TO: Illinois State Board of Education

FROM: Randy J. Dunn, Interim Superintendent
     Jonathan Furr, General Counsel
     Ginger Reynolds, Assistant Superintendent (Interim)


Materials: Recommended Rules

Staff Contacts: Donna Luallen

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 is generally confined to Subparts B, C, D, and E of Part 1, which are being modified to remove unnecessary references to requirements that are set out in statute or in other parts of ISBE’s rules. On the other hand, we are taking this opportunity to amplify Part 1 with some substantive provisions that are now found in other sets of rules. By making Part 1 complete in these respects, four separate existing Parts can be repealed. We have determined that much of the text of existing Parts 50, 251, 253, and 625 is not needed in rules because it either repeats statutory language or is couched as recommendations rather than requirements.

The needed material from Part 50 (Evaluation of Certified School District Employees in Contractual Continued Service) has been placed into Section 1.320. Section 1.320 also makes several changes to the material previously contained in Part 50 that should be noted.

- First, a new definition has been developed for the term “substantive change” used in Section 24A-4 of the School Code (a substantive change necessitates submission of the Plan to ISBE and the exclusive bargaining representatives). Part 50 had previously indicated, and ISBE had taken the position, that a substantive change included a change in the identity of individual administrators authorized to conduct evaluations. Upon consideration, we do not believe a change in the identity of administrators should be considered a “substantive change” as contemplated by Section 24A-4 of the School Code. Instead, a “substantive change” should be a change in the important aspects of the content of a district’s evaluation plan.

- Also, we have described the efforts we expect districts to undertake to identify a consulting teacher. The agency is currently reviewing how we can do a better job of meeting our obligation to supply a consulting teacher when one cannot be identified by a district.
The substantive provisions of Part 251 (Conservation Education) have been inserted into Section 1.420(l) and those of Part 253 (Comprehensive Health Education) into Section 1.420(n). Finally, the requirements of Part 625 that continue to be needed in ISBE’s rules are found in Section 1.530. The proposed repealers are also presented for initial review in this Board packet.

All of Subpart A of Part 1 will be undergoing extensive revisions to align its provisions to the No Child Left Behind Act and relevant changes in state law. However, we are in the process of securing federal approval for a number of changes to our approved “workbook” of state policies under NCLB, and the rule revisions await that confirmation. Consequently Subpart A has not been encompassed in the current review but will be revised in the coming months.

Section 1.100 (Waiver and Modification of State Board Rules and School Code Mandates) is an exception to our deferral of consideration of Subpart A of these rules. This Section needs to be revised at this time to reflect changes in the “waiver law” (Section 2-3.25g of the School Code) made by P.A. 93-470, P.A. 93-557, and P.A. 93-707.

We are also reviewing options for how we can provide our constituents with an easy-to-reference listing of reports, policies and other mandates set out in the School Code, with links to resources to address these mandates.

**Preliminary Review**

These amendments were distributed for review by our standing external advisory group. At the time of this printing we had received no comments from the members of that group. However, staff will inform the Board about any comments received too late for inclusion in this summary, as well as indicating any changes that may seem warranted by the points raised.

**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:

> Public Schools Evaluation, Recognition and Supervision (23 Illinois Administrative Code 1),

> 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.
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

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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

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1.210 Powers and Duties (Repealed)
1.220 Duties of Superintendent (Repealed)
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1.250 District to Comply with 23 Ill. Adm. Code 180 (Repealed)
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1.270 Book and Material Selection (Repealed)
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1.410 Determination of the Instructional Program
1.420 Basic Standards
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1.445 Required Course Substitute
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SUBPART E: SUPPORT SERVICES

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1.530 Health Services
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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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SUBPART G: STAFF QUALIFICATIONS

Section
1.705 Minimum Requirements for Teachers (Repealed)
1.710 Requirements for Elementary Teachers
1.720 Requirements for Teachers of Middle Grades
1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above through June 30, 2004
1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
1.740 Standards for Reading through June 30, 2004
1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
1.750 Standards for Media Services through June 30, 2004
1.755 Requirements for Library Information Specialists Beginning July 1, 2004
1.760 Standards for Pupil Personnel Services
1.762 Supervision of Speech-Language Pathology Assistants
1.770 Standards for Special Education Personnel
1.780 Standards for Teachers in Bilingual Education Programs
1.781 Requirements for Bilingual Education Teachers in Grades K-12
1.782 Requirements for Teachers of English as a Second Language in Grades K-12
1.790 Substitute Teacher

1.APPENDIX A Professional Staff Certification
1.APPENDIX B Certification Quick Reference Chart
1.APPENDIX C Glossary of Terms (Repealed)
1.APPENDIX D State Goals for Learning
1.APPENDIX E Evaluation Criteria - Student Performance and School Improvement Determination (Repealed)
1.APPENDIX F Criteria for Determination - Student Performance and School Improvement (Repealed)
1.APPENDIX G Criteria for Determination - State Assessment (Repealed)

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SUBPART A: SCHOOL RECOGNITION REQUIREMENTS

Section 1.100 Waiver and Modification of State Board Rules and School Code Mandates

a) As authorized in Section 2-3.25g of the School Code [105 ILCS 5/2-3.25g], a school district or independent authority established pursuant to Section 2-3.25f of the School Code [105 ILCS 5/2-3.25f], a joint agreement made up of school districts, or a Regional Superintendent of Schools applying on behalf of a school or program operated by the regional office of education, or, as authorized under Sections 13A-5 and 13A-10 of the School Code [105 ILCS 5/13A-5 and 13A-10] with respect to regional safe schools programs, the governing board of an Intermediate Service Center operating such a program, established pursuant to Article 13A of the School Code [105 ILCS 5/Art. 13A] may petition for:

1) State Board approval of waivers or modifications of State Board of Education rules and of modifications of School Code mandates to allow a
district to meet the intent of the rule or mandate in a more effective, efficient or economical manner or when necessary to stimulate innovation or to improve student performance; and/or

2) General Assembly approval of waivers of School Code mandates as necessary to stimulate innovation or improve student performance.

b) "The School Code" comprises only those statutes compiled at 105 ILCS 5 [105 ILCS 5/1-1]. Waivers from State Board rules or School Code mandates pertaining to special education, teacher certification, or teacher tenure and seniority are not permitted (Section 2-3.25g of the School Code). Waivers of mandates contained in Section 5-1 of the School Code [105 ILCS 5/5-1] also shall not be requested. Further, pursuant to Section 2-3.25g of the School Code, *waivers may not be requested from compliance with any provision of the School Code or the rules of the State Board of Education that reflects or implements the No Child Left Behind Act of 2001 (Public Law 107-110)*, which shall include all requirements for:

1) the entities to be held accountable for the achievement of their students;

2) the participation of students in the various forms of the State assessment;

3) the timing of administration of the State assessment;

4) the use of students’ scores on the State assessment in describing the status of schools, districts, and other accountable entities;

5) the use of indicators other than test scores in determining the progress of students;

6) the required qualifications of paraprofessionals;

7) the placement of schools not making adequate yearly progress on academic early warning status or academic watch status, and the results to schools and districts that follow from such placement;

8) the district’s responsibility to prepare revised school and/or district improvement plans in response to placement on academic warning or watch status;
9) the appointment of school or district improvement panels for schools or school districts on academic watch status;

10) the use of State interventions according to the timeline set forth in Section 2-3.25f of the School Code; and

11) the appeals process set forth in Section 1.95 of this Part, and the authority of the State Board of Education to make final determinations on such appeals.

c) Each application for a waiver or modification shall provide the following, on a form supplied by the State Board of Education.

1) Identification of the rule(s) or mandate(s) involved, either by quoting the exact language of or by providing a citation to the rule(s) or mandate(s) at issue. Applicants unable to determine the exact language or citation may obtain a copy of, or citation to, the rule(s) or mandate(s) involved by contacting the State Board of Education Legal Department by mail at 100 North First Street, Springfield, Illinois, 62777-0001, or by telephone at 217-782-5270.

2) Identification as to the specific waiver(s) and/or modification(s) sought. For modifications, the specific modified wording of the rule(s) or mandate(s) must be stated.

3) Identification as to whether the request is for an initial waiver or modification or for the renewal of a previously approved request.

4) For requests based upon meeting the intent of the rule or mandate in a more effective, efficient, or economical manner, a narrative description which sets forth:

   A) the intent of the rule or mandate to be achieved,

   B) the manner in which the applicant district will meet that intent,

   C) how the manner proposed by the applicant district will be more effective, efficient or economical, and
D) if the applicant district proposes a more economical manner, a fiscal analysis showing current expenditures related to the request and the projected savings that would result from approval of the request.

5) If the request is necessary for stimulating innovation or improving student performance, the request must include the specific plan for improved student performance and school improvement upon which the request is based. This plan must include a description of how the applicant district will determine success in the stimulation of innovation or the improvement of student performance.

6) If the request is for a waiver of the administration expenditure limitation established by Section 17-1.5 of the School Code [105 ILCS 5/17-1.5], the request must include the amount, nature, and reason for the requested relief and all remedies that have been exhausted to comply with the administration expenditure limitation and shall otherwise comply with Section 17-1.5(d) of the School Code.

7) The time period for which the waiver or modification is sought. Pursuant to Section 2-3.25g of the School Code, such time period may not exceed five years, except for requests made pursuant to subsection (c)(6) of this Section, which may not exceed one year (Section 17-1.5(d) of the School Code).

8) A description of the public hearing held to take testimony about the request from educators, parents and students, which shall include the information required by Section 2-3.25g of the School Code include the number and affiliation of persons and organizations giving testimony and the general nature of the testimony provided.

9) An assurance stating the date(s) of the public hearing(s) conducted to consider on the application and, if applicable, the specific plan for improved student performance and school improvement, held as prescribed in Section 2-3.25g of the School Code, and stating the date the application (and, if applicable, the plan) was approved by the local governing board of education.
d) Each applicant must attach to the application a copy of the notice published in a newspaper of general circulation and a copy of the written notifications provided to the applicant's collective bargaining agent and to those State legislators representing the applicant, each of which must comply with the requirements of Section 2-3.25g of the School Code.

e) Applications must be sent by certified mail, return receipt requested, and addressed as specified on the application form.

f) Applications must be postmarked not later than 15 calendar days following the local governing board’s board of education approval. Applications addressed other than as specified on the application form shall not be processed.

g) Applications for the waiver or modification of State Board rules or for the modification of School Code mandates shall be deemed approved and effective 46 calendar days after the date of receipt by the State Board of Education unless disapproved in writing. Receipt by the State Board shall be determined by the date of receipt shown on the return receipt form, except in the case of an incomplete application.

1) An applicant A district submitting an incomplete application shall be contacted by staff of the State Board regarding the need for additional information.

2) The 45-day response time referred to in this subsection (g) (f) shall not commence until the applicant district submits the additional material requested by the State Board, which shall be sent by certified mail, return receipt requested.

3) Incomplete requests will not be considered.

h) The State Board may disapprove a request for the waiver or modification of State Board rules or for the modification of School Code mandates if the request:

1) is not based upon sound educational practices,

2) endangers the health or safety of students or staff,

3) compromises equal opportunities for learning, or
4) does not address the intent of the rule or mandate in a more effective, efficient or economical manner or does not have improved student performance as a primary goal.

i) Disapproval of an application for a waiver or modification of a State Board rule or for a modification of a School Code mandate shall be sent by certified mail to the applicant no later than 45 calendar days after receipt of the application by the State Board. An applicant wishing to appeal the denial of a request may do so within 30 calendar days after receipt of the denial letter by sending a written appeal by certified mail to the Illinois State Board of Education, Rules and Waivers Unit, Research Division, 100 North First Street, W-475, S-284, Springfield, Illinois 62777-0001. The written appeal shall include the date the local governing school board approved the original request, the citation of the rule or School Code section involved, and a brief description of the issue. Appeals of denials shall be submitted to the General Assembly in the semiannual report required under Section 2-3.25g of the School Code.

j) Applications for General Assembly approval of waivers of School Code mandates will be reviewed for completeness. Each incomplete application shall be returned to the applicant with an explanation as to the deficiencies. Complete applications shall be submitted to the General Assembly in the semiannual report required under Section 2-3.25g of the School Code. The State Board of Education shall periodically notify school districts and other potential applicants of the date by which applications must be postmarked in order to be processed for inclusion in the next report to the General Assembly.

k) The State Board of Education shall notify Regional Superintendents of Schools of the disposition of requests for waivers or modifications submitted by school districts located within their regions.

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

SUBPART B: SCHOOL GOVERNANCE

Section 1.210 Powers and Duties (Repealed)

a) The School Code provides for the election and organization of local boards of education. The board of education is responsible for carrying out duties
prescribed by law and the authorized regulations of the State Board of Education. The local board also is subject to numerous other laws such as the Open Meetings Act (Ill. Rev. Stat. 1985, ch. 102, par. 41 et seq.), the Local Governmental and Governmental Employees Tort Immunity Act (Ill. Rev. Stat. 1985 ch. 85, par. 1-101 et seq.) and "AN ACT to limit the indebtedness of counties having a population of less than 500,000 and townships, school districts and other municipal corporations having a population of less than 300,000" (Ill. Rev. Stat. 1985, ch. 85, par. 851 et seq.), and to the State and Federal Constitutions.

b) The board of education also is delegated extensive powers which provide for the exercise of discretionary judgment. These powers are limited by rights granted to other parties by various laws, regulations, and court decisions. Discretionary powers and duties, which the legislature has conferred upon the board of education, may not be delegated to other agencies or individuals by contract or otherwise. The board of education is the responsible local corporate body.

1) Among the duties imposed upon the board of education is the duty to adopt and enforce all necessary rules for the management and governance of the public schools of its district. (Section 10-20.5 of The School Code) The board of education rules shall be officially adopted at a legal meeting, duly recorded in the minutes of the meeting, and clearly communicated to all persons who are expected to execute and comply with them.

2) The board of education shall adopt and disseminate comprehensive policies regarding such matters as school district organization, school board operations, district philosophy, goal statements to guide the administrative team, general school administration, the working relationship between the board and its superintendent, principals and teachers, fiscal management, business management, facility expansion programs, instruction, student rights and responsibilities, student discipline including corporal punishment, public relations, and relations with other organizations and agencies.

A) In the development of policies, the board of education should ensure that advice and suggestions are received from all groups affected by the policy.
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3) The board of education shall carry on business, in meetings open to the public, according to the Open Meetings Act (Ill. Rev. Stat. 1985, ch. 102, par. 41 et seq.).

4) The secretary or clerk of the board of education shall keep accurate minutes of its proceedings. (Section 10-7 of The School Code)

5) Except as officially authorized and delegated by the board of education, at a legally constituted meeting, an individual board member has no legal authority to act or make decisions binding on the school district.


7) The board of education shall indemnify and protect its own members, employees, student teachers, and volunteer workers as prescribed by law (Section 10-20.20 of The School Code).

8) The board of education shall observe statutory procedures in letting contracts for supplies, material, or work in excess of the amount specified in Section 10-20.21 of The School Code.

9) Except as provided in Section 18-10 of The School Code, no elementary school district having fewer than 15 pupils in average daily attendance and no high school district having fewer than 60 pupils in average daily attendance may file any claim for state aid, either flat grant or special equalization. Such schools may, however, be granted recognition if they meet recognition standards.

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

Section 1.220 Duties of Superintendent (Repealed)
The board of education shall recognize the duties of the superintendent as specified in Section 10-21.4 of The School Code and permit this individual to function in accordance with these duties.

a) The board of education shall make decisions after having received the recommendation of the district superintendent.

b) The board of education shall hire school employees after the recommendation of the district superintendent.

c) The board of education shall carry out all professional and official relationships with school employees through the district superintendent.

