiency Test
1.465 Ethnic School Foreign Language Credit and Program Approval
1.470 Adult and Continuing Education
1.480 Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

Section
1.510 Transportation
1.520 School Food Services
1.530 Health Services
1.540 Pupil Personnel Services (Repealed)

SUBPART F: STAFF CERTIFICATION REQUIREMENTS

Section
1.610 Personnel Required to be Qualified
1.620 Accreditation of Staff (Repealed)
1.630 Noncertificated Personnel
1.640 Requirements for Different Certificates (Repealed)
1.650 Transcripts of Credits
1.660 Records of Professional Personnel
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<td>Minimum Requirements for Teachers (Repealed)</td>
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<td>1.710</td>
<td>Requirements for Elementary Teachers</td>
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<tr>
<td>1.720</td>
<td>Requirements for Teachers of Middle Grades</td>
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<td><strong>EMERGENCY</strong></td>
<td>Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above through June 30, 2004</td>
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<td>1.730</td>
<td>Requirements to Take Effect from July 1, 1991, through June 30, 2004</td>
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<td><strong>EMERGENCY</strong></td>
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<td>1.790</td>
<td>Substitute Teacher</td>
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### Appendices

- **APPENDIX A**: Professional Staff Certification
- **APPENDIX B**: Certification Quick Reference Chart
- **APPENDIX C**: Glossary of Terms (Repealed)
- **APPENDIX D**: State Goals for Learning
- **APPENDIX E**: Evaluation Criteria - Student Performance and School Improvement Determination (Repealed)
- **APPENDIX F**: Criteria for Determination - Student Performance and School Improvement (Repealed)
- **APPENDIX G**: Criteria for Determination - State Assessment (Repealed)


SUBPART B: SCHOOL GOVERNANCE

Section 1.240 Equal Opportunities for all Students

All students within a school district must be provided equal opportunities in all education programs and services provided by the system (Section 10-20.12 of the School Code).

a) No school system may exclude or segregate any pupil from a school because of color, race, or nationality (Section 10-22.5 of the School Code). Further, no school system may deny or limit access to its schools or programs (including, without limitation, preschool programs) to students who lack documentation of their immigration status or legal presence in the United States (Plyler v. Doe, 457 U.S. 202 (1982)).

b) Each school district shall submit periodic reports as required by the State Board of Education detailing pupil attendance, faculty assignments, and actions taken and planned to prevent and eliminate segregation.
c) Each school district shall be in compliance with 23 Ill. Adm. Code 200 (Sex Equity).

d) Each school district shall be in compliance with 23 Ill. Adm. Code 375 (Student Records).

e) Each school district shall charge tuition in an amount not exceeding 110% of the previous year's per capita cost, to nonresident students. Pupils who become nonresidents during a school term shall not be charged tuition for the remainder of the term (Section 10-20.12a of the School Code).

f) Each school district shall loan textbooks to students whose parents are unable to buy them (Section 10-20.13 of the School Code) and shall waive all fees for parents who are unable to afford them in accordance with a written policy adopted by the district under Section 1.245 of this Part.

g) Any school district containing one or more attendance centers having students of limited English-speaking fluency shall establish a program in transitional bilingual education according to 23 Ill. Adm. Code 228 (Transitional Bilingual Education).

h) The establishment and operation of all special education shall follow 23 Ill. Adm. Code 226 (Special Education).

i) Each school district whose Chapter 1 weighted average daily attendance (WADA) is between 1,000 and 50,000 shall annually file a plan with the State Board of Education. This plan must be in compliance with 23 Ill. Adm. Code 201 (Disadvantaged Students Funds Plan - Districts Between 1,000 and 50,000 ADA).

j) Each school district whose Chapter 1 weighted average daily attendance (WADA) is 50,000 or more shall annually file a plan with the State Board of Education. This plan must be in compliance with 23 Ill. Adm. Code 202 (Disadvantaged Students Funds Plan - Districts over 50,000 ADA).

(Source: Amended at 29 Ill. Reg. _____, effective ______________)
TO: Illinois State Board of Education
FROM: Dr. Randy J. Dunn, State Superintendent of Education (Interim)

Agenda Topic: Action Item: FY2006 Budget

Materials: To be distributed at the Board Meeting

Staff Contact(s): Linda Riley Mitchell

Purpose of Agenda Item
The purpose of this agenda item is to adopt the State Board of Education FY2006 Budget.