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

Section 1.230 Board of Education and the School Code (Repealed)

The board of education shall fully observe the School Code when discharging its responsibilities associated with the paying, appointment and establishment of salaries for all teaching personnel.

a) The hiring of both professional and nonprofessional staff shall be in accordance with Article I, Section 18 of the Constitution of Illinois of 1970 which states: "The equal protection of the laws shall not be denied or abridged on account of sex by the State or its units of local government and school districts."

b) In addition, the board of education shall not discriminate because of race, religion, national origin or handicap.

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

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).
b) The board of education 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) The board of education shall be in compliance with 23 Ill. Adm. Code 375 (Student Records).

e) The board of education 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) The board of education 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 ___ Ill. Reg. _____, effective _____________)
Section 1.245 Waiver of School Fees

This Section provides the rules required by Section 2-3.96 of the School Code under which each school district is required to adopt a written policy for the waiver of school fees as required by Sections 10-20.13 and 34-21.6 of the School Code [105 ILCS 5/10-20.13 and 34-21.6] (Ill. Rev. Stat. 1989, ch. 122, pars. 10-20.13 and 34-21.6).

a) Each school board shall adopt a written policy and administrative procedures for the waiver of school fees. The policy and procedures must:

1) be implemented no later than the start of the 1991-1992 school year; and

2) contain at least the elements set forth in subsection (c) or (d).

b) For the purposes of this Section "school fees" or "fees" means any monetary charge collected by a public school or public school district from a student or the parents or guardian of a student as a prerequisite for the student's participation in any curricular or extracurricular program of the school or school district. A school or school district does not impose a "fee" when it requires that a student provide his or her own ordinary supplies or materials (e.g., pencil, paper, notebooks), which are necessary to participate in any curricular or extracurricular program.

1) "School fees" include, but are not limited to, the following:

A) All charges for required textbooks and instructional materials.

B) All charges and deposits collected by a school for use of school property (e.g., locks, towels, laboratory equipment).

C) Charges for field trips made during school hours, or made after school hours if the field trip is a required or customary part of a class or extracurricular activity (e.g., annually scheduled trips to museums, concerts, places of business and industry or field trips related to instruction in social studies, the fine arts, career/vocational education or the sciences).
D) Charges or deposits for uniforms or equipment related to varsity and intramural sports, or to fine arts programs.

E) Charges to participate in extracurricular activity.

F) Charges for supplies required for a particular class (e.g., shop or home economics materials, laboratory or art supplies).

G) Graduation fees (e.g., caps, gowns).

H) School records fees.

I) School health services fees.

J) Driver’s education fees assessed pursuant to Section 27-23 of the School Code [105 ILCS 5/27-23].

2) "School fees" do not include:

A) Library fines and other charges made for the loss, misuse, or destruction of school property (e.g., musical instruments).

B) Charges for the purchase of class rings, yearbooks, pictures, diploma covers or similar items.

C) Charges for optional travel undertaken by a school club or group of students outside of school hours (e.g., a trip to Spain by the Spanish club or a senior class trip).

D) Charges for admission to school dances, athletic events or other social events.

E) Optional community service programs for which fees are charged (e.g., preschool, before- and after-school child care, recreation programs).

b) School boards that do not charge school fees must adopt a policy so stating. Parents must be notified of this policy as provided in this Section.
School boards that charge school fees must adopt a policy and procedures containing at least the following elements:

1) Standards to determine eligibility
   A) Standards must include a waiver of fees for all students who qualify for free lunches or breakfasts under the "AN ACT authorizing school boards and welfare centers to sponsor community school lunch programs and free breakfast and lunch programs and authorizing and requiring free school lunch programs, providing for State reimbursement" (Community School Lunch Program [105 IICS 125] (Ill. Rev. Stat. 1989, ch. 122, par. 712.1 et seq.).
   B) Standards must also include a description of other extenuating circumstances under which the district will grant a waiver of school fees. Examples include: students who are eligible to receive reduced price lunch or breakfast; very significant loss of income due to severe illness or injury in the family or unusual expenses such as fire, flood, or storm damage; or similar emergency situations that the district determines to include in its policy.

2) Notification of parents
   A) The district's policy for the waiver of school fees shall be communicated in writing to the parents of all students enrolled in the district at the start of the 1991-1992 school year and thereafter to the parents of all students enrolling in the district for the first time. A fee waiver application form also may be included with this notice when it is sent to parents. The notification must be in English or the home language of, the parents, if it is needed to ensure their understanding of the district's policy (if translation of the notice is not feasible, the use of interpreters is permitted - e.g., other students or neighbors). The notice shall at least describe:
   i) the district's policy, including the criteria and other circumstances under which the district will waive school fees;
ii) the fees subject to waiver under the district's policy;

iii) the procedure to be used by parents in applying for a waiver of school fees, including the availability of forms that may be used to request a fee waiver; and

iv) the procedure to be used by parents in resolving disputes concerning the waiver of school fees.

B) The district's policy also shall provide that the first bill or notice of each school year sent to parents who owe fees shall state:

i) the district waives fees for persons unable to afford them in accordance with its policy; and

ii) the procedure for applying for a fee waiver, or the name, address and telephone number of the person to contact for information concerning a fee waiver.

3) Procedures for the resolution of disputes

A) The district's policy must provide that if it denies a request for a fee waiver, then it shall mail a copy of its decision to the parents within 30 thirty (30) calendar days after receipt of the request. The decision shall state the reason for the denial and shall inform the parents of their right to appeal, including the process and timelines for that action. The denial notice shall also include a statement informing the parents that they may reapply for a waiver any time during the school year, if circumstances change.

B) An appeal shall be decided within 30 thirty (30) calendar days after receipt of the parents' request for an appeal. Parents shall have the right to meet with the person who will decide the appeal in order to explain why the fee waiver should be granted. The person who decides the appeal shall not be the person who initially denied the fee waiver or a subordinate of this person. If the appeal is denied, then the district shall mail a copy of its decision to the parents. The decision shall state the reason for the denial.
C) No fee shall be collected from any parent who is seeking a fee waiver in accordance with the district's policy until the district has acted on the initial request or appeal (if any is made), and the parents have been notified of its decision.

d) e) If the fee waiver policy and/or procedures are substantively amended, then parents of students enrolled in the district must be notified in writing within thirty (30) calendar days following the adoption of the amendments.

e) f) School records that identify individual students as applicants for or recipients of fee waivers are subject to the Illinois School Student Records Act [105 ILCS 10][Ill. Rev. Stat. 1989, ch. 122, par. 50-1 et seq.). Information from such records is confidential and may be disclosed only as provided in the Act.

f) g) No discrimination or punishment of any kind, including the lowering of grades or exclusion from classes, may be exercised against a student whose parents or guardians are unable to purchase required textbooks or instructional materials or to pay required fees [105 ILCS 5/28-19.2(a)](Section 28-19.2(a) of The School Code).

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

Section 1.250 District to Comply with 23 Ill. Adm. Code 180 (Repealed)

The district shall comply with the rules of the State Board of Education at 23 Ill. Adm. Code 180 (Health/Life Safety Code for Public Schools).

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

Section 1.260 Commemorative Holidays to be Observed by Public Schools (Repealed)

School districts shall conform to the requirements of Section 24-2 of The School Code (Ill. Rev. Stat. 1986 Supp., ch. 122, par. 24-2) regarding the observation of commemorative holidays.

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

Section 1.270 Book and Material Selection (Repealed)
Selection of books and materials by school districts shall be in accordance with Section 28-6 of The School Code.

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

Section 1.290 Absenteeism and Truancy Policies

a) Definitions

1) "Valid Cause" for absence means illness, observance of a religious holiday, death in the immediate family as defined in Section 24-6 of The School Code (Ill. Rev. Stat. 1989, ch. 122, par. 24-6) but also including aunts and uncles of the affected student, family emergency, and shall include such other situations beyond the control of the student as determined by the board of education in each district, or such other circumstances which cause reasonable concern to the parent for the safety or health of the student (Ill. Rev. Stat. 1989, ch. 122, par. 26-2a), as attested by a letter signed by such parent and approved or disapproved by the board of education in each school district.

2) "Truant" means a child who is subject to compulsory school attendance and who is absent without valid cause for a school day or portion thereof (Ill. Rev. Stat. 1989, ch. 122, par. 26-2a).

3) "Chronic or Habitual Truant" means a child subject to compulsory school attendance and who is absent without valid cause from such attendance for 10% or more of the previous 180 regular attendance days (Ill. Rev. Stat. 1989, ch. 122, par. 26-2a).

4) "Truant Minor" means a child who is a chronic truant to whom supportive services, including prevention, diagnostic, intervention and remedial services, alternative programs and other school and community resources have been provided and have failed to result in the cessation of chronic truancy, or have been offered and refused (Ill. Rev. Stat. 1989, ch. 122, par. 26-2a).

b) Purpose
This Section establishes guidelines and criteria required by Section 26-13 of the School Code \([105\, \text{ILCS\ 5/26-13}]\) (Ill. Rev. Stat. 1989, ch. 122, par. 26-13), which provides that school districts shall adopt absenteeism and truancy policies identifying appropriate supportive services and available resources for truants and chronic truants.

b) **Content of Policies**

Each school district shall develop an absenteeism and truancy policy including at least the following elements:

1) A definition of a valid cause for absence in accordance with Section 26-2a of the School Code;

2) A description of diagnostic procedures to be used for identifying the cause(s) of unexcused student absenteeism, which shall, at a minimum, include interviews with the student, his or her parent(s) or guardian(s), and any school official(s) or other parties who may have information about the reasons for the student's attendance problem; and

3) The identification of supportive services to be made available to truant or chronically truant students. These services shall include, but need not be limited to, parent conferences, student counseling, family counseling, and information about existing community services which are available to truant and chronically truant students and relevant to their needs.

d) Punitive action taken against a student for truancy shall be limited by the provisions of Section 26-12 of The School Code (Ill. Rev. Stat. 1989, ch. 122, par. 26-12).

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

**SUBPART C: SCHOOL DISTRICT ADMINISTRATION**

**Section 1.310 Administrative Responsibilities**

A school board shall designate within its administrative structure the specific responsibilities and duties for each administrator. This job description shall reflect the philosophy, goals, objectives, and policies adopted by the local board of education in accordance with Subpart B of this Part.
a) Every school district shall have a person designated as superintendent except in districts in which there is only one school building with less than four full- or part-time teachers. (Section 10-21.4 of The School Code)

b) Every attendance center shall have a person assigned as principal who is properly certificated.

e) Administrators and supervisors shall be appropriately certificated, meeting the requirements as stated in Section 21-7.1 of The School Code [105 ILCs 5/21-7.1] and Appendix B of this Part.

a) d) Chief school business officials, effective July 1, 1977, shall be appropriately certificated, meeting the requirements as stated in Section 21-7.1 of The School Code.

b) e) Department chairpersons who are required to supervise and/or evaluate teachers shall have appropriate certification as indicated in Appendix B of this Part. (Section 21-7.1 of The School Code) This regulation shall apply only to those individuals first assigned to this position on or after September 1, 1978.

c) f) Divided Service

1) An administrator, i.e., a superintendent or principal, may serve in two professional capacities provided that full-time equivalency results in a maximum of one full-time position.

2) In school districts with an enrollment of 100 or fewer, an individual may serve as superintendent/principal and teach (up to 1/2 day).

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

Section 1.320 Evaluation of Certified Staff in Contractual Continued Service Duties

a) The superintendent shall have charge of administration of the schools under the direction of the board of education. Section 10-21.4 and Section 34-8 of The School Code detail the duties and responsibilities of the superintendent.
b) The principal shall assume administrative responsibilities and instructional leadership of the educational program of the attendance area to which the principal is assigned. Section 10-21.4a and Section 34-8.1 of The School Code detail those administrative responsibilities which the principal shall perform.

c) School boards shall specify in their formal job description for principals that his or her primary responsibility is in the improvement of instruction. A majority of the time spent by a principal shall be spent on curriculum and staff development through both formal and informal activities, such as planned inservice training and ad hoc or individual consultations, respectively, and establishing clear lines of communication with parents and teachers regarding school goals, accomplishments, practices and policies.

d) When conducting evaluations pursuant to 23 Ill. Adm. Code 50 (Evaluation of Certified School District Employees in Contractual Continued Service), school boards shall ensure that their principals are evaluated on their instructional leadership ability and their ability to maintain a positive education and learning climate (Sections 10-21.4a and 34-8.1 of The School Code).

Each school district shall submit to the State Board of Education an evaluation plan, hereinafter called the Plan, for the evaluation of all certified school district employees in contractual continued service. Where cooperative educational programs operate between or among school districts or by Regional Superintendents of Schools, pursuant to Sections 3-15.14, 10-22.31 and/or 10-22.31a of the School Code [105 ILCS 5/3-15.14, 10-22.31, and/or 10-22.31a], the Plan shall be submitted by the administrative agent who is the fiscal and legal agent for the cooperative program, or the governing board, or the board of control of the entity. In this Section all such entities are included in the term "school district."

a) The Plan shall conform to the requirements of Article 24A of the School Code [105 ILCS 5/A. rt. 24A] and shall contain assurances that teachers were involved in the development of the Plan or that, where applicable, the Plan was developed in cooperation with the exclusive bargaining unit.

b) Whenever any substantive change is made to a Plan, the revised Plan shall be submitted to the State Board of Education for review and comment, and the district shall at the same time provide a copy of any such revised Plan to the exclusive bargaining representatives (Section 24A-4 of the School Code).
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1) For purposes of this Section, a “substantive change” shall mean any change to:

    A) the description of the duties and responsibilities of each teacher and the standards to which the teacher is expected to perform (these descriptions may be individualized or extend to a class of teachers);

    B) the schedule for evaluations;

    C) the classification or classifications of qualified administrators authorized to conduct evaluations; and/or

    D) the definitions of “excellent,” “satisfactory,” or “unsatisfactory”.

2) A “substantive change” shall not include a change in the names of individual administrators authorized to conduct evaluations.

c) The State Board of Education shall review each Plan or revision submitted pursuant to subsection (b) of this Section to determine whether the Plan conforms to the requirements of Article 24A and may provide advisory comments on the Plan’s procedures for evaluation. The State Board of Education shall reject as unacceptable those Plans or revisions that do not conform with Article 24A of the School Code. A school district, upon rejection of its Plan, shall revise its Plan to conform with Article 24A of the School Code and shall promptly resubmit the revised Plan to the State Board of Education.

d) Consulting Teachers

1) The school official responsible for selecting a consulting teacher when required under Section 24A-5(g) of the School Code must undertake a diligent effort to identify a consulting teacher, which effort must include (but should not be limited to):

    A) contacting qualified teachers within the district;

    B) requesting the regional superintendent of schools to supply a roster of qualified consulting teachers; and
C) requesting the exclusive bargaining agent for the district to supply a roster of qualified consulting teachers.

2) If the school official cannot identify a qualified consulting teacher after completing the effort described in subsection (d)(1) of this Section, the State Board of Education shall supply a qualified consulting teacher.

3) If the consulting teacher becomes unavailable during the course of a remediation plan, a new consulting teacher shall be selected in the same manner as the initial consulting teacher. The remediation plan shall be amended as necessary upon consultation with the new consulting teacher for the balance of the remediation period. The consulting teacher shall be informed, through conferences with the qualified administrator (or an assistant principal in a school district having a population exceeding 500,000) and the teacher under remediation, of the results of the periodic evaluations conducted pursuant to Section 24A-5(h) of the School Code in order to continue to provide assistance to the teacher under a remediation plan.

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

Section 1.330 Hazardous Materials Training

Each district shall maintain an inservice training plan for working with hazardous materials (as defined in 56 Ill. Adm. Code 205) consisting of the “Right to Know” training offered by the Illinois Department of Labor (Toxic Substances Division). Each district shall ensure that all new staff members whose assignments bring them into recurring contact, i.e., daily, weekly, or monthly, with hazardous materials who have not attended such a program within the past twelve months receive the approved course of training prior to working with hazardous materials. Examples may include science teachers, maintenance workers, and cafeteria employees. Each district shall keep on file a list of the job titles in the district whose incumbents are subject to the requirements of this Section and the names of employees who have attended a training program, including the location, presenter(s), and date of such program.

a) Definitions

"Hazardous Materials" means any material containing one or more of the substances enumerated in 56 Ill. Adm. Code 205, Table A (Toxic Substances Disclosure to Employees).
"Personnel Who Work With Hazardous Materials on a Regular Basis" means all staff members whose assignments bring them into recurring contact, i.e., daily, weekly, or monthly, with hazardous materials as defined in this Section. Examples may include science teachers, maintenance workers, and cafeteria employees.

b) Content of Training Programs

Each inservice training program shall consist of the "Right to Know" training offered by the Illinois Department of Labor (Toxic Substances Division). A school district's program may be presented by staff of the Department of Labor or by school district staff who have received the training.

e) Application for Approval of Training Plan

1) Each district shall submit an application for approval of its training plan on a form provided by the State Board of Education, not later than January 15, 1988. Districts may, at their option, submit joint applications. Each application shall contain:

A) an assurance that the planned training consists of the "Right to Know" program referred to in subsection (b) of this Section;

B) a statement identifying the presenter(s); and

C) the date, which must be during calendar year 1988, on which district staff will participate in the training.

2) Districts whose affected employees have undergone the training described in subsection (b) of this Section at any time during calendar year 1987 shall not be required to repeat the training, provided that each such district shall submit an application including:

A) an assurance that the training provided consisted of the "Right to Know" program referred to in subsection (b) of this Section;

B) a statement identifying the presenter(s); and
The date on which district staff participated in the training.

Approval of Applications

1) The State Board of Education shall approve each application which contains the information and assurance set forth in subsection (c) of this Section.

2) The State Board of Education shall notify each district as to the disposition of its application no more than two weeks after receiving it.

Training Timetable

1) School district personnel who work with hazardous materials on a regular basis shall receive an approved program of inservice training not later than the end of calendar year 1988.

2) After 1988, each district shall ensure that each new employee subject to the provisions of this Section who has not attended such a program within the past twelve months receives the approved course of training prior to working with hazardous materials.

Record of Training Programs

Each district shall keep on file a list of the job titles in the district whose incumbents are subject to the requirements of this Section and the names of employees who have attended a training program, including the location, presenter(s), and date of such program.

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

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.420 Basic Standards

a) Class schedules shall be maintained in the administrative office in each attendance center of a school district.
b) Every school district shall have an organized plan for recording pupil progress and/or awarding credit that can be disseminated to other schools within the State.

c) Every school district shall:

1) Provide curricula and staff inservice training to help eliminate unconstitutional and unlawful discrimination in our schools and society. School districts shall utilize the resources of the community in achieving the stated objective of elimination of discrimination and to enrich the instructional program.

2) Include in its instructional program concepts which are designed to improve students' understanding of and their relationships with individuals and groups of different ages, sexes, races, national origins, religions, and socio-economic backgrounds.

d) Boards shall adopt and implement a policy for the distribution of teaching assignments, including study hall and extra class duties and responsibilities.

e) Every school system shall conduct supervisory and inservice programs for its professional staff. The staff shall be involved in planning, conducting, and evaluating supervisory and inservice programs.

f) Sections 10-19, 18-8.05, and 18-12 of the School Code [105 ILCS 5/10-19, 18-8.05, and 18-12] establish certain requirements regarding the school year and the school day. School districts shall observe these requirements when preparing their calendars and when calculating average daily attendance for the purpose of claiming general State financial aid.

1) Section 18-8.05(F)(2)(c) of the School Code provides that, with the approval of the State Superintendent of Education, four or more clock-hours of instruction may be counted as a day of attendance when the regional superintendent certifies that the district has been forced to use multiple sessions. The State Superintendent’s approval will be granted when the district demonstrates that its facilities are inadequate to house a program offering five clock-hours daily to all students.

A) The State Superintendent’s approval shall be requested before the beginning of the school year.
B) The school district’s request shall include a copy of the minutes of the meeting at which the board of education approved the plan for multiple sessions; a plan for remedying the situation leading to the request; and a daily schedule showing that each student will be in class for at least four clock-hours.

C) Requests for extensions of the State Superintendent’s approval shall be made annually prior to the opening of school.

2) Section 18-8.05(F)(2)(h) of the School Code allows for a determination under rules of the State Board regarding the necessity for a second year's attendance at kindergarten for certain students so they may be included in a district’s calculation of average daily attendance. Districts may count such students when they determine through an assessment of their individual educational development that a second year of kindergarten is warranted.

3) A school district shall be considered to have conducted a legal school day, which is eligible to be counted for General State Aid, when the following conditions are met during a work stoppage.

A) Fifty percent or more of the district's students are in attendance, based on the average daily attendance during the most recent full month of attendance prior to the work stoppage.

B) Educational programs are available at all grade levels in the district, in accordance with the minimum standards set forth in this Part.

C) All teachers hold certificates which are registered with the Regional Superintendent for their county of employment. Other than substitute teachers, certification appropriate to the grade level and subject area(s) of instruction is held by all teachers.

4) Attendance for General State Aid Purposes

A) For purposes of determining average daily attendance on the district’s General State Aid claim, students in full-day kindergarten
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and first grade may be counted for a full day of attendance only when they are in attendance for four or more clock hours of school work; provided, however, that students in attendance for more than two clock hours of school work but less than four clock hours may be counted for a half day of attendance.

B) For purposes of determining average daily attendance on the district’s General State Aid claim, students in grades 2 through 12 may be counted for a full day of attendance only when they are in attendance for five or more clock hours of school work; provided, however, that students in attendance for more than two and one-half clock hours of school work but less than five clock hours may be counted for a half day of attendance.

g) Each school board shall annually prepare a calendar for the school term, specifying the opening and closing dates and providing a minimum term of at least 185 days to ensure 176 days of actual pupil attendance, computable under Section 18-8.05 of the School Code.

h) Local boards of education shall establish and maintain kindergartens for the instruction of children (Sections 10-20.19a and 10-22.18 of the School Code [105 ILCS 5/10-20.19a and 10-22.18]).

1) School districts may establish a kindergarten of either half-day or full-day duration. If the district establishes a full-day kindergarten, it must also provide a half-day kindergarten for those students whose parents or guardians request a half-day program.

2) If a school district that establishes a full-day kindergarten also has 20 or more students whose parents request a half-day program, the district must schedule half-day classes, separate and apart from full-day classes, for those children. If there are fewer than 20 children whose parents request a half-day program, such students may be enrolled in either the morning or afternoon session of a full-day program provided that the following conditions are met.

A) Distinctive curriculum plans for the half-day and full-day kindergarten programs must be developed by the school district,
made available to parents to assist the parents in selecting the appropriate program for their child, and maintained in district files.

B) A common core of developmental, readiness and academic activities must be made available to all kindergarten students in the district regardless of the amount of time they attend school.

C) All support services (e.g., health counseling and transportation) provided by the district must be equally available to full-day and half-day students.

i) Career Education

1) The educational system shall provide students with opportunities to prepare themselves for entry into the world of work.

2) Every district shall initiate a Career Awareness and Exploration Program which should enable students to make more meaningful and informed career decisions. This program should be available at all grade levels.

j) Co-Curricular Activities

1) Programs for extra classroom activities shall provide opportunities for all students.

2) The desires of the student body in the area of co-curricular activities shall be of critical importance. At all times, activities of this nature shall be carefully supervised by a school-approved sponsor.

k) Consumer Education and Protection

1) A program in consumer education may include the following topics: the individual consumer in the marketplace, money management, consumer credit, human services—housing, food, transportation, clothing, health services, drugs and cosmetics, recreation, furnishings and appliances, insurance, savings and investments, taxes, and the consumer in our economy.
2) The superintendent of each unit or high school district shall maintain evidence showing that each student has received adequate instruction in consumer education or has demonstrated proficiency by passing the Consumer Education Proficiency Test as required by law (Section 27-12.1 of the School Code [105 ILCS 5/27-12.1]) prior to the completion of the 12th grade. Consumer education may be included in course content of other courses, or it may be taught as a separate required course.

3) The minimal time allocation shall not be less than nine weeks or the equivalent for grades 9-12 and shall include installment purchasing, budgeting, comparison of prices and an understanding of the roles of consumers interacting with agriculture, business, trade unions, and government in formulating and achieving the goals of the mixed free enterprise system.

4) Each district may use as a guideline the information set forth in "Consumer Education in Illinois Schools" issued by the State Board of Education.

5) Teachers instructing in consumer education courses shall have proper certification for the position to which they are assigned with at least three semester hours in consumer education courses.

I) Conservation of Natural Resources

Each district shall provide instruction of current problems and needs in the conservation of natural resources in conformance with Section 27-13.1 of the School Code [105 ILCS 5/27-13.1]

1) In every public school district there shall be instruction, study and discussion of current problems and needs in the conservation of natural resources, including, but not limited to, air pollution, water pollution, waste reduction and recycling, the effect of excessive use of pesticides, preservation of wilderness areas, forest management, protection of wildlife, and humane care of domestic animals (Section 27-13.1 of the School Code [105 ILCS 5/27-13.1]).
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2) It is recommended that the study of conservation also include energy demands, population growth and distribution, food production, transportation systems, solid waste disposal, and noise abatement.

m) Every school district has the responsibility to prepare students for full citizenship. To this end each school district should encourage student discussion and communication in areas of local, State, national and international concern.

n) Health Education

1) Each school system shall provide a program be in compliance with rules for Comprehensive Health Education (23 Ill. Adm. Code 253) issued pursuant to the Critical Health Problems and Comprehensive Health Education Act [105 ILCS 110].

2) A) There is no specific time requirement for grades K-6; however, health education shall be a part of the formal regular instructional program at each grade level.

2) B) The minimal time allocation shall not be less than one semester or equivalent during the middle or junior high experience.

3) C) The minimal time allocation shall not be less than one semester or equivalent during the secondary school experience.

D) If health education is offered in conjunction with another course on a “block of time” basis in a middle school, a junior high school, or a high school, instruction may be offered in any combination of the grade levels in the school, provided that the total time devoted to health education is the equivalent of one full semester’s work.

2) Nothing in this Section shall be construed as requiring or preventing the establishment of classes or courses in comprehensive sex education or family life education as authorized by Sections 27-9.1 and 27-9.2 of the School Code [105 ILCS 5/27-9.1 and 27-9.2] or by the Sex Education Act [105 ILCS 130].

o) Media Programs
Each attendance center shall provide a program of media services to meet the curricular and instructional needs of the school.

p) Physical Education

1) Appropriate activity related to physical education shall be required of all students each day (Section 27-6 of the School Code [105 ILCS 5/27-6]). The time schedule shall compare favorably with other courses in the curriculum. Safety education as it relates to the physical education program should be incorporated.

2) There shall be a definite school policy regarding credit earned each semester in physical education with provisions for allowable variables in special cases.

3) If a district determines that it is difficult to implement a program of physical education which involves all students daily, the administration should consult one of the program service personnel from the State Board of Education for assistance in the development of an acceptable program.

4) The physical education and training course offered in grades 5 through 10 may include health education (Section 27-5 of the School Code [105 ILCS 5/27-5]).

5) Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act [225 ILCS 60], prevents their participation in the courses provided for normal children (Section 27-6 of the School Code).

6) Pursuant to Section 27-6 of the School Code [105 ILCS 5/27-6], a student who presents an appropriate excuse from his or her parent or guardian or from a person licensed under the Medical Practice Act of 1987 [225 ILCS 60] shall be excused from participation in physical education. Each school board shall honor excuses signed by persons licensed under the Medical Practice Act of 1987 and shall establish a policy defining the types of parental excuses it will deem “appropriate” for this purpose, which shall include, but need not be limited to, reliance upon religious prohibitions. For each type of excuse that will be considered “appropriate”, the school
board shall identify in its policy any evidence or support it will require. For example, a board may require a signed statement from a member of the clergy corroborating the religious basis of a request.

7) In addition, pursuant to Section 27-6(b) of the School Code, each school board which chooses to excuse pupils enrolled in grades 9 through 12 from engaging in physical education courses under that subsection shall establish a policy to excuse pupils on an individual basis and shall have such policy on file in the local district office. The district shall maintain records showing that, in disposing of each request to be excused from physical education, the district applied the criteria set forth in Section 27-6 to the student's individual circumstances.

q) Pupil Personnel Services

To assure provision of Pupil Personnel Services, the local district shall conduct a comprehensive needs assessment to determine the scope of the needs in the areas of:

1) Guidance and Counseling Needs;
2) Psychological Needs;
3) Social Work Needs;
4) Health Needs.

r) Social Sciences and History

Each school system shall provide history and social sciences courses which do the following:

1) analyze the principles of representative government, the Constitutions of both the United States and the State of Illinois, the proper use of the flag, and how these concepts have related and currently do relate in actual practice in our world (Section 27-21 of the School Code [105 ILCS 5/27-21]);
2) include in the teaching of United States history the role and contributions of ethnic groups in the history of this country and the State (Section 27-21 of the School Code);

3) include in the teaching of United States history the role of labor unions and their interaction with government in achieving the goals of a mixed free-enterprise system (Section 27-21 of the School Code);

4) include the study of that period in world history known as the Holocaust (Section 27-20.3 of the School Code [105 ILCS 5/27-20.3]);

5) include the study of the events of Black history, including the individual contributions of African-Americans and their collective socio-economic struggles (Section 27-20.4 of the School Code [105 ILCS 5/27-20.4]); and

6) include the study of the events of women's history in America, including individual contributions and women's struggles for the right to vote and for equal treatment (Section 27-20.5 of the School Code [105 ILCS 5/27-20.5]).

s) Protective eye devices shall be provided to and worn by all students, teachers, and visitors when participating in or observing dangerous vocational arts and chemical-physical courses of laboratories as specified in Section 1 of the Eye Protection in School Act [105 ILCS 115/1]. Such eye protective devices shall meet the nationally accepted standards set forth in "Practice for Occupational and Educational Eye and Face Protection," ANSI Z87.1-2003, issued by the American National Standards Institute, Inc., 1819 L Street, NW, Suite 600, Washington, D.C. 20036. No later additions or amendments to these standards are incorporated by this Part.

t) In every public school there shall be instruction, study and discussion of effective methods by which pupils may recognize the danger of and avoid abduction. Such required instruction, study and discussion may be included in the courses of study regularly taught in the schools. In grades kindergarten through 8, such required instruction must be given each year to all pupils in those grades. (Section 27-13.2 of the School Code [105 ILCS 5/27-13.2])

u) School districts shall provide instruction in relation to the prevention of abuse of anabolic steroids in grades 7 through 12 and shall include such instruction in
science, health, drug abuse, physical education or other appropriate courses of study. Such instruction shall emphasize that the use of anabolic steroids presents a serious health hazard to persons who use steroids to enhance athletic performance or physical development. (Section 27-23.3 of the School Code [105 ILCS 5/27-23.3])

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

Section 1.440 Additional Criteria for High Schools

a) The district shall provide a comprehensive curriculum including the following as a minimum program of offerings. The time allotment, unless specified by the School Code or regulations, is the option of the local school district.

1) Language Arts, three units
2) Science
3) Mathematics
4) History of the United States, one unit
5) Foreign Language
6) Music
7) Art
8) Career Education--Orientation and Preparation
9) Health Education, students must take one semester or equivalent, i.e., at least 18 weeks, during the secondary school experience.
10) Physical Education, daily except as provided in subsection (a)(9) of this Section and Section 1.445 of this Part (Section 27-6 of the School Code).
11) Consumer Education, nine weeks, 50 minutes a day or equivalent, grades 9-12, except for students who have demonstrated proficiency pursuant to
the provisions of Section 27-12.1 of the School Code and Section 1.462 of this Part.