Expected Outcome(s) of Agenda Item
It is expected that the Board will review the budget that has been prepared in conjunction with the Governor's Office of Management and Budget and based upon the February 9, 2005 Special Board Meeting direction and Budget Hearings held by the Finance and Audit Committee on Friday, January 28, 2005 in Mt. Vernon and on Monday, January 31, 2005 in Chicago.

Analysis and Implications for Policy, Budget, Legislative Action and Communications
The State Board requires a budget to sustain its operations for Fiscal 2006. There are also implications that will emerge for policy, legislation, and communication.

Superintendent's Recommendation
Recommend approval.

Next Steps
Continue discussions at March meeting and provide updates to the Board on the Budget as it is reviewed by the Governor and the General Assembly.
TO: Illinois State Board of Education
FROM: Randy Dunn, State Superintendent of Education (Interim)
        Ginger Reynolds, Assistant Superintendent (Interim)
              Teaching and Learning Services
        Donna Luallen, Division Administrator, Accountability

Agenda Topic: Supplemental Educational Service Providers

Materials:  Attachment #1 – Board Approved Criteria for Approving Supplemental Educational Service Providers

Attachment #2 – List of Recommended Supplemental Educational Service Providers

Staff Contact(s): Donna Luallen, Division Administrator, Accountability
                 Cheryl Bradley, Principal Consultant, Accountability

Purpose of Agenda Item
The purpose of this agenda item is to inform the Board of the results of the review of applications received from potential supplemental educational service providers and to update the Approved List of Supplemental Educational Service Providers required by Section 1116(e) of the No Child Left Behind Act (NCLBA).

Expected Outcome(s) of Agenda Item
The expected outcome of this agenda item is to update the Approved List of Supplemental Educational Service Providers required by Section 1116(e) of the No Child Left Behind Act.

Background Information
The purpose of supplemental educational services is to increase the academic achievement of eligible children in reading and mathematics through tutoring and other high-quality academic enrichment services that are provided in addition to instruction during the school day.

To implement Section 1116(e) of the No Child Left Behind Act, Board approval is needed to update the Approved List of Supplemental Educational Service Providers. To promote maximum participation by providers to ensure, to the extent practicable, that parents have as many choices as possible, applications are accepted at anytime. Providers that have previously applied and were not approved for the state's list of supplemental educational service providers may not reapply within a twelve month period following their initial application. The Application for Supplemental Educational Service Providers is posted at http://www.isbe.net/nclb/htmls/sesp.htm.

Based on the committee’s review of the applications received, two are recommended for placement on the Approved List of Supplemental Educational Service Providers. Applicants that did not provide sufficient evidence for meeting the criteria established by the State Board of
Education are not recommended for approval and are notified of same in writing. However, beginning December 2003, potential providers are allowed to submit additional information for review within 30 days of notification of insufficient evidence.

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

Policy Implications: Board approval will update the Approved List of Supplemental Educational Service Providers.

Budget Implications: Payments for supplemental educational services are made by local school districts to an approved provider selected by parent(s).

The amount that a district shall make available for supplemental educational services for each child receiving services shall be the lesser of: the amount of the district’s allocation under Subpart 2 of Title I, divided by the number of children from families below the poverty level or the actual costs of the supplemental educational services received by the child.

The per-child allocation of Title I funds for supplemental educational services varies widely across the nation, ranging from roughly $600 to $1,500 and Illinois is no exception.

Legislative Action: None

Communication: The updated list of Approved Supplemental Educational Service Providers will be posted on the ISBE homepage (http://www.isbe.net/nclb/htmls/sesp.htm) for use by districts and parents of eligible children.

Pros and Cons of Various Actions

Parental choice of supplemental educational service providers is dependent upon the Board’s approval to update the state’s Approved List of Supplemental Educational Service Providers. The NCLBA requires state agencies to promote maximum participation by providers to ensure that parents have as many choices as possible.

Superintendent's Recommendation

The Superintendent recommends the Board adopt the following motion to approve the providers in Attachment #2 for inclusion on the state’s Approved List of Supplemental Educational Service Providers.

Whereas the No Child Left Behind Act of 2001 requires that the State Board of Education promote maximum participation of supplemental educational service providers and maintain an updated list of approved providers, I move that the providers identified on Attachment #2 be approved for addition to the Illinois list of approved supplemental educational service providers.