12) Conservation of Natural Resources (Section 27-13.1 of the School Code).


14) Vocational Education--Job Entry Skill Development

b) Driver Education and Safety


2) Such a course shall consist of at least 30 clock-hours of classroom instruction and at least six clock-hours of practice driving in a dual control car. Eight clock-hours of instruction on a multiple car range may be allowed in lieu of four clock-hours of instruction in a dual control car, and 12 clock-hours of instruction in driving simulators may be allowed in lieu of three clock-hours of instruction in a dual control car if prior approval is obtained.

3) Strong emphasis shall be provided to establish and promote essential knowledge, correct habits, fundamental skills, proper attitudes, and a sound understanding of the rules and laws necessary for safe driving.

4) Such a driver education course may include classroom instruction on the safety rules and operation of motorcycles or motor-driven cycles.

Specific minimum requirements for graduation are listed below.

1) 16 units in grades 9-12 if a four-year school and 12 units in grades 10-12 if a three-year high school.
2) In either of the above, one unit shall be in American History or American History and Government. In a four-year high school, three units shall be in Language Arts and, in a three-year high school, two units shall be in Language Arts. In either instance emphasis shall be on reading and writing skills while one-half unit may be in oral communication.

3) American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag, shall be taught in all public schools. Not less than one hour per week, or the equivalent, shall be devoted to advanced study of this subject. (Sections 27-3 and 27-4 of the School Code [105 ILCS 5/27-3 and 27-4]) No student shall receive certification of graduation without passing a satisfactory examination upon such subjects.

c) Pursuant to Section 27-22 of the School Code [105 ILCS 5/27-22], students who enter the 9th grade, except students with disabilities whose course of study is determined by an individualized education program, must successfully complete the following courses, subject to the exceptions provided in Section 1.445 of this Part, as a prerequisite to receiving a high school diploma in addition to the applicable requirements of subsection (b) of this Section and any requirements imposed by the local school district.

1) three years of language arts;

2) two years of mathematics, one of which may be related to computer technology;

3) one year of science;

4) two years of social studies, of which at least one year must be history of the United States or a combination of history of the United States and American government; and

5) one year chosen from

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B) art,

C) foreign language, which shall include American Sign Language, or

D) vocational education.

d) School districts shall have on file in the local district office a description of all course offerings that may comply with the requirements of the law. A course will be accepted as meeting the graduation requirements set forth in subsection (c) (d) of this Section, provided that its description shows that its principal instructional activity is the development and application of knowledge and skills related to the applicable requirement.

e) It is the responsibility of the school district's administration to provide parents and guardians timely and periodic information concerning graduation requirements for all students, particularly in cases where a student's eligibility for graduation may be in question.

f) Additional requirements for graduation may be adopted by local boards of education. Boards of education may accept courses completed in a community college toward graduation.

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

SUBPART E: SUPPORT SERVICES

Section 1.520 School Food Services (Repealed)

a) Section 712 of The School Code requires that public schools in Illinois provide free lunches to all eligible needy children as defined by the State Board of Education. The school food service program shall be in compliance with 23 Ill. Adm. Code 305, School Food Service as issued annually by the State Board of Education.

b) Children from families whose income level has qualified them for free or reduced price meals, in accordance with the periodic guidelines issued by the State Board of Education, shall receive a free or reduced price meal in accordance with the guidelines issued annually by the State Board of Education.
Section 1.530 Health Services

a) Each school shall maintain records for each student that reflect compliance with the examinations and immunizations prescribed by Section 27-8 of the School Code; and the applicable rules and regulations of the Illinois Department of Public Health at 77 Ill. Adm. Code 665 (Child Health Examination Code).

1) School districts shall, by November 15 of each school year, report to the State Board of Education the number of students who have received the necessary health examinations and immunizations, the number of students who are not exempt and have not received the necessary health examinations and immunizations, and the number of students exempt from the health examination and immunization requirements for religious or medical reasons, on forms provided by the State Board of Education. A copy of each district’s report shall also be delivered to the regional superintendent.

2) Any school district whose report has not been delivered to the State Board of Education by November 15 or does not comply with the percentage requirements of Section 27-8.1 of the School Code shall be issued a Notice of Non-Compliance and be given Notice of Opportunity for Hearing in accordance with the State Board’s rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475).

3) Upon a determination of non-compliance, the reduction in the district’s General State Aid payments shall commence on December 10 and will occur semi-monthly thereafter until compliance is documented.

b) Students participating in interscholastic athletics shall have an annual physical examination.

c) Each district shall adopt an emergency procedure to be followed in cases of injury or sudden illness to students and/or staff.
ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at _ Ill. Adm. Code _____, effective _______________)

Rules Packet - Page 43
TO: Illinois State Board of Education

FROM: Randy J. Dunn, Interim Superintendent
       Jonathan Furr, General Counsel
       Ginger Reynolds, Assistant Superintendent (Interim)

Agenda Topic: Action Item: Rules for Initial Review
Repeal of
– Part 50 (Evaluation of Certified School District Employees in Contractual Continued Service);
– Part 251 (Conservation Education);
– Part 253 (Comprehensive Health Education);
– and Part 625 (Health Examinations and Immunizations)

Materials: Rules Recommended for Repeal

Staff Contacts: Donna Luallen and Dana Kinley

Purpose of Agenda Item
The purpose this agenda item is to present the proposed repealers 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 repealers.

Background Information
In the course of our comprehensive review of rules, we have determined that much of the existing text of these four Parts is not needed in rules at all, because it either repeats statutory language or is couched as recommendations rather than requirements. The necessary substantive provisions from these Parts that needs to be retained can readily be subsumed within Part 1 (Public Schools Evaluation, Recognition and Supervision).

The needed material from Part 50 (Evaluation of Certified School District Employees in Contractual Continued Service) has been placed into Section 1.320. The substantive provisions of Part 251 (Conservation Education) have been inserted into Section 1.420(l) and those of Part 253 (Comprehensive Health Education) into Section 1.420(n). Finally, the requirements of Part 625 that continue to be needed in ISBE’s rules are found in Section 1.530. These proposed amendments to Part 1 are also presented for initial review in this Board packet.

Preliminary Review
These proposed repealers were distributed for review by our standing external advisory group. At the time of this printing we had received no comments from the members of that group.
However, staff will inform the Board about any comments received too late for inclusion in this summary, as well as indicating any changes that may seem warranted by the points raised.

**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:

- Evaluation of Certified School District Employees in Contractual Continued Service (23 Illinois Administrative Code 50);
- Conservation Education (23 Illinois Administrative Code 251);
- Comprehensive Health Education (23 Illinois Administrative Code 253); and
- Health Examinations and Immunizations (23 Illinois Administrative Code 625),

including publication of the proposed repealers in the [Illinois Register](https://www.illinois.gov).

**Next Steps**

With the Board’s authorization, staff will submit the proposed repealers to the Administrative Code Division for publication in the [Illinois Register](https://www.illinois.gov) 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 these rulemaking items.
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 50

EVALUATION OF CERTIFIED SCHOOL DISTRICT EMPLOYEES
IN CONTRACTUAL CONTINUED SERVICE

Section 50.10 Definitions

"Certified School District Employees" - refers to those professional employees of a school district who are required to hold a teaching, school service personnel, or administrative certificate issued in accordance with Article 21 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 21-1 et seq.), and who are in contractual continued service as provided in Section 24-11 or 34-84 of The School Code.

"Consulting Teachers" - refers to those professional employees of a school district who are required to hold a teaching certificate issued in accordance with Article 21 of The School Code, excluding supervisory, managerial or administrative
STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER


"Evaluation Plan" - refers to a formal, written evaluation process which includes procedures by which a school board evaluates all certified personnel employed in a school district and which meets the requirements of Article 24A of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 24A-1 et seq.).

"Qualified Administrator" - refers to those professional employees who are required to hold a supervisory or administrative certificate in accordance with Article 21 of The School Code, and who have participated in an in-service workshop on evaluation of certified personnel in accordance with Section 24A-3 of The School Code (Ill. Rev. Stat. 1988 Supp., ch. 122, par. 24A-3). In districts with a population over 500,000, this term includes assistant principals who are working under the supervision of an administrator qualified under Section 24A-3.

"School Boards" - refers to boards of education governing school districts in accordance with Articles 10, 32, 33 and 34 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 10-1 et seq., 32-1 et seq., 33-1 et seq., and 34-1 et seq.).

"Substantive change" - refers to any addition or deletion in the list of qualified administrators who shall conduct required evaluations or any changes in the procedures described in the evaluation Plan.

Section 50.20 Submission of Evaluation Plans

a) Each school district shall submit an evaluation plan, hereinafter called the Plan, for the evaluation of all certified school district employees in contractual continued service. Where cooperative educational programs operate between or among school districts or by Regional Superintendents of Schools, pursuant to Sections 3-15.14, 10-22.31 and/or 10-22.31a of The School Code (Ill. Rev. Stat. 1987, ch. 122, pars. 3-15.14, 10-22.31, and 10-22.31a), the Plan shall be submitted by the administrative agent who is the fiscal and legal agent for the cooperative program, or the governing board, or the board of control of the entity. In this Part all such entities are included in the term "school district."

b) All evaluation plans shall be submitted to the State Board of Education no later than October 1, 1986, and the district shall at the same time provide a copy to the exclusive bargaining representatives (Section 24A-4 of The School Code).
Whenever any substantive change is made to a Plan, the revised Plan shall be submitted to the State Board of Education for review and comment, and the district shall at the same time provide a copy of any such revised Plan to the exclusive bargaining representatives (Section 24A-4 of The School Code).

Section 50.30 Review of Evaluation Plans

a) The State Board of Education shall review all Plans submitted pursuant to Section 50.20 of this Part, and shall provide comments on the Plan, its procedures for evaluation, and the degree to which the Plan conforms to the requirements of this Part.

b) The State Board of Education will reject as unacceptable those Plans which do not provide for evaluations by administrators qualified under Section 24A-3 of The School Code. A school district, upon rejection of its Plan, shall revise its plan to provide for evaluations by administrators qualified under Section 24A-3 of The School Code and shall promptly resubmit the revised Plan to the State Board of Education.

Section 50.40 Content of Evaluation Plans for Teachers and School Service Personnel

a) The Plan shall contain assurances that teachers were involved in the development of the Plan, or that where applicable, the Plan was developed in cooperation with the exclusive bargaining agent.

b) The Plan shall contain a description of the duties and responsibilities of each teacher and the standards to which the teacher is expected to conform (Section 24A-5 of The School Code). These descriptions may be individualized or extend to a class of teachers.

c) The Plan shall assure that each teacher is evaluated at least biennially beginning with the 1986-87 school year (Section 24A-5 of The School Code).

d) The Plan shall assure that each teacher is evaluated through personal observation in the classroom by a qualified administrator unless the teacher has no classroom duties. In districts with a population over 500,000, such observation shall occur on at least two different school days.

e) The Plan shall list the names of all qualified administrators.
f) *The Plan shall require that each evaluation include consideration of the teacher’s attendance, instructional planning, instructional methods, classroom management where relevant, and competency in the subject matter(s) taught where relevant* (Section 24A-5 of The School Code) and/or services provided.

g) *The Plan shall provide for a rating of each teacher’s performance as “excellent,” “satisfactory” or “unsatisfactory”* (Section 24A-5 of The School Code) and shall define those terms.

h) *The Plan shall require that each evaluation describe the teacher’s strengths and weaknesses, with supporting reasons for the comments made* (Section 24A-5 of The School Code).

i) *The Plan shall require that a copy of each teacher’s evaluation be placed in that teacher’s personnel file and that the teacher shall be provided with a copy of the evaluation* (Section 24A-5 of The School Code).

Section 50.50 Unsatisfactory Evaluations - Districts With a Population of 500,000 or Fewer

a) The Plan shall provide, within 30 calendar days after an evaluation has been reduced to writing resulting in a rating of unsatisfactory, for the development and initiation by the district of a remediation plan designed to correct the areas identified as unsatisfactory, provided the deficiencies are deemed remediable.

1) *The remediation plan shall provide for 90 school days of remediation within the classroom* (Section 24A-5 of the School Code [105 ILCS 5/24A-5] (see P.A. 90-548, effective January 1, 1998)).

2) The remediation plan shall provide for evaluations and ratings to occur once every 30 school days during the remediation period.

3) The evaluations and ratings shall be conducted by a qualified administrator. Failure to strictly comply with the timelines for the required evaluations because of illness or certain leaves granted teachers under a remediation plan, for example, shall not invalidate the results of the remediation plan.

4) The qualified administrator shall issue the final evaluation within ten days after the conclusion of the remediation period.
5) The remediation plan shall provide reinstatement to a schedule of biennial evaluations for any teacher who successfully completes the remediation plan by receiving a satisfactory or better rating, unless the district’s Plan regularly requires more frequent evaluations (Section 24A-5 of the School Code).

b) Participants in the remediation plan shall include the teacher deemed unsatisfactory, a qualified administrator, and a consulting teacher. The remediation plan may include the participation of other personnel to assist in correcting areas identified as unsatisfactory.

1) The participation of the consulting teacher shall be voluntary.

2) The qualified consulting teacher shall be one who has received a rating of excellent on his or her most recent evaluation, has a minimum of five years’ experience in teaching, and has knowledge relevant to the assignment of the teacher under remediation.

3) The consulting teacher shall be chosen from a list developed by the district or, in districts with an exclusive bargaining agent, the bargaining agent may, if it chooses, supply a roster of at least five qualified teachers from which the consulting teacher is to be selected, or the names of all teachers so qualified if that number is less than five. The participating administrator or principal of the teacher who was rated "unsatisfactory" shall select the consulting teacher.

4) Where no consulting teacher is available in a district, the district shall request the State Board of Education to provide a consulting teacher. The State Board of Education shall thereupon provide a consulting teacher who meets the requirements of subsection (b)(2) of this Section. The State Board of Education shall compensate any consulting teacher provided to a school district under this subsection (b)(4).

5) If the consulting teacher becomes unavailable during the course of a remediation plan, a new consulting teacher shall be selected in the same manner as the initial consulting teacher. The remediation plan shall be amended as necessary upon consultation with the new consulting teacher for the balance of the remediation period.
6) The consulting teacher shall provide advice to the teacher rated as unsatisfactory on how to improve teaching skills and to successfully complete the remediation plan.

7) The consulting teacher shall not participate in any of the required evaluations, nor be engaged to evaluate the performance of the teacher under remediation, unless a collective bargaining agreement provides otherwise.

8) The consulting teacher shall be informed, through conferences with the qualified administrator and the teacher under remediation, of the results of the periodic evaluations conducted pursuant to subsection (a)(2) of this Section in order to continue to provide assistance to the teacher under a remediation plan.

c) The Plan shall provide that any teacher who fails to complete his or her remediation plan with a satisfactory or better rating shall be dismissed in accordance with Section 24-12 of the School Code [105 ILCS 5/24-12].

Section 50.55 Unsatisfactory Evaluations - Districts with a Population Over 500,000

a) The Plan shall provide, within 30 calendar days after an evaluation has been reduced to writing resulting in a rating of unsatisfactory, for the development and initiation by the district of a remediation plan designed to correct the areas identified as unsatisfactory, provided the deficiencies are deemed remediable.

1) The remediation plan shall provide for evaluations and ratings to occur following the tenured teacher’s receipt of a remediation plan based upon an unsatisfactory evaluation (Section 24A-5 of the School Code), as follows:

A) The remediation plan shall provide for 90 school days of remediation within the classroom (Section 24A-5 of the School Code).

B) The remediation plan shall also provide for monthly evaluations and ratings for the first six months and quarterly evaluations and ratings for the next six months immediately following completion of the remediation program of a teacher for whom a remediation
2) The evaluations and ratings shall be conducted by a qualified administrator.

A) When an evaluation schedule requires an evaluation after the close of the school year, but on or before July 15, such evaluation shall be scheduled to occur no later than two weeks prior to the close of the preceding school year.

B) When an evaluation schedule requires an evaluation after the close of the school year, but after July 15, such evaluation shall be scheduled to occur not later than two weeks after students' attendance commences in the following school year.

C) Failure to strictly comply with the timelines for the required evaluations because of illness or certain leaves granted teachers under a remediation plan, for example, shall not invalidate the results of the remediation plan.

3) The qualified administrator shall issue the final evaluation within ten days after the conclusion of the remediation period specified in subsection (a)(1) of this Section, provided that the school board or other governing authority of the district shall not lose jurisdiction to discharge a teacher if this timeline is not met (Section 24A-5 of the School Code).

4) The remediation plan shall provide for reinstatement to a schedule of biennial evaluations for any teacher who successfully completes both the 90 school day remediation plan and a one-year intensive review schedule by receiving a satisfactory or better rating in each instance, unless the district’s Plan regularly requires more frequent evaluations (Section 24A-5 of the School Code).

b) Participants in the remediation plan shall include the teacher deemed unsatisfactory, a qualified administrator, and a consulting teacher. The remediation plan may include the participation of other personnel to assist in correcting areas identified as unsatisfactory.
1) The participation of the consulting teacher shall be voluntary.

2) The qualified consulting teacher shall be one who has received a rating of excellent on his or her most recent evaluation, has a minimum of five years experience in teaching, and has knowledge relevant to the assignment of the teacher under remediation.

3) The consulting teacher shall be chosen from a list developed by the district. The participating administrator or principal of the teacher who was rated "unsatisfactory" shall select the consulting teacher.

4) Where no consulting teacher is available in a district, the district shall request the State Board of Education to provide a consulting teacher. The State Board of Education shall thereupon provide a consulting teacher who meets the requirements of subsection (b)(2) of this Section. The State Board of Education shall compensate any consulting teacher provided to a school district under this subsection (b)(4).

5) If the consulting teacher becomes unavailable during the course of a remediation plan, a new consulting teacher shall be selected in the same manner as the initial consulting teacher. The remediation plan shall be amended as necessary upon consultation with the new consulting teacher for the balance of the remediation period.

6) The consulting teacher shall provide advice to the teacher rated as unsatisfactory on how to improve teaching skills and to successfully complete the remediation plan.

7) The consulting teacher shall not participate in any of the required evaluations, nor be engaged to evaluate the performance of the teacher under remediation, unless a collective bargaining agreement provides otherwise.

8) The consulting teacher shall be informed, through conferences with the qualified administrator and the teacher under remediation, of the results of the required evaluations in order to continue to provide assistance to the teacher under a remediation plan.
c) The Plan shall provide that any teacher who fails to complete any applicable remediation plan with a satisfactory or better rating shall be dismissed in accordance with Section 34-85 of the School Code [105 ILCS 5/34-85].

Section 50.60 Multi-Year Collective Bargaining Agreements

a) Any school district subject to a multi-year collective bargaining agreement signed prior to August 1, 1985, shall submit its current evaluation plan to the State Board of Education. The plan may be the evaluation plan developed pursuant to the collective bargaining agreement or otherwise operating in that district. The school district shall simultaneously notify the State Board of Education of the effective date(s) of the collective bargaining agreement(s).

b) The school district shall submit to the State Board of Education, upon expiration of the collective bargaining agreement, an evaluation plan which meets the requirements of Article 24A of The School Code and of this Part. The district shall at the same time provide a copy of such Plan to the exclusive bargaining representatives (Section 24A-4 of The School Code).

Section 50.70 Alternative Evaluations

a) A school district that does not complete an evaluation of all certificated personnel by the end of the 1987-88 school year, or that fails to evaluate such teachers within every two school years thereafter, must submit to the State Board of Education a roster containing the names and titles of such employees and written reasons for the failure to evaluate them (Section 24A-6 of The School Code).

b) Upon receipt of such reports, or if otherwise made aware that such evaluations have not been conducted, the State Board of Education shall conduct an evaluation which shall comply with the requirements of this Part (Section 24A-6 of The School Code), except as provided in subsection (c)(3).

c) Evaluation by the State Board of Education

1) In districts where a collectively bargained Plan already exists, that Plan shall be used to evaluate the teachers in that district rather than using the evaluation plan developed by the State Board of Education unless the collectively bargained Plan does not meet the requirements of subsections (a) through (d) OF Section 24A-5 (Section 24A-6 of The School Code).
2) In districts where no collectively bargained plan exists, State Board of Education staff shall provide the school district not complying with the requirements of Section 24A-5 with a copy of the State Board of Education's evaluation Plan and shall schedule times for evaluations to be performed by State Board of Education staff.

3) _In cases where an evaluation instrument is in dispute_ (e.g., in a grievance proceeding or a case pending before the Illinois Educational Labor Relations Board), _the State Board of Education shall postpone its evaluation until the dispute is resolved_ (Section 24A-6 of The School Code).

d) Copies of the results of evaluations conducted by State Board of Education staff shall be submitted to the school district not completing the evaluations.

e) Upon receipt of evaluations conducted by State Board of Education staff, the school district shall comply with the requirements of Section 24A-5(e) through (j) of The School Code.

**Section 50.80 Evaluation of Administrative Staff**

a) The Plan shall describe the procedures for evaluating all administrators.

b) The Plan shall include a job description for each administrator, identifying his or her assigned duties and responsibilities. Job descriptions for principals shall demonstrate that a majority of the assignment details instructional leadership responsibilities and defines those responsibilities, pursuant to Section 10-21.4a of The School Code (Ill. Rev. Stat. 1985, ch. 122, par. 10-21.4a).

c) The Plan may require the evaluation of an administrator in the following areas, where relevant to the administrator’s position: Curriculum and Instructional Leadership; School/Community Relations; Finance and Business Management; Personnel Evaluation; Supervision and Staff Development; and Management of Public Schools.

d) The Plan shall ensure that all evaluators meet the requirements of Section 24A-3 of The School Code, and shall include a list of the names of the qualified administrators.
e) The Plan may provide for independent evaluators not employed by the district to evaluate administrators.

f) The Plan shall ensure that the results of each administrator’s evaluations will be reported to the school board with such recommendations for remediation as the evaluator may deem appropriate.
Section 251.10  Purpose of the Program
a) All schools should teach the wise and effective use of our natural and human resources. The program should be planned and purposeful and should be consistent with definitely stated aims.

b) The most functional way to teach conservation is to develop concepts in science, social studies and other related fields, thus correlating conservation with other subjects and relating the use of resources to life situations.
Section 251.20  Recommended Subject Matter

The subject matter should include soils, water, minerals, plants, fish and animal life, forestry and recreation.

Section 251.30  Operation of the Division

The Division will operate under the internal procedures which govern the activities of the staff of the State Board of Education except that the following specific activities shall be a part of the program to encourage the inclusion of conservation teaching in the curricula of the elementary, high schools and institutions of higher learning in the State of Illinois.

Section 251.40  Personnel to be Supplied

The Division shall provide a Director of Conservation Education and such other professional personnel as the scope of the program requires. Personnel employed in these positions must have attained through academic training and/or experience, professional recognition in the field of conservation education.

Section 251.50  Consultation Service to be Offered

The Division shall provide consultation service to the schools, colleges and universities within the state in developing conservation teaching and conservation teacher-training programs. A report of consultation services provided to the public schools will be filed annually on July 1 with the State Superintendent of Education.

Section 251.60  Cooperation With State Colleges and Universities

The Division shall cooperate with the colleges and universities of the state in conducting workshops, conferences, institutes, etc., on the conservation of natural resources for students and teachers within the state.

Section 251.70  Development of Teaching Materials

The Division shall prepare or cause to be prepared text materials, visual aids and educational exhibits on Illinois resources and the conservation of these resources for use by the schools of Illinois.

Section 251.80  Acquisition and Distribution of Materials
The Division shall acquire and evaluate materials on the conservation of natural resources and maintain a distribution center to supply these materials to the schools of Illinois.

**Section 251.90  Cooperation With Other Agencies**

The Division shall cooperate with all federal, state and local agencies interested and working in the field of conservation in the furtherance of conservation education programs.

**Section 251.100  Cooperation With Local Groups**

The Division may cooperate with civic organizations, service clubs, sportsman's clubs, women's clubs and other organizations and individuals working in the field of conservation to develop conservation education programs.

**Section 251.110  Division's Relationship to Advisory Board**

The Division shall inform the Conservation Education Advisory Board of all activities of the Division and these activities shall be subject to the request and approval of this Advisory Board.
STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER g: SPECIAL COURSES OF STUDY

PART 253
COMPREHENSIVE HEALTH EDUCATION

Section
253.10 Definition of Terms
253.20 Responsibility for Health Education
253.30 Comprehensive Health Education Curricula
253.40 Time Requirements
253.50 Scheduling Procedures
253.60 The Health Education Instructional Program
253.70 Materials and Facilities
253.80 Evaluation


SOURCE: Adopted March 1, 1972; codified at 7 Ill. Reg. 16506; amended at 14 Ill. Reg. 12452, effective July 24, 1990; Part repealed at __ Ill. Reg. _____, effective _____________.

Section 253.10 Definition of Terms

"Comprehensive Health Education" shall be defined as a systematic and extensive educational program designed to provide a variety of learning experiences based upon scientific knowledge of the human organism as it functions within its environment which will favorably influence the knowledge, attitudes, values and practices of Illinois school youth; and which will aid them in making wise personal decisions in matters of health.

"A critical health problem" is defined as any health problem which presents a dramatic increase in incidence in a relatively short period of time. Venereal disease, drug use and abuse, alcohol use and abuse, smoking and its relationship
to disease, and the quality of the environment are examples of current critical health problems.

Section 253.20 Responsibility for Health Education

The local school district shall be responsible for developing, providing, and maintaining a comprehensive health education program for all pupils, grades K-12. A comprehensive health education program shall include:

a) A realistic organizational and financial structure which shall provide current instructional and resource materials for students and teachers.

b) Systematic procedures for identifying health education needs.

c) Qualified personnel who can provide:

1) Administration of the program

2) Adequate supervisory services

3) Adequate instructional services

Please refer to 23 Ill. Adm. Code 1, Public Schools Evaluation, Recognition and Supervision.

d) Functional relationships with those public and private agencies which can supplement and/or enhance the health education program.

e) Continuous planning for program growth and improvement based on internal and external evaluation.

Section 253.30 Comprehensive Health Education Curricula

a) The subjects set forth in subsections (b)(1) through (b)(13) of this Section are those which must be addressed in the comprehensive health education program each school district is required to establish pursuant to the Critical Health Problems and Comprehensive Health Education Act (Ill. Rev. Stat. 1989, ch. 122, par. 861 et seq.). Nothing in this Section shall be construed as requiring or preventing any school district from establishing a class or course in comprehensive sex education or family life education as authorized by Sections
b) The following major educational areas shall be included in comprehensive health education curricula in all elementary and secondary schools in this State:

1) human growth and development;
2) human ecology and health;
3) nutrition;
4) prevention and control of disease, including instruction in grades 6 through 12 on the prevention, transmission and spread of AIDS;
5) mental health and illness;
6) personal health habits;
7) the emotional, psychological, physiological, hygienic and social responsibilities of family life, including sexual abstinence until marriage;
8) alcohol and drug use and abuse, including classroom instruction in grades 5 through 12 concerning the physical and legal effects and ramifications of drug and substance abuse including medical and legal ramifications of alcohol, drug and tobacco use and abuse during pregnancy;
9) tobacco;
10) dental health;
11) public and environmental health;
12) safety education and disaster survival; and
13) consumer health (Section 3 of the Act).
c) No pupil shall be required to take or participate in any class or course on AIDS instruction or family life if the pupil’s parent or guardian submits written objection thereto, and refusal to take or participate in such course or program shall not be reason for suspension or expulsion of such person (Section 3 of the Act).

d) Health education program curricula may include those subjects cited as additional elements in Section 3 of the Critical Health Problems and Comprehensive Health Education Act and in Section 27-23.3 of The School Code.

(Source: Amended at 14 Ill. Reg. 12452, effective July 24, 1990)

Section 253.40 Time Requirements

a) Health education, grades K-6

1) The health education program at the elementary level shall place strong emphasis on the health guidance of elementary school children. Many of the health education experiences of primary-age children shall be planned around the regular school programs and activities of daily living in the school, home, and community. Some of the most effective learning experiences for elementary school children should result from their living in an environment that promotes good health and safety. The elementary school program shall also provide a planned curriculum composed of specific units of instruction for particular grade levels. These units of instruction shall be clearly related to the comprehensive health education curriculum plan for the school district.

2) Health education shall be a part of the regular formal instruction offered in the elementary school. In addition, special attention shall be given to opportunities for incidental instruction in health and safety education when appropriate situations arise during the school day.

b) Middle school and/or junior high school. The minimal time allocation shall be not less than the equivalent of one semester of work in health education during the middle school or junior high school experience.

c) Senior high school. The minimal time allocation for senior high school shall be not less than the equivalent of one semester of work in health education during the high school experience.
Section 253.50  Scheduling Procedures

a) Middle and/or junior high school

1) Health education may be offered as a one semester course, meeting daily and including all students at a particular grade level.

2) Health education may be offered in conjunction with another course on a block-of-time basis. If the block-of-time method is used, the total time devoted to health education must equal the equivalent of one semester of work.

3) Middle schools or junior high schools composed of three grade levels may offer health education as a semester course at any grade level. Where the block-of-time scheduling procedure is used, instruction may be offered in any combination of two or three grades.

4) Junior high schools organized to include only grades 7 and 8 may schedule health education as a semester course or on a block-of-time basis.

b) Senior high school

1) High schools organized to include grades 10, 11 and 12, may offer the health education course at any grade level or combination of grade levels.

2) High schools organized to include grades 9, 10, 11 and 12, may offer the course at any grade level or combination of grade levels.

c) Districts may develop alternative scheduling patterns for health education where scheduling arrangements such as modular scheduling, individualization of instruction, and independent study are employed. In such situations, the board of education must certify that students have met the minimum time allocation.

d) School districts are encouraged to continue present scheduling patterns which provide elective courses in health education beyond the minimal requirement.

Section 253.60  The Health Education Instructional Program
The health education program shall be designed to meet the interests and needs of local district students. In developing programs, local school district personnel are encouraged to consider the following points:

a) A careful review of the Critical Health Problems and Comprehensive Health Education Act and "Action Goals for the Seventies; Chapter 6, The Curriculum."

b) In planning the program, a concerted effort should be directed toward developing a sequential program, grades K-12. Emergency programs, which emphasize only special health topics, should be avoided.

c) Health education should be identified and developed as a distinct subject matter area in the school curriculum, even though it has inherent relationships to other subject matter areas.

d) Health education programs should be developed around program objectives and behavioral goals for students and shall focus on student achievement of desired behavioral objectives.

e) Relevant health concepts should be included at the most appropriate developmental levels of children and youth.

f) Health education should be responsive both to the needs of students and the demands of society; it should present current, accurate, scientific knowledge related to current health issues and problems.

g) Health education classes should be organized on a coeducational basis. This is particularly relevant since the advent of Title IX, The Education Amendments Act, of 1972.

h) Health education should focus on the positive aspects of health. Until recently, health education has too often been concerned with treatment after a health problem has become rampant in society. Proponents of health education believe that individuals can exert positive influence on their health status. Thus, the instructional emphasis should be oriented toward prevention.

i) In planning the health education curriculum, school officials should provide a means whereby relevant health concerns can be secured from community medical, dental, public health, voluntary health agencies' resources, citizens, and
students to assure the inclusion of topics related to local health needs, interests, problems and goals.

j) Teachers should be encouraged to explore innovative and creative instructional techniques which actively involve students in the achievement of established behavioral objectives such as small discussion groups, independent study, team teaching, and values clarification activities based on teacher-student dialogue.