Next Steps

ISBE will update the Approved List of Supplemental Educational Service Providers and post it on the agency web site.
A. Evidence of Effectiveness

Eligible providers will provide evidence of improved student achievement for clients previously served in reading and/or mathematics on Illinois state assessments or nationally norm-referenced tests, particularly for low-performing students they have served.

B. Evidence of Program Quality

Eligible providers will clearly and specifically explain how the key instructional practices and major design elements of their program(s) are (1) based on research, and (2) specifically designed to increase student academic achievement.

C. Instructional Program

Eligible providers will clearly describe how their programs are aligned to Illinois Learning Standards in reading and/or math. The Illinois Learning Standards are available at http://www.isbe.net/ils/Default.htm.

Eligible providers will clearly describe how they will link between the academic programs a student experiences in the regular school day and the instruction and content of their supplemental educational program.

Eligible providers will assure that all instruction and content are secular, neutral, and non-ideological.

Eligible providers will provide supplemental educational services beyond the regular school day.

Eligible providers will, in the case of students with disabilities, provide supplemental educational services that support the implementation of the student’s Individualized Education Program under Section 614(d) of the Individuals with Disabilities Education Act and provide services consistent with Section 504 of the Rehabilitation Act of 1973.

D. Monitoring Student Progress

Eligible providers will, in consultation with the local education agency and parents, provide a statement of specific achievement goals for the student, how the student’s progress will be measured, and a timetable for improving achievement. In the case of a student with disabilities, these must be consistent with the student’s Individualized Education Program under Section 614(d) of the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act of 1973.
E. Communication of Student Progress

Eligible providers will clearly explain the specific methods, tools, and processes used to communicate student progress to schools including timelines for that communication.

Eligible providers will describe consistent methods, tools, and specific processes including timelines for providing parents and families of students with information on the progress of their child in increasing achievement. This information must be in a format and language that parents can understand.

F. Qualifications of Instructional Staff

Eligible providers will offer evidence of the employment of competent staff for delivering supplemental educational services in reading and/or mathematics and a commitment to ongoing professional development of staff and continuous improvement of their products and services.

Eligible providers will ensure that all individuals providing services to children meet, at a minimum, the requirements for paraprofessionals under the No Child Left Behind Act of 2001; that is, they have a high school diploma or equivalent and have completed at least two years of study (60 semester hours or 90 quarter hours) at an institution of higher education, or have obtained an associate’s degree or higher.

Eligible providers will submit evidence to the contractor (LEA) that individuals providing service to children have successfully completed a recent criminal background check, are in good health, and are free of communicable disease.

G. Financial Soundness and Organizational Capacity

Eligible providers will offer evidence of their financial soundness and their capacity to successfully supply uninterrupted quality services for the term of the contract with the LEA.

Eligible providers will include information about the minimum number of students they require in order to provide supplemental educational services to an LEA and the total number of Illinois students they can serve.

Eligible providers will include information about the costs for their services in the application for supplemental educational service providers. At minimum this will include an hourly cost rate per student and total program cost per student. The State Board of Education will consider this cost information in selecting service providers for its state list of approved providers.

H. Compliance with Federal, State and Local Health, Safety and Civil Rights Law

Eligible providers will comply with federal, state and local health, safety, employment and civil rights laws.
# Recommended Supplemental Educational Service Providers

**February 2005**

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<th>Entity</th>
<th>Type</th>
<th>Subject(s)</th>
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<th>Language</th>
<th>Online</th>
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<th>Total Program hours per Student</th>
<th>Total cost per Student</th>
<th>Proposed Service Area</th>
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<tr>
<td>K12 Classroom L.L.C. 8000 Westpark Drive McLean, Virginia 22102</td>
<td>For Profit</td>
<td>Reading Math</td>
<td>1-8</td>
<td>None</td>
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<td>$1200-$2200</td>
<td>All Eligible Schools</td>
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<tr>
<td>Sherlock School 5347 W. 22nd Place Cicero, IL 60804</td>
<td>School</td>
<td>Reading</td>
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<td>Spanish</td>
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<td>$7.00-$10.00</td>
<td>60-100</td>
<td>$400-$700</td>
<td>Cicero 99</td>
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Total number of SES providers 77
Number of providers indicating they can serve limited English proficient students 46
Number of providers indicating they can serve grades 9-12 50
Purpose of Agenda Item

The purpose of this agenda item is to request that the Board delegate to the Superintendent the authority to approve a supplemental educational service waiver by Madison Community Unit School District 12 pursuant to Section 1116(e)(10) of the No Child Left Behind Act (NCLBA).