Section 253.70 Materials and Facilities

a) Class size should be maintained at a level comparable to that for other subject areas; it should provide adequate opportunities for interaction among students and between students and teachers.

b) Regular classrooms should be provided which enhance the use of modern teaching and learning resources. The environmental setting should provide adequate heat, light, ventilation, and appropriate furniture.

Section 253.80 Evaluation

Local district evaluation should be directed toward the following goals:

a) The extent to which students have incorporated health knowledge, attitudes and practices into their life styles. This can be accomplished to some extent through pre-evaluation, post-evaluation and student self-evaluation.

b) Evaluation of the program to improve the instructional program for succeeding groups of students.

1) Each teacher should note after teaching each unit those experiences which were well received as well as those which were not. In schools where several teachers are involved in the instructional program, group discussions among teachers can be helpful in improving the quality of instruction and course content. Teachers should pay particular attention to the extent to which student participation actually occurred. Finally, students should be encouraged to list learning experiences which were helpful and those which were of little relevance.
Section 625.10 Requirements for Immunization and Examination

Ninety percent of all enrolled pupils in each school district must meet Illinois Department of Public Health immunization requirements in each disease category and have had the Illinois Department of Public Health Examination for the school district to be in compliance with Section 27-8.1 of the School Code [105 ILCS 5/27-8.1]. Pupils who are exempt from health examination or immunization on religious or medical grounds shall be counted in compliance with the law.

Section 625.20 District Survey of Attendance Centers

On October 15 or the first school day thereafter if school is not in session on October 15, or on an earlier exclusion date established by the district pursuant to Section 27-8.1 of the School Code, each school district shall conduct a survey of each attendance center in the district to
determine the number of students in compliance with the immunization and health examination requirements of Section 27-8.1 of the School Code.

Section 625.30  Deadline for School District Reports

School districts shall by November 15 report to the State Board of Education the number of students who have received the necessary health examinations and immunizations, the number of students who are not exempt and have not received the required immunizations and health examinations and the number of students exempt from the health examination and immunization requirements for religious or medical reasons, on forms provided by the State Board of Education. A copy shall also be delivered to the Regional Superintendent.

Section 625.40  Failure to File Reports

Any school districts whose reports have not been mailed or delivered to the State Board of Education by November 15 will immediately be issued a Notice of Non-Compliance with Section 27-8.1 of the School Code and be given Notice of Opportunity for Hearing on Proposed 10% Reduction in State Aid Payments beginning December 10 and semi-monthly thereafter until compliance is documented.

Section 625.50  Non-Compliance Notices

By December 1, the State Board of Education shall determine from submitted reports which districts should be cited for non-compliance with the percentage requirements of Section 27-8.1 of the School Code. The State Board of Education shall immediately issue Notices of Non-Compliance and Opportunity for Hearing on Proposed 10% Reduction in State Aid Payments beginning December 10 and semi-monthly thereafter until compliance levels are reached and documented.

Section 625.60  Notice to Regional Superintendent

The Regional Superintendent shall receive a simultaneous notice of non-compliance for any district located in the Educational Service Region.

Section 625.70  Notice of Opportunity for Hearing

The Notice of Opportunity for Hearing and all hearing procedures shall be in accordance with the Illinois Administrative Procedure Act, (Ill. Rev. Stat. 1991, ch. 127, par. 1010-25), and the

Section 625.80 Periodic Audits

The State Board of Education shall periodically audit districts to verify compliance levels furnished in the school districts' reports. Any time such an audit reveals non-compliance, a notice of non-compliance and opportunity for hearing shall immediately be issued.
Agenda Topic: Action Item: Rules for Initial Review – Part 25 (Certification)

Materials: Recommended Rules

Staff Contacts: Dennis Williams

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
The present set of changes results mainly from the comprehensive review of the agency’s rules. In these amendments, many provisions that are outdated and/or have been replaced by new requirements are being deleted. Others are being updated so that they no longer refer to time periods that have passed. Also included is a group of technical changes to selected rules for the Illinois Certification Testing System (Subpart I).

Also included in this package are revisions to Section 25.252 and a new Section 25.255, both dealing with the certification of non-teaching speech-language pathologists in response to P.A. 93-1060. That legislation changed and simplified the basis on which non-teaching speech-language pathologists are to be certified. A person who holds one of several types of licenses and has completed an advanced degree in the field may now receive this certification if he or she also:

- has completed a preparation program that meets the State Board’s content-area standards; or
- has completed a comparable approved program in another state, territory, or possession; or
- holds a certificate issued by another state, territory, or possession that is endorsed for speech-language pathology; or
- has completed 150 hours of supervised experience in speech-language pathology with students with disabilities in a school setting.

Under the law as revised, we are able to delete from the rule a good deal of the complicated requirements that flowed from the previous statutory language. The focus of the changes in the rule is to define the four options now available. In particular, we must ensure that the 150 clock-
hours of experience expose candidates to activities that relate to those portions of the content-area standards not demonstrably covered by the other professional preparation that speech-language pathologists complete. The content-area standards for speech-language pathologists are part of the special education policies that were ordered for implementation by the federal court in Corey H., so an analysis was performed and the “missing” portions of those standards are discussed in the rule as the basis for the 150 hours.

The statute also establishes an interim form of certification that will enable licensed individuals to work in schools to acquire the 150 clock-hours of experience. The rule for this internship (new Section 25.255) is modeled on Section 25.227 of the rules, which was added last year to provide an internship in school counseling along the same lines.

At this time it was also our intention to present for initial review the new version of the criteria for identifying teachers as “highly qualified” (Appendix D). These new criteria represent the best information now available to the agency regarding the options available to veteran and new teachers. However, this set of rules was reviewed with the State Teacher Certification Board at its meeting on May 6, 2005, and the STCB declined to recommend Appendix D to the Board due to a number of concerns regarding the complexity of these criteria as well as their potential effects on teachers. Therefore Appendix D has not been included in the present rulemaking. Additional efforts will be made in the coming weeks to achieve more finality in the information available from the federal level, and a task force will be convened to make additional recommendations, particularly regarding the HOUSSE criteria, for consideration by the STCB.

The STCB did recommend the remaining amendments presented here 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.
STATE BOARD OF EDUCATION

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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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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].

SUBPART A: DEFINITIONS

Section 25.10 Definition of Terms Used in This Part (Repealed)

American Government: The study of the process of control and administration of public policy in the United States, focusing especially on the origins, structure and interactions of the nation's political institutions. Coursework must explicitly include study of the United States Constitution and the federal government system.

American History: The study of the peoples, cultures and events which have contributed to the development of the United States. Coursework must include a chronological account of the origins and development of the United States with emphasis on the contributions of different cultures and political systems.

Anthropology: The study of the distribution, origin, classification and relationships of humanity. Coursework includes archaeology, physical anthropology and socio-cultural anthropology.

Biological Science: The study of the structure, function, growth, origin, evolution and distribution of living organisms, including coursework in biology, botany, and zoology.

Communication Skills: The study of the theory and practice of exchanging thoughts, messages and information with others in both oral and written form, including the principles governing oral and written discourse and skills in oral and written expression in English. Coursework includes the areas of rhetoric, speech communication, and composition.


   Written Communication: Coursework includes Exposition, Creative Writing, Composition, Technical Writing, Business Communication.

Cultural Geography: The study of humanity's relationship with the environment and the effects of geography on human social systems. Coursework includes
ethnogeography, human migration, resource management and policy, geopolitical systems, organization of inter- and intra-urban systems.

Economics: The study of the science of production, distribution and consumption of goods and services. Coursework includes macro-economics, micro-economics and econometrics.

Endorsement: The written notation entered upon the face of a teaching certificate designating the specific subjects which an individual is qualified to teach.

English: The study of the word formation, syntax and semantics of the English language, focusing primarily and explicitly on its historical development and including a systematic description and analysis of English. Coursework includes English grammar, literature, and composition.

Fine Arts: The study of artistic expression in the areas of art, dance, music, and theatre. Coursework includes history, theory and studio.

Foreign Language: The study of a language other than English. Coursework includes composition, conversation, culture, literature and laboratory.

Health: The study of the dynamic interaction and interdependence among an individual’s physical well-being, mental and emotional reactions, and the social setting in which the individual exists. Coursework includes personal health, mental and emotional health, prevention and control of disease, nutrition, substance use and abuse, accident prevention and safety, community health, environmental health, and family life education.

History: The study of systematic written or visual accounts of events affecting nations, institutions, or peoples. Coursework includes ancient, medieval and modern history.

Humanities: The study of subjects concerned with humans and their culture, including history, literature, philosophy, religion, and the visual, musical and theatrical arts. Coursework includes the history, analysis and understanding of imaginative art forms and the study of languages.
Language Arts: Reading, oral and written expression, grammar, spelling, handwriting, literature for children, and other literature as is commonly found in the courses of study in the elementary schools will be accepted.


Literature: The study of imaginative or creative writing in prose or verse, especially of traditionally recognized artistic value, including coursework devoted primarily and explicitly to study of literary texts.

Mathematics: The study of numbers, their form, arrangement and associated relationships, with coursework focusing on the history, structure, and philosophy of mathematics, as well as mathematics topics such as symbolic logic; axiomatics; discrete mathematics; set and number theory; linear and abstract algebra; plane, solid and analytic geometry; calculus; analysis; probability and statistics; and topology. Coursework for individuals seeking Early Childhood or Elementary certification should primarily and explicitly focus on the study of number systems (whole, integer, rational and real), intuitive geometry, measurement, probability and statistics, and elementary concepts of calculator and computer usage in mathematics.

Non-Western or Third World Culture: The study of social, political and cultural development in Third World cultures. Coursework includes the study of the people and cultures of Asia, Africa, and Central and South America.

Philosophy: The study of systematization or organization, and criticism of knowledge. Coursework includes the general categories of aesthetics, epistemology, ethics, logic, metaphysics, religion and numerous subcategories.

Physical Development: The study of the psychomotor domain with emphasis on the potential and limitations of mind and body. Coursework includes maintenance of physical health and physical fitness, motor skill acquisition, and injury prevention and control.

Physical Science: The study of the history, philosophy and methodologies used to describe the physical universe, including coursework in astronomy, chemistry, earth science, physics, geology and physical geography.
Political Science: The study of the structure and processes of political systems, including the development of public policy. Coursework includes political systems, governmental structures, public law, public administration and political culture.

Psychology: The study of mental processes and animal and human behavior. Coursework includes the areas of individual and group psychology.

Semester Hour: The basis for calculating college work shall be the semester hour, which is one recitation or lecture period not less than fifty minutes in length, or an equivalent laboratory period, each week, for at least sixteen weeks.

Social Science: The study of human achievement, including the development, history and character of social, cultural and political organizations, and of methodologies used to describe and interpret these areas. Social Science includes coursework in the areas of anthropology, cultural and political geography, economics, political science, sociology, and psychology.

Sociology: The study of the development, structure, function and interaction of human groups. Coursework includes social organizations, social psychology, crime, delinquency and deviancy, population and human ecology, social inequalities, social movements.

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

SUBPART B: CERTIFICATES

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 received, or shall receive, corresponding standard teaching certificates when they next renew any of their
current certificates. Certificates subject to exchange are listed in Appendix C to this Part; see also Sections 25.400 and 25.450 of this Part.

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 (a)(3) (b)(3) of this Section, those who receive initial certificates shall be subject to the requirements of subsection (c) (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 (a)(2) (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.

b) 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.

c) 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 (c)(3) (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.

d)  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 25.35 of this Part. 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.

e)  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.

f)  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.

g)  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.

h) 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 __ Ill. Reg. _____, effective ______________)

Section 25.15 Standards for Certain Certificates (Repealed)

a) The standards that shall apply beginning October 1, 2003, to each candidate seeking an initial early childhood, elementary, secondary, or special teaching certificate shall be as set forth in Standards for All Illinois Teachers (23 Ill. Adm. Code 24).

b) The standards that shall apply beginning October 1, 2003, to each candidate seeking an administrative certificate shall be as set forth in Standards for Administrative Certification (23 Ill. Adm. Code 29).

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

Section 25.20 Requirements for the Elementary Certificate (Repealed)

This Section is replaced by Section 25.22 of this Part.

a) Each applicant shall:

1) have completed an approved Illinois teacher preparation program for the elementary certificate (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 Sections 25.425 and 25.495 of this Part); or
3) hold a valid certificate of another type issued by Illinois, submit his or her credentials for evaluation as provided in Section 21-11.2 of the School Code [105 ILCS 5/21-11.2], and, if the evaluation demonstrates that the candidate has not met any of the requirements of subsections (b) through (d) of this Section or has not completed the semester hours of study listed in this subsection (a)(3), remove the applicable deficiency or deficiencies as provided in Section 25.35 of this Part.

A) Educational psychology 2

B) Methods and techniques of teaching on the elementary level 2

C) History and/or philosophy of education 2

D) Methods of teaching reading 2

E) 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])

F) Pre-student teaching clinical experiences equivalent to 100 clock hours

G) Student teaching (grades K-9) 5

H) Electives to total 16 semester hours 3

b) Each applicant shall have completed pre-student teaching clinical experiences (see Section 25.610 of this Part), except that applicants with teaching experience at the K-9 level, as verified by the employer, need not complete pre-student teaching clinical experience.

c) Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part, except that 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.

d) Each applicant shall be required to pass the test of basic skills and the applicable test of subject matter knowledge (see Subpart I of this Part). Each individual submitting an application on or after October 1, 2003, shall also be required to pass the assessment of professional teaching (APT) relevant to the elementary certificate, which shall be based upon the standards set forth in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers). Beginning July 1, 2004, the test of subject matter knowledge shall be based upon the applicable standards set forth in 23 Ill. Adm. Code 26 (Standards for Certification in Early Childhood Education and in Elementary Education).

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

Section 25.25 Requirements for “Full” Certification

The requirements of this Section shall apply to the issuance of early childhood, elementary, secondary, special K-12, and special preschool – age 21 certificates.

a) Each applicant shall:

1) have completed an approved Illinois teacher preparation program for the type of certificate sought, 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 a 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, or a major as identified by the accredited institution on the individual’s official transcript, in early childhood education, elementary education, or a field of specialization, as applicable to the type of certificate sought.

c) Each applicant shall have completed pre-student teaching field experiences at the grade level(s) and in the area of specialization relevant to the certificate sought (see Section 25.610 of this Part). However, applicants with teaching experience at the applicable 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.

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 Section 25.720 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].

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

Section 25.30 Requirements for the Secondary Certificate (Repealed)

This Section is replaced by Section 25.32 of this Part.

a) Each applicant shall:
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1) have completed an approved Illinois teacher preparation program for the secondary certificate (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 Sections 25.425 and 25.495 of this Part); or

3) hold a valid certificate of another type issued by Illinois, submit his or her credentials for evaluation as provided in Section 21-11.2 of the School Code, and, if the evaluation demonstrates that the candidate has not met any of the requirements of subsections (b) through (e) of this Section or has not completed the semester hours of study listed in this subsection (n)(3), remove the applicable deficiency or deficiencies as provided in Section 25.35 of this Part.

A) Educational psychology, including human growth and development 2

B) Methods and techniques of teaching on the secondary level or in a teaching field 2

C) History and/or philosophy of education 2

D) 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])

E) Pre-student teaching clinical experiences equivalent to 100 clock hours

F) Student teaching (grades 6-12) 5

G) Electives to total 16 semester hours 5

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

c) Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part, except that 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.

d) One major area of specialization, totaling 32 semester hours or as otherwise identified by the accredited institution on the individual’s official transcript, shall be required.

e) Each applicant shall be required to pass the test of basic skills and the applicable test of subject matter knowledge (see Subpart I of this Part). Each individual submitting an application on or after October 1, 2003, shall also be required to pass the assessment of professional teaching (APT) relevant to the secondary certificate, which shall be based upon the standards set forth in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers). Beginning July 1, 2004, the test of subject matter knowledge shall be based upon the applicable standards set forth in 23 Ill. Adm. Code 27 (Standards for Certification in Specific Teaching Fields).

(Source: Repealed at __ 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.

e) 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 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.

Section 25.35 Acquisition of Subsequent Certificates; Removal of Deficiencies (Repealed)

The provisions of this Section shall apply until replaced by Section 25.37 of this Part when an individual who already holds one or more Illinois teaching certificates wishes to receive an additional certificate pursuant to Section 21-11.2 of the School Code.

a) The applicant shall submit to the State Board of Education, through the office of a regional superintendent of schools:
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1) a completed application form;

2) an official transcript of any college credits not already on file with the Certification Board;

3) a letter, signed by the superintendent of the employing district or other authorized official, documenting at least three months’ full-time teaching experience on a valid Illinois elementary, secondary, special, or early childhood certificate; and

4) the application fee required by Section 21-12 of the School Code.

b) A deficiency statement shall be issued when an applicant does not qualify for the requested certificate. An applicant who receives a deficiency statement shall present it to an institution that operates a teacher preparation program approved pursuant to Subpart C of this Part. With the assistance of the State Board of Education, the institution shall:

1) compare the applicant’s deficiency to the coursework it offers that corresponds to the NCATE standards for professional education (see Section 25.115 of this Part) or that addresses the content area, as applicable; and

2) advise the applicant as to the coursework needed to remedy the deficiency.

e) An applicant may remove deficiencies and qualify for the certificate on the original fee, provided that he or she completes the requirements and passes the applicable tests in keeping with Sections 25.427 and 25.720 of this Part.

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

Section 25.40 Requirements for the Special Certificate (Repealed)

This Section is replaced by Section 25.42 of this Part.

a) Each applicant shall:

1) have completed an approved Illinois teacher preparation program for the special certificate (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 Sections 25.425 and 25.495 of this Part); or

3) hold a valid certificate of another type issued by Illinois, submit his or her credentials for evaluation as provided in Section 21-11.2 of the School Code, and, if the evaluation demonstrates that the candidate has not met any of the requirements of subsections (b) through (e) of this Section or has not completed the semester hours of study listed in this subsection (a)(3), remove the applicable deficiency or deficiencies as provided in Section 25.35 of this Part.

A) Educational Psychology, including Human Growth and Development 2

B) Methods and Techniques of Teaching in the area of specialization 2

C) History and/or Philosophy of Education 2

D) Pre-student Teaching Clinical Experiences at the Elementary and Secondary Levels Equivalent to 100 Clock Hours in the Area of Specialization

E) 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])

F) Student Teaching in Area of Specialization and at the grade level of the certificate 5

G) Electives to Total 16 Semester Hours (may include additional coursework in the areas enumerated in this subsection (a)(3) and/or in guidance, tests and measurements, methods of teaching reading, and instructional materials) 5
b) Each applicant shall have completed pre-student teaching clinical experiences (see Section 25.610 of this Part), except that applicants with teaching experience in the field of specialization, as verified by the employer, need not complete pre-student teaching clinical experience.

c) Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part, except that 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.

d) One major area of specialization, totaling 32 semester hours or as otherwise identified by the accredited institution on the individual’s official transcript, shall be required.

e) Each applicant shall be required to pass the test of basic skills and the applicable test of subject matter knowledge (see Subpart I of this Part). Each individual submitting an application on or after October 1, 2003, shall also be required to pass the assessment of professional teaching (APT) relevant to the special certificate, which shall be based upon the standards set forth in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers). Beginning July 1, 2004, the test of subject matter knowledge shall be based upon the relevant standards set forth in 23 Ill. Adm. Code 27 (Standards for Certification in Specific Teaching Fields).

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

Section 25.42 Requirements for the Special Certificate (2004) (Repealed)

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

Section 25.80 Requirements for the Early Childhood Certificate (Repealed)

This Section is replaced by Section 25.82 of this Part.

a) Each applicant shall:

   1) have completed an approved Illinois teacher preparation program for the early childhood certificate (see Subpart C of this Part); or
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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 Sections 25.425 and 25.495 of this Part); or

3) hold a valid certificate of another type issued by Illinois, submit his or her credentials for evaluation as provided in Section 21-11.2 of the School Code, and, if the evaluation demonstrates that the candidate has not met any of the requirements of subsections (b) through (d) of this Section or has not completed the semester hours of study listed in this subsection (a)(3), remove the applicable deficiency or deficiencies as provided in Section 25.35 of this Part.

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limitation the learning disabled
(Section 21-2a of the School Code)

I) Pre-student teaching clinical experiences equivalent to 100 clock hours, including experience with infants/toddlers, preschool/kindergarten children, and primary school students

J) Student teaching[^1] 5

K) Electives in professional education[^1] 3

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

c) Each applicant shall have completed student teaching in conformance with the requirements of Section 25.620 of this Part, except that 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.

d) Each applicant shall be required to pass the test of basic skills and the applicable test of subject matter knowledge (see Subpart I of this Part). Each individual submitting an application on or after October 1, 2003, shall also be required to pass the assessment of professional teaching (APT) relevant to the early childhood certificate, which shall be based upon the standards set forth in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers). Beginning July 1, 2004, the test of subject matter knowledge shall be based upon the applicable standards set forth in 23 Ill. Adm. Code 26 (Standards for Certification in Early Childhood Education and in Elementary Education).

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

Section 25.82 Requirements for the Early Childhood Certificate (2004) (Repealed)

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: Repealed at __ Ill. Reg. _____, effective _____________)
Section 25.85 Special Provisions for Endorsement in Foreign Language for Individuals Currently Certified

The provisions of this Section shall apply when individuals who hold Illinois certification in one or more fields wish to teach a foreign language but either lack certification appropriate to the grade level of the assignment or have not completed 20 hours of coursework as required to obtain an endorsement in the language (see 23 Ill. Adm. Code 1.730(h)).

a) The provisions of this subsection (a) shall apply to each individual who holds a certificate endorsed for a particular language but whose certification does not extend to other grade levels as needed for an available assignment. (Example: A holder of a secondary (6-12) certificate endorsed for French who wishes to teach French in the fourth grade.)

1) An individual to whom this subsection (a) applies may receive an endorsement valid for teaching the specified language at the remaining grade levels by, provided that he or she applies for the endorsement on or before December 31, 2003.

2) Beginning January 1, 2004, an individual to whom this subsection (a) applies may receive an endorsement valid for teaching the specified language at the remaining grade levels by:

A) submitting the required application for the endorsement, and

B) passing the assessment of professional teaching relevant to the remaining grade levels.

b) The provisions of this subsection (b) shall apply to each individual who holds an elementary, secondary, special K-12, or special preschool–age 21 certificate and wishes to teach a language in which he or she has not completed 20 semester
hours of coursework. (Example: A holder of a secondary (6-12) certificate endorsed for mathematics who wishes to teach Korean.)

1) In order to qualify under this subsection (b), an individual shall submit an application for an endorsement in the specified language at the grade levels of his or her certificate and shall be required to have passed the test relative to that language as listed in Section 25.710 of this Part or, if the language is not listed in that Section, another test identified by the State Board of Education. If the language is listed more than once in that Section, the required test shall be the test not listed under “Transitional Bilingual Education”. (Example: Spanish).

2) An individual who has received an endorsement pursuant to this subsection (b) may receive an endorsement for other grade levels as provided in subsection (a)(1) or (a)(2) of this Section.

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

Section 25.99 Endorsing Teaching Certificates (Repealed)

This Section is replaced by Section 25.100 of this Part. Elementary and secondary teaching certificates will be endorsed with the subject areas a person is qualified to teach upon demonstration that the coursework presented for examination meets the requirements set forth in 23 Ill. Adm. Code 1: Subpart G, Staff Qualifications (Public Schools Evaluation, Recognition and Supervision).

a) Coursework presented for endorsement shall be counted toward a specific subject qualification if the course content meets the standards established for the subject as listed in Subpart G of 23 Ill. Adm. Code 1.

b) Coursework presented for endorsement will be counted in each subject area to which it applies.

c) Applicants for certificates presenting a 32 semester hour major field of specialization, for which qualifications are not specified in Subpart G of 23 Ill. Adm. Code 1, shall have the certificate endorsed with that major field of specialization.
d) Applicants for certification who have completed approved programs or who qualify for certification by transcript evaluation shall be evaluated for all endorsement areas and issued a certificate with all endorsements for which they qualify in accordance with subsections (a) and (b) of this Section.

e) Individuals seeking to endorse previously issued certificates or obtain additional endorsements may apply for such endorsements, on forms provided by the State Board of Education, in accordance with the provisions of Section 21-12 of the School Code [105 ILCS 5/21-12].

1) Applications must be submitted through the office of a Regional Superintendent of Schools and accompanied by a $30 nonrefundable fee made payable to the State Teacher Certification Board.

2) Applicants qualifying for an endorsement shall receive a duplicate of their original certificate with the endorsement and date of the endorsement affixed.

3) Deficiency statements shall be issued when an applicant does not qualify for the requested endorsements. Applicants may remove their deficiencies and qualify for endorsements on their original fee, provided that they qualify within one year after the date of the deficiency statement. Subsequent requests for the same endorsement(s) shall be accompanied with another fee.

f) An individual who chooses to “split” a special or special preschool–age 21 certificate and receive both an elementary and a secondary certificate instead, as provided in Section 21-4 of the School Code [105 ILCS 5/21-4] and Appendix C to this Part, may qualify for endorsement in “self-contained general education” on the elementary certificate by presenting evidence of having completed the coursework described in 23 Ill. Adm. Code 1.710 (Minimum Requirements for Elementary Teachers). Such an individual shall also be required to pass the subject matter knowledge test for elementary education and, if he or she has not already passed the test of basic skills and received a certificate based on it, that test as well.

(Source: Repealed at __ Ill. Reg. _____, effective _____________)
SUBPART C: APPROVING PROGRAMS THAT PREPARE PROFESSIONAL EDUCATORS
IN THE STATE OF ILLINOIS

Section 25.140 Transitional Requirements for Educational Unit Assessment Systems

Each educational unit shall be required to establish and maintain an assessment system for collecting and analyzing information on applicants’ qualifications, candidates’ and graduates’ performance, and the unit’s operations for the purpose of evaluating and improving the unit and its programs. Each educational unit shall make the transition prescribed in this Section in developing that system. The progress of each educational unit shall be reviewed against the benchmarks described in this Section as applicable to the timing of its Accreditation Review. In each instance, the required information shall be presented in a format prescribed by the State Board of Education.

a) The assessment system shall describe the unit’s design for collecting, analyzing, summarizing, and using information from the assessments of candidates, including measures that provide evidence of candidates’ proficiency with respect to professional, State, and institutional standards.

b) The assessment system shall be designed to collect information that enables the unit and its programs to:

1) make decisions about candidates’ qualifications and performance at the time of admission to the program, at appropriate transition points (including entry to and exit from clinical practice), and at program completion.

2) demonstrate that admission requirements are related to candidates’ success.

3) use the results from assessments of candidates to evaluate and make improvements in the unit and its programs, courses, teaching, and field and clinical experiences.

4) use the results of assessments of unit operations (e.g., faculty evaluations, graduate surveys, employer surveys) to evaluate and make improvements in the unit and its programs, courses, teaching, and field and clinical experiences.
c) The assessment system shall identify the major assessments that are used by the unit and the programs and at what points during the unit’s programs these assessments of candidates’ performance occur.

d) At the time of each unit’s accreditation review, the unit shall present the performance data it has collected and analyzed since its last review, including the results of State certification testing, along with evidence that:

1) The unit’s assessment system is being implemented, evaluated, and refined;

2) Performance assessments are being tested for accuracy, consistency, and fairness; and

3) Data on candidates’ performance from internal assessments as well as external measurements have been compiled and are being used to improve the unit and its programs.

a) Fifth-Year Review in Spring of 2002

Each unit shall present the performance data it currently collects, including the results of State certification testing, along with a plan for its assessment system.

1) The plan shall describe the unit’s design for collecting, analyzing, summarizing, and using information gleaned from assessments of candidates, including measures that will provide evidence of candidates’ proficiency with respect to professional, State, and institutional standards.

2) The plan shall provide for the collection of information enabling the unit to:

A) make decisions about candidates’ qualifications and performance at the time of admission to the program, at appropriate transition points (including entry to and exit from clinical practice), and at program completion;

B) demonstrate that admissions requirements are related to candidates’ success;
use the results from assessments of candidates to evaluate and make improvements in the unit and its programs, courses, teaching, and field and clinical experiences; and

D) use results from assessments of unit operations (e.g., faculty evaluations, graduate surveys, employee surveys) to evaluate and make improvements in the unit and its programs, courses, teaching, and field and clinical experiences.

3) The plan shall identify the types of assessments that will be used by the unit and at what points during the unit’s programs the major assessments of candidates’ performance will occur. The plan shall also indicate how this information will be provided to candidates.

4) The plan shall include multiple types of assessment (e.g., reflections, observations, teaching demonstrations, analytic work, candidates’ projects).

5) The plan shall include provision for information from both internal and external sources.

b) Fifth-Year Review in Fall of 2002 or Spring of 2003

Each unit shall present the performance data it currently collects, including the results of State certification testing, along with evidence that:

1) It has begun to implement the plan for its assessment system that is required pursuant to subsection (a)(1) of this Section;

2) Internal assessments based on professional, State, and institutional standards have been developed, and efforts are under way to develop methods for evaluating them in terms of their accuracy, consistency, and fairness; and

3) Systematic compilation of the data available from internal assessments has been initiated.

e) Accreditation Review in Fall of 2003 or Spring of 2004
Each unit shall present the performance data it currently collects, including the results of State certification testing, along with evidence that:

1) The unit is using internal performance assessments to identify the competence of all candidates.

2) A system is in place for testing the accuracy, consistency, and fairness of internal assessments.

3) Systematic management and analysis of data on candidates’ performance have begun.

d) Accreditation Review After Spring of 2004

Each unit shall present the performance data it currently collects, including the results of State certification testing, along with evidence that:

1) The unit’s assessment system is being implemented, evaluated, and refined.

2) Performance assessments are being tested for accuracy, consistency, and fairness.

3) Data on candidates’ performance from internal assessments as well as external measurements have been compiled and are being used to improve the unit’s programs.