Expected Outcome(s) of Agenda Item

The expected outcome of this Agenda Item is the delegation by the Board to the Superintendent the authority to approve a supplemental educational service waiver by Madison Community Unit School District 12 pursuant to Section 1116(e)(10) of the No Child Left Behind Act (NCLBA).

Background Information

The purpose of supplemental educational services is to increase the academic achievement of eligible children in reading and mathematics through tutoring and other high-quality academic enrichment services that are provided in addition to instruction during the school day.

Section 1116(e)(10)(A) of No Child Left Behind Act (NCLB) allows a State educational agency to waive, in whole or in part, the requirement to provide supplemental educational services if the State educational agency determines that:

1. none of the providers of those services on the list approved by the State educational agency makes those services available in the area served by the local educational agency or within a reasonable distance of that area; and
2. the local educational agency provides evidence that it is not able to provide those services.

Since the district is identified in district improvement, it is not eligible to be a supplemental educational service provider. As a result, Madison Community Unit School District 12 is contacting the providers indicating an interest in serving their district. If no providers are able to
serve their district, they may request a complete waiver for supplemental educational services. If available providers only have limited capacity, the district may request a partial waiver of the SES requirement. If a request is made and the request meets the provisions of Section 1116(e)(10)(A) of No Child Left Behind Act (NCLB), it is recommended the supplemental educational services (SES) waiver be granted on the condition that Madison Community Unit School District 12 continues to offer tutoring through the end of the school year to the students currently participating in the district program even though it will no longer be a supplemental educational service program as defined by NCLBA. This waiver, if granted, will be effective for the remainder of the 2004-05 school year. The district should continue to solicit SES providers for the 2005-06 school year.

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

Policy Implications: The supplemental educational services waiver, if granted, is effective for the remainder of the 2004-05 school year. The district should continue to solicit SES providers for the 2005-06 school year.

Budget Implications: The district plans to amend their Title I application to enable the district to offer tutoring through the end of the school year to the students currently participating in the district program even though it will no longer be a supplemental educational service program as defined by NCLBA.

Legislative Action None

Communication: Pursuant to Section 1116(e)(10)(B) of No Child Left Behind Act, the State educational agency shall notify the local educational agency, within 30 days of receiving the local educational agency’s request for a waiver under subparagraph (A), whether the request is approved or disapproved and, if disapproved, the reasons for the disapproval, in writing.

Pros and Cons of Various Actions

If necessitated, approval of this request will waive the supplemental educational service requirements for the remainder of the school year and will enable the district to continue to offer tutoring through the end of the school year to students currently participating in the district program even though it will no longer be a supplemental educational service program.

Superintendent's Recommendation

The Superintendent recommends that the State Board of Education adopt the following motion:

The State Board of Education hereby authorizes the State Superintendent to issue to Madison Community Unit School District 12 a complete or partial waiver of the supplemental educational services (SES) requirement in accordance with Section 1116(e)(10) of No Child Left Behind Act (NCLB), provided Madison Community Unit School District 12 continues to offer tutoring through the end of the school year to the students currently participating in the district program.

Next Steps

ISBE will continue to work with Madison Community Unit School District 12 to determine whether a waiver of supplemental educational services is necessary. If a waiver request is received, the Superintendent will act upon the waiver request pursuant to the authority delegated by the Board and in accordance with Section 1116(e)(10) of No Child Left Behind Act.
TO: Illinois State Board of Education

FROM: Dr. Randy J. Dunn, Interim Superintendent
Jonathan Furr, General Counsel

Informational Item: Monthly Report on Status of Agency Rulemaking

Materials: Monthly Status Report

Staff Contact(s): Sally Vogl

Purpose of Informational Item
The purpose of this report is to keep the Board members informed of the progress of rulemaking items that have been initiated and the projected dates for initiation of rulemaking items that are under development now.

Background Information
None; background information on each item of rulemaking, including the reasons for the rulemaking and a discussion of any policy issues involved, will be presented at the time of the Board’s initial review.

Superintendent’s Recommendation
None needed.
<table>
<thead>
<tr>
<th>Title and Part Number of Rules</th>
<th>Current Status</th>
<th>Action Needed This Month</th>
<th>Description/Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Americans with Disabilities Act Grievance Procedure (Part 1300)</td>
<td>Pending JCAR’s review</td>
<td>None</td>
<td>Establishment of grievance procedure to comply with federal regulations under the ADA</td>
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<tr>
<td>Public Schools Evaluation, Recognition and Supervision (Part 1)</td>
<td>Rulemaking is complete; amendments took effect January 24, 2005</td>
<td>None</td>
<td>Restoration of provisional vocational certificate to grades 7-12; technical corrections regarding requirements for assignments in the middle grades and in career and technical education</td>
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<td>Procurement by the State Board of Education (Part 1100)</td>
<td>Pending JCAR’s review in March</td>
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<td>Changes in maximum suspension time for contractors and in maximum dollar figures for “small businesses”; responds to P.A. 93-77 and 93-769</td>
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<td>Student Records (Part 375)</td>
<td>Public comment period ended January 17; presented for adoption in this Board packet</td>
<td>Adoption</td>
<td>Tracking of transfer students or counting as drop-outs (responds to P.A. 93-859)</td>
</tr>
<tr>
<td>Certification (Part 25)</td>
<td>Presented for initial review in this Board packet</td>
<td>Authorization for public comment</td>
<td>Miscellaneous updates and streamlining</td>
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<tr>
<td>Dismissal of Tenured Teachers (Part 51)</td>
<td>Presented for initial review in this Board packet</td>
<td>Authorization for public comment</td>
<td>Streamlining; incorporation of material from Part 52</td>
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<tr>
<td>Dismissal of Tenured Teachers and Civil Services Employees Under Article 34 (Part 52)</td>
<td>Presented for initial review in this Board packet</td>
<td>Authorization for public comment</td>
<td>Repeal</td>
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<tr>
<td>Temporary Relocation Expenses (Part 145)</td>
<td>Presented for initial review in this Board packet</td>
<td>Authorization for public comment</td>
<td>Simplification of repayment schedule for affected districts</td>
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<tr>
<td>Title and Part Number of Rules</td>
<td>Current Status</td>
<td>Action Needed This Month</td>
<td>Description/Comments</td>
</tr>
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<td>--------------------------------------------------------------------</td>
<td>-----------------------------------------------------</td>
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<tr>
<td>Electronic Transfer of Funds (Part 155)</td>
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<td>Authorization for public comment</td>
<td>Technical corrections and updating</td>
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<td>Secular Textbook Loan (Part 350)</td>
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<td>Authorization for public comment</td>
<td>Required signature; change in deadline</td>
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<tr>
<td>Contested Cases and Other Formal Hearings (Part 475)</td>
<td>Presented for initial review in this Board packet</td>
<td>Authorization for public comment</td>
<td>Streamlining; incorporation of material from Part 480</td>
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<td>Hearings Before the State Teacher Certification Board (Part 480)</td>
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<td>Authorization for public comment</td>
<td>Repeal</td>
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<td>Access to Information of the State Board of Education Under the Freedom of Information Act (Part 5001)</td>
<td>Presented for adoption in this Board packet</td>
<td>Adoption</td>
<td>Updating and general streamlining.</td>
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<td>Staff Development Plans and Programs (Part 30)</td>
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<td>Authorization for public comment</td>
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<td>Authorization for public comment</td>
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<td>Authorization for public comment</td>
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<tr>
<td>Title and Part Number of Rules</td>
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<td>Action Needed This Month</td>
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</tr>
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<td>-----------------------------------------------------------</td>
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<td>Alternative Learning Opportunities Program (Part 240)</td>
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<td>School Technology Program (Part 575)</td>
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<td>Charter Schools (Part 650)</td>
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<td>Provisions regarding the closure of charter schools</td>
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<td>Nonpublic Special Education Facilities (Part 401)</td>
<td>Expect initial review later in spring</td>
<td>None</td>
<td>Technical updating to conform to rules for special education (Part 226)</td>
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<tr>
<td>Public Schools Evaluation, Recognition and Supervision (Part 1)</td>
<td>Expect initial review later in spring</td>
<td>None</td>
<td>Accountability-related amendments under P.A. 93-470 and NCLB</td>
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<td>Certification (Part 25)</td>
<td>Expect initial review in summer</td>
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<td>Provisional and temporary provisional vocational certificates; other miscellaneous</td>
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<td>Vocational Education (Part 254)</td>
<td>Expect initial review in summer</td>
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<td>Comprehensive updating</td>
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<td>Program Accounting Manual (Part 110)</td>
<td>Expect initial review after Auditor General conducts corresponding rulemaking</td>
<td>None</td>
<td>Responds to P.A. 92-544; transfer of responsibility for ROE audits</td>
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</tbody>
</table>
OVERVIEW OF COMPREHENSIVE RULES REVIEW SCHEDULE
November 2004 through February 2005

Start Date November 2004  Expect initial review in February or March 2005.

Funding and Disbursements Division
• Pupil Transportation Reimbursement (Part 120)
• Electronic Transfer of Funds (Part 155) (*presented this month*)
• Driver Education (Part 252)
• Pupil Transportation (Part 275)

Legal Department
• Dismissal of Tenured Teachers (Part 51) (*presented this month*)
• Dismissal of Tenured Teachers and Civil Service Employees Under Article 34 (Part 52) (*presented this month*)
• Contested Cases and Other Formal Hearings (Part 475) (*presented this month*)
• Hearings Before the State Teacher Certification Board (Part 480) (*presented this month*)
• Procurement by the State Board of Education (Part 1100)
• Public Information, Rulemaking and Organization (Part 5000)
• Access to Information of the State Board of Education Under the Freedom of Information Act (Part 5001) (*presented this month*)

Start Date December 2004  Expect initial review in March or April 2005.

School Business and Support Services Division
• Program Accounting Manual (Part 110)
• Student Activity Funds and Convenience Accounts (Part 125)
• Temporary Relocation Expenses (Part 145) (*presented this month*)
• School Construction Program (Part 151)
• Health/Life Safety Code for Public Schools (Part 180)

Fiscal Services Division
• Secular Textbook Loan (Part 350) (*presented this month*)

Early Childhood Division
• Preschool Educational and Coordinated Model Preschool Educational Programs (Part 235)
Start Date January 2005  Expect initial review in April or May 2005.

Nutrition Programs Division
- School Food Service (Part 305)

Funding and Disbursements Division
- Determining Special Education Per Capita Tuition Charge (Part 130)
- Calculation of Excess Cost Under Section 18-3 of the School Code (Part 140)

Start Date February 2005  Expect initial review in May or June 2005.

Accountability Division
- Public Schools Evaluation, Recognition and Supervision (Part 1)
- Evaluation of Certified School District Employees in Contractual Continued Service (Part 50)
- Sex Equity (Part 200)
- Student Records (Part 375)
- Health Examinations and Immunizations (Part 625)

Start Date March 2005  Expect initial review in June or July 2005.

English Language Learning Division
- Transitional Bilingual Education (Part 228)

Curriculum and Instruction Division
1. Conservation Education (Part 251)
2. Comprehensive Health Education (Part 253)
3. Reading Improvement Program (Part 260)
4. School Technology Program (Part 575)
TO: Illinois State Board of Education  
FROM: Randy Dunn, State Superintendent (Interim)  
Agenda Topic: Information Item: SBE Fiscal & Administrative Monthly Reports  
Materials: Appropriations and Spending by Program  
Financial Status Report (contract & grant detail)  
$1M Contracts  
Monthly Headcount Graph, Staff Detail, Personnel Transactions  
Staff Contact(s): Linda Mitchell and Don Evans  

Purpose of Informational Item  
To provide the Board standard reports with key information on fiscal and administrative activities of the state Agency.  

Background Information  
In June 2002, the State Board adopted bylaws outlining a new committee structure under which fiscal, audit and operations issues will be handled by the Fiscal and Audit Committee. The Superintendent requested that the Agency organize and standardize the financial and headcount data provided to the Board for their future policy work and decision making.  

Currently the following Reports are provided or are being developed.  

1. Budget/Annual Report (annually in January)  
2. Condition of Public Education (December)  
3. Comptroller SEA Report (Comptroller releases annually in February-not received at time of printing)  
4. Appropriation and Expenditure (monthly)  
5. Financial Status Report – Contract/Grant Detail (monthly)  
6. Business Plans at the Director Level (quarterly)  
7. Headcount Reports (monthly)  
   Personnel Transactions, Staff Detail by Division, & Monthly Headcount Graph  

Analysis and Implications for Policy, Budget, Legislative Action and Communications  
The Monthly or Quarterly Fiscal and Headcount Reports were first provided to the Board in August 2002. These provide information regarding staffing and funding as well as details of contracts over $50 thousand and grants the Agency is processing.  

The Board specifically approves all proposed contracts over $1M prior to the issuance of an RFP. This month there are no such proposed contracts.  

Superintendent’s Recommendation  
None needed.  

Next Steps  
Continue to provide these reports pursuant to the schedule above.
<table>
<thead>
<tr>
<th>Initiatives</th>
<th>Total</th>
<th>Grants</th>
<th>Admin</th>
<th>Total</th>
<th>Grants</th>
<th>Admin</th>
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### Initiatives

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### NON STATE

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### FEDERAL

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<td>$9,033,831.8</td>
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## ILLINOIS STATE BOARD OF EDUCATION
### FINANCIAL STATUS REPORT - 07/01/04 THROUGH 1/31/2005

<table>
<thead>
<tr>
<th>Description</th>
<th>Expended Year to Date</th>
<th>% Spent Year to Date</th>
<th>January Expenditures</th>
<th>Appropriation Amount</th>
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<td>7,948,893.6</td>
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### Agency Contracts Breakdown:

#### General Counsel/Legal
- **41 - Impartial Hearing Officers**
  - GRF: 41.0, 29.5, 72.0%, 7.8
  - Laner, Muchin, Dombrow, Becker, LTD: 105.0, 54.5, 51.9%, 0.5
  - Franczek, Sullivan PC: 50.0, 20.4, 40.8%, 0.0

#### Data Systems
- **Viva USA, Inc.**
  - GRF: 200.0, 147.2, 73.6%, 38.9
  - Federal: 280.2, 44.0, 15.7%, 0.0

#### IBM
- **GRF**
  - 1,095.0, 435.0, 39.7%, 185.0
- **Federal**
  - 1,085.0, 100.0%, 0.0

---

2/8/2005
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<th>Expended Year to Date</th>
<th>% Spent Year to Date</th>
<th>January Expenditures</th>
<th>Description</th>
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2/8/2005
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<th>Expended Date</th>
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<td>Strategic Marketing Federal</td>
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</table>

**Fiscal & Administrative Services**

- **Alzina Lease-Spfd**
  - GRF                         | 1,196.9       | 1,196.9       | 100.0%     | 0.0             | Rent - Springfield
  - Other State                | 70.0          | 70.0          | 100.0%     | 0.0             |              |
  - Federal                    | 1,201.7       | 1,201.7       | 100.0%     | 0.0             |              |
- **Xerox Corporation**
  - GRF                        | 80.0          | 3.9           | 4.9%       | 0.0             | Copier maintenance/repairs
  - Federal                    | 85.0          | 73.1          | 86.0%      | 15.5            |              |
- **Warehouse Lease (Marilyn Mason)**
  - GRF                        | 111.0         | 111.1         | 100.1%     | 0.0             | Warehouse Lease
  - Federal                    | 25.0          | 11.7          | 46.8%      | 0.0             |              |
- **Midwest Office Supply**
  - GRF                        | 25.0          | 10.2          | 40.8%      | 2.4             | Office Supplies
  - Federal                    | 25.0          | 10.2          | 40.8%      | 2.4             |              |
- **Parcel Pick-up & Delivery**
  - GRF                        | 40.0          | 14.7          | 0.0%       | 0.0             | Parcel pick-up and delivery per agency request at published rate - multiple vendors
  - Federal                    | 55.0          | 38.8          | 0.0%       | 5.0             |              |

**Nutrition Programs**

2/8/2005
<table>
<thead>
<tr>
<th>Funded Amount</th>
<th>Expended Year to Date</th>
<th>% Spent Year to Date</th>
<th>January Expenditures</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fidelis Corporation Federal</td>
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**Grants Breakdown:**

General State Aid 3,712,331.0 1,877,035.1 50.6% 152,881.7 Formula
Title I - Low Income 650,200.0 183,057.4 28.2% 4,567.4 Formula
IDEA 550,000.0 196,409.4 35.7% 40,947.6 Formula
Child Nutrition 450,000.0 188,810.2 42.0% 38,502.9 Formula -- Reimbursement
Special Education Personnel 360,000.0 209,967.4 58.3% 514.2 Formula
Transportation Special Education 317,100.0 101,375.1 32.0% 0.0 Formula
Transportation Reg/Voc 261,630.0 135,888.1 51.9% 0.0 Formula
Early Childhood Block 243,254.5 132,155.2 54.3% 26,102.3 Block grant for Pre-K, parent training and prevention initiative
Special Education Extraordinary 243,048.0 116,221.9 47.8% 30,182.9 Mandated Categorical
Title II - Quality Teachers 150,000.0 45,098.0 30.1% 2,387.4 Formula
Special Education Orphanage 106,100.0 54,475.0 51.3% 0.0 Formula
Reading Imp. Block Grant 76,139.8 48,580.2 63.8% 71.3 Formula
Spec Ed Private Facility Tuition 66,811.5 49,540.4 74.1% 0.0 Formula
ADA School Safety & Ed. Bl. 54,841.0 27,420.5 50.0% 0.0 Formula
Title I - Reading First 50,000.0 8,091.4 16.2% 396.7 Competitive and formula grants
Title IV - 21st Century 45,000.0 19,815.4 44.0% 1,027.7 Competitive
Title III - English Language Acq 40,000.0 6,444.2 16.1% 1,688.7 Grant
Bilingual Education-Chicago 35,896.6 35,896.6 100.0% 0.0 Chicago Block Grant
Technology Literacy 35,000.0 13,872.3 39.6% 1,925.5 Competitive and non-competitive grants to school districts
Bilingual Ed.-Downstate 28,655.4 6,145.8 21.4% 324.0 Mandated Categorical
Textbook Loan - Reapprop. 26,320.9 26,099.7 99.2% 272.3 Payment for textbooks purchased during previous year
Title IV - Safe and Drug Free 25,000.0 4,423.6 17.7% 101.8 Formula
Preschool - Special Education 25,000.0 8,551.7 34.2% 1,933.9 Formula -- special education, 3-5 year-olds
Summer Bridges 22,238.1 19,947.4 89.7% 0.0 Grants to districts (based on ISAT reading scores)
Title V - Innovative Programs 21,000.0 5,448.3 25.9% 286.2 Formula
State Free Lunch & Breakfast 20,500.0 14,487.7 70.7% 852.8 Mandated Categorical -- Reimbursement
Orphanage Tuition 17,400.0 10,101.1 58.1% 0.0 Reimbursement to school districts for children residing in orphanages
Driver Education 15,750.0 53.0 0.3% 0.0 Reimbursement
Fast Growth 10,000.0 10,000.0 100.0% 0.0 Grants
School Renovation 10,000.0 1,592.5 15.9% 0.0 Competitive grants to school districts
Title II Math/Science Partnerships 8,000.0 438.3 5.5% 0.0 Formula
ROE School Services 5,470.0 4,436.2 81.1% 396.3 Formula -- ROE Operations
Voc Ed - Federal Tech Prep 5,000.0 2,249.0 45.0% 248.2 Grants -- assists students in achieving learning/occupational skills standards
Teacher Education 4,740.0 75.0 1.6% 3.0 Reimbursement for National Board Certification costs; grant for Teacher of the Year
Technology for Success 4,134.7 2,797.3 67.7% 120.9 Northwestern Univ. (Collaboratory Project); IL Math and Science Academy (IVHS)
Standards, Assessment and Acct 3,552.7 820.1 23.1% 169.7 Grants for K-6 Arts, Learn Improve, Learning Standards, Student/Teacher Assessment
Reorganization Incentive 3,518.8 3,514.8 99.9% 1,976.0 Grants to districts to encourage reorganization through consolidation/annexation
State Charter Schools 3,421.5 1,714.9 50.1% 0.0 Grants -- Start-up funds
School to Work - Federal 3,000.0 233.2 7.8% 0.0 Formula
McKinney Homeless Education 3,000.0 1,237.4 41.2% 307.1 Competitive grants to school districts
Philip Rock Center 2,855.5 2,390.0 83.7% 0.0 Targeted Initiative
Refugee Children 2,500.0 305.6 12.2% 165.6 Grants

2/8/2005

F-2c January Financial Statement.xls

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<table>
<thead>
<tr>
<th>Description</th>
<th>Funded Amount</th>
<th>Expended Year to Date</th>
<th>% Spent Year to Date</th>
<th>January Expenditures</th>
<th>Description</th>
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</thead>
<tbody>
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<td>Learn and Serve America</td>
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Personnel Transactions

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* Through January