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

SUBPART D: SCHOOL SERVICE PERSONNEL

Section 25.210 Requirements for the Certification of School Social Workers (Repealed)

This Section is replaced by Section 25.215 of this Part.

a) Effective January 1, 1996, the school social work endorsement will be issued only to persons holding a master’s or higher degree in social work, including a minimum of 55 graduate-level semester hours of coursework, supervised field
experience, and school social work internship, from a graduate school of social work accredited by the Council on Social Work Education.

b) School social workers must hold a school service personnel certificate based on completion of an approved program that provides consideration across the curriculum to racial, cultural, gender, and ethnic diversity, as well as an examination of the social worker’s professional code of ethics.

c) Required Content Areas and Courses

<table>
<thead>
<tr>
<th>Graduate-Level Hours Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Human Behavior and the Social Environment 4</td>
</tr>
<tr>
<td>2) Social Welfare Policy 4</td>
</tr>
<tr>
<td>3) Social Work Theory, Methods, and Practice, including Individual, Family, Group, Consultation, and Community Intervention Methods 2</td>
</tr>
<tr>
<td>4) Research Methodology 2</td>
</tr>
<tr>
<td>5) Characteristics of Exceptional Children 2</td>
</tr>
<tr>
<td>6) Social Work Practice in the Public Schools, including:</td>
</tr>
<tr>
<td>A) Interventive Methods with Individuals, Families, and Groups, and consultation with school personnel and the school community 2</td>
</tr>
<tr>
<td>B) School Laws, Rules, and Regulations, and Public Policy Pertaining to School Social Work Practice 2</td>
</tr>
<tr>
<td>C) Organizational and Administrative Concepts and Processes Related to Schools 2</td>
</tr>
</tbody>
</table>
d) Supervised Field Experience

School social workers must complete a supervised field experience comprising a minimum of 400 contact hours that are supervised by a field instructor holding a master's or higher degree in social work.

e) School social workers must complete a school social work internship comprising a minimum of 600 contact hours in a school setting.

1) The internship must be supervised by a field instructor holding a master's or higher degree in social work and a school service personnel certificate endorsed for school social work, or equivalent certification.

2) The internship must provide for the development and demonstration of professional skills, including, but not limited to:

   A) Communication, interviewing, and observation skills

   B) Social Developmental, Adaptive Behavior, and Cultural Background assessments

   C) Effective intervention with culturally diverse populations

   D) Home-School-Community liaison

   E) Application of theory to specific practice modalities—

      Crisis Intervention
      Prevention and Early Intervention
      Consultation
      Collaboration and Participation
      Multidisciplinary Team Work
      Case Management
      Individual, Group, and Family Intervention
      Community Resource Development
      Advocacy

   F) Evaluation of Practice
G) Evaluation of Program

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

Section 25.220 Requirements for the Certification of Guidance Personnel (Repealed)

The requirements contained in subsections (a) and (b) of this Section shall remain in force through August 31, 1993. Thereafter, the requirements set forth in subsections (c), (d), and (e) of this Section shall take effect until this Section is replaced by Section 25.225 of this Part.

a) Requirements:

1) Guidance specialists must hold or be qualified for a standard teaching certificate.

2) Guidance specialists must hold a master's degree.

3) Guidance specialists must have completed an approved program in guidance from a recognized college or university consisting of 32 semester hours of coursework. An approved program shall include supervised school-based practicum experience. Coursework should be from the eight areas of competency listed below. Appropriate courses in the areas listed in subsections (A), (B), (C), (D), (E) and (F) below are a minimum requirement. Not more than six semester hours shall be acceptable at the undergraduate level.

   A) Principles and techniques of guidance.

   B) Appraisal techniques.

   C) Human growth and development.

   D) Principles and practices in counseling.

   E) Occupational, educational, personal and social information.

   F) Mental hygiene and/or personality dynamics.
G) Organization of guidance services.

H) Research.

b) All Counselors who presently hold a specialist's certificate would be eligible to obtain a School Service Personnel Certificate with a Guidance Specialist endorsement.

c) Guidance specialists must hold or be qualified for a standard teaching certificate.

d) Guidance specialists must hold a master's degree from a recognized teacher education institution.

e) Guidance specialists must hold a school service personnel certificate based on completion of an approved program in guidance from a recognized college or university, consisting of 39 semester hours of coursework at the graduate level. Courses in all of the following content areas are required, and the required credit hours may be earned through completion of titled courses, seminars, or practica covering the areas described.

1) Human Growth and Development (3 Hours)

Includes studies that provide a broad understanding of the nature and needs of individuals at all developmental levels. Emphasis is placed on psychological, sociological, and physiological approaches. Also included are such areas as human behavior (normal and abnormal), personality theory, and learning theory.

2) Social and Cultural Foundations (3 Hours)

Includes studies of change, ethnic groups, subcultures, changing roles of women, sexism, urban and rural societies, population patterns, cultural mores, use of leisure time, and differing life patterns. Such disciplines as the behavioral sciences, economics, and political science are involved.

3) The Helping Relationship (6 Hours)

Includes philosophic bases of helping relationships; counseling theory, supervised practice, and application; consultation theory, supervised
practice, and application; and an emphasis on development of counselor and client (or consultee) self-awareness and self-understanding.

4) Groups (3 Hours)

Includes theory and types of groups as well as descriptions of group practices, methods, dynamics, and facilitative skills. This area also includes supervised practice.

5) Life Style and Career Development (3 Hours)

Includes such areas as vocational choice theory, relationship between career choice and life style, sources of occupational and educational information, computerized guidance services, financial aid, college admissions, approaches to career decision-making processes, and career development exploration techniques.

6) Appraisal of the Individual (3 Hours)

Includes the development of a framework for understanding the individual, including methods of data-gathering and interpretation, individual and group testing, case study approaches, and the study of individual differences. Ethnic, cultural, and gender-related factors are also considered.

7) Research and Evaluation (3 Hours)

Includes such areas as statistics, research design, and the development of research and demonstration proposals. It also includes understanding legislation relating to the development of research, programs, and demonstration proposals, as well as the development and evaluation of program objectives.

8) Professional Orientation (3 Hours)

Includes goals and objectives of professional organizations, code of ethics, legal considerations, standards of preparation, certification, licensing, and role identity of counselors and other school service personnel.
9) Environmental Studies (6 Hours)

Includes the study of the school environment in which the student is planning to work. This area encompasses history, philosophy, trends, purposes, ethics, legal aspects, standards, and roles within the institution. Issues such as chemical dependency, sexuality, and the effects of single-parent homes and blended families must be covered, as well as the needs of special populations, such as bilingual children or children with physical or mental disabilities.

10) Supervised Experiences (6 Hours)

A) Appropriate supervised experiences provide for the integration and application of knowledge and skills gained in didactic study.

i) Supervised experiences must take place in settings that are compatible with the career goal of becoming a school counselor.

ii) Supervised experiences must include observation and direct work with individuals and groups within an appropriate work setting.

iii) Supervised experiences must provide opportunities for professional relationships with staff members in the work settings.

B) Supervised experiences must include laboratory, practicum, and internship activities with an appropriate, school-aged population.

C) Laboratory experiences, providing both observation and participation in specific activities, must be offered throughout the preparatory program.

D) At least 3 semester hours must be earned in a supervised counseling practicum providing interaction with individuals and groups of an appropriate, school-aged population. The practicum must include a minimum of 100 clock hours, 40 hours of which must involve direct service work with school-aged children.
E) At least 3 semester hours must be earned in a postpracticum internship that provides an actual on-the-job experience in a school setting. The internship must be a sustained, continuous, structured and supervised experience lasting for a substantial period of time in which the candidate engages in the performance of various aspects of the counseling role and is gradually introduced to the full range of responsibilities associated with that role.

i) The internship shall be waived for an applicant who holds a comparable out-of-state school service personnel certificate and has had two years' experience as a school counselor.

ii) For applicants with less than two years of teaching experience, the internship must include a minimum of 600 clock hours, 240 hours of which must involve direct service with an appropriate clientele.

iii) For applicants with two or more years of teaching experience, the internship must include a minimum of 300 clock hours, 200 of which must involve direct service contact with an appropriate clientele.

iv) "Appropriate clientele" means school-aged children, parents, teachers, and other parties interested in students' welfare.

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

Section 25.230 Requirements for the Certification of School Psychologists (Repealed)

This Section is replaced by Section 25.235 of this Part.

Educational Requirements:

a) Must have graduated with a master's degree or higher degree in psychology or educational psychology with specialization in school psychology, including a minimum of 60 semester hours of coursework, field experiences, and internship at the graduate level. All academic work listed in subsection (b) of this Section is
required and may be met through completion of titled courses, seminars, or practica. The requirements designated by asterisks must be met at the graduate level, while completion of the other areas is acceptable at either the graduate or the undergraduate level. Graduate credit may also be earned for academic work in related fields such as special education and educational psychology.

b) Content Areas and Courses—Graduate Semester Hours

1) Educational Foundations

<table>
<thead>
<tr>
<th></th>
<th>A) Exceptional individuals</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B) Regular and/or Special Education Methods</td>
</tr>
<tr>
<td></td>
<td>C) Foundations/Supervision/Administration of Regular and/or Special Education*</td>
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</tbody>
</table>

2) Psychological Foundations

<table>
<thead>
<tr>
<th></th>
<th>A) Learning/Cognitive Processes*</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>B) Child/Developmental Psychology*</td>
</tr>
<tr>
<td></td>
<td>C) Child Psychopathology/ Behaviorally Disturbed</td>
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<tr>
<td></td>
<td>D) Biological Bases of Behavior (e.g., neurological, physiological, and biochemical)</td>
</tr>
<tr>
<td></td>
<td>E) Personality</td>
</tr>
</tbody>
</table>

3) Professional School Psychology

|   | School Psychology* |

4) Assessment (Ages 0-21)

|   | A) Individual Nondiscriminatory |
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Intellectual Assessment*

B) Nondiscriminatory-Personality Assessment (Personal/Social/Adaptive Behaviors)*

C) Nondiscriminatory-Psychoeducational Assessment*

5) Intervention (from 2 of the following) 6
   A) Behavior Management/Modification
   B) Counseling and/or Psychotherapeutic Methods
   C) Consultation

6) Statistics/Measurement/Research 3
   A) Statistical Methods
   B) Research Methods
   C) Psychological Measurement/Tests and Measurement

7) Field Experiences (must include a minimum of 250 clock hours in a school setting and/or child study center) 2
   Practicum*

8) Internship 4

The internship shall be a full school year in duration and include at least 1200 clock hours under the direction of an intern supervisor as defined in Section...
e) Must have had at least one year of supervised professional psychological experience with children of school age, preferably in a school setting and under the supervision of an individual qualified as a supervising psychologist.

1) Interpretation of Terms

A) "One year" means a school year as defined by Section 10-19 of the School Code [105 ILCS 5/10-19]. Periods of less than three consecutive months may not be included.

B) "Full time" means full time as defined by the board of education in the system in which the individual is employed but in no case less than 25 hours per week.

C) "Supervised experience" means full time work, acquired after the satisfactory completion of all academic requirements except thesis and/or internship for the master's degree or higher degree with school children of all ages, including work with exceptional children under the supervision of a school psychologist or other psychologist who would qualify as a school psychologist and who has had a minimum of three years of experience in the psychological assessment of children of school age.

2) Additional Qualifications Required

A) Proficiency in individual psychological examination of children including educational diagnostic techniques, ability to plan and carry out a diagnosis adequate for each particular case; ability to handle staff conferences, interpret data, and write adequate reports; proficiency in counseling and other functions that may be needed to supplement the psychological assessment of children.

B) Ability and willingness to work according to high standards of competence and comply with the code of ethics of recognized professional associations.
Good character, good health, citizen of the United States and at least 19 years of age, in accordance with Section 21-1 of the School Code [105 ILCS 5/21-1].

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

**Section 25.240 Standard for School Nurse Endorsement (Repealed)**

This Section is replaced by Section 25.245 of this Part.

a) Baccalaureate degree.

b) Licensed as a registered professional nurse in Illinois.

e) A total minimum of 30 undergraduate or graduate semester hours selected from the following list. Starred areas are mandatory.

1) Introduction to Public Health Nursing Theory and Practice*

2) Human Growth and Development*

3) Introduction to Community Health Problems*

4) Educational Psychology*

5) Introductory Sociology*

6) Educational Foundations*

7) The Exceptional Child*

8) Nutrition

9) Communicative Skills

10) Social Case Skills

11) Mental Health
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12) School Administration

13) Guidance and Counseling

14) Curriculum Design

15) Health Education

16) Diversified Occupations--Health Careers

17) Child or Adolescent Psychology

d) One year internship under supervision of a fully qualified school nurse or two years of successful experience as a school nurse prior to effective date of this endorsement.

e) Nurses presently holding a Standard Teacher Nurse Consultant Certificate shall, upon application, be issued a School Service Personnel Certificate with a School Nurse endorsement if they are certified prior to the effective date of this endorsement.

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

Section 25.252 Certification of Non-Teaching Speech-Language Pathologists

Certain individuals may qualify for a school service personnel certificate with a non-teaching speech-language pathologist’s endorsement, as provided in Section 14-1.09b of the School Code [105 ILCS 5/14-1.09b].

a) Each applicant shall hold one of the licenses identified in Section 14-1.09b(b)(1) of the School Code [105 ILCS 5/14-1.09b(b)(1)].

b) Each applicant shall hold a master’s or doctoral degree earned through completion of a program that meets the requirements of Section 14-1.09b(b)(2) of the School Code [105 ILCS 5/14-1.09b(b)(2)].

c) Each applicant shall meet the requirements of Section 14-1.09b(b)(3) of the School Code [105 ILCS 5/14-1.09b(b)(3)] by:
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1) having completed an Illinois program approved pursuant to Subpart C of this Part that leads to certification as a speech-language pathologist; or

2) having completed a program in another state or country that is comparable to the Illinois programs described in subsection (c)(1) of this Section or holding a comparable certificate issued by another state or country (see Section 25.425 of this Part); or

3) having completed an Illinois program of preparation in speech-language pathology that was not approved pursuant to Subpart C of this Part but was offered by a regionally accredited institution (see also subsection (d) of this Section); or

4) having completed a program in another state or country that is comparable to the Illinois programs described in subsection (c)(3) of this Section (see also subsection (d) of this Section).

d) Each applicant shall have met the requirements of Section 14-1.09b(b)(3) of the School Code [105 ILCS 5/14-1.09b(b)(3)]. For purposes of subsection (c) of this Section,

1) A program of study that meets the content-area standards for speech-language pathologists approved by the State Board of Education in consultation with the State Teacher Certification Board is a relevant preparation program that has been approved pursuant to Subpart C of this Part.

2) A comparable out-of-state program is one that leads to qualification as either a teaching or a non-teaching speech-language pathologist, and

3) A comparable out-of-state certificate is one authorizing employment in the public schools in either capacity.

4) The required 150 clock hours of supervised, school-based professional experience shall consist of activities related to the aspects of practice that are addressed in the content-area standards for speech-language pathologists (see the policies of the State Board of Education related to certification in special education under the federal court order of February
27, 2001, in the matter of Corey H., et al., v. Board of Education of the City of Chicago, et al.) with respect to:

A) planning and intervention;

B) the learning environment;

C) service delivery;

D) professional conduct and ethics; and

E) facilitation and advocacy.

5) The required evidence of completion for the 150 clock hours of supervised, school-based professional experience shall be 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 individual’s experience with students with disabilities in a school setting. This letter shall indicate how the experience related to the knowledge and/or performance aspects of each of the standards identified in subsection (c)(4) of this Section.

e) Prior to submitting an application to the State Board of Education, an applicant who wishes to qualify for the school service personnel certificate based on the requirements of subsection (c)(3) or (c)(4) of this Section and whose professional preparation was completed prior to July 1, 2002, shall submit his or her transcripts and descriptive material for each relevant course completed to an Illinois institution that offers a program of preparation for speech-language pathologists that is approved pursuant to Subpart C of this Part.

1) Professional personnel of the institution familiar with its approved program shall review the evidence submitted by the applicant and may request such additional information as may be needed in order to determine whether he or she has completed:

A) coursework leading to an understanding of the needs of students with various disabilities and an awareness of appropriate procedures for directing learning; and
B) a supervised field experience involving diagnostic and therapeutic work with school-aged children leading to an understanding of the specific problems, methods, and procedures relevant to serving school-aged children.

2) If the individual has completed coursework and field experience fulfilling the requirements of subsection (e)(1) of this Section, the institution shall issue a letter of recommendation for the certificate, which shall be submitted to the State Board of Education along with the individual’s application.

3) If the individual lacks required coursework and/or field experience, the institution shall identify the courses and/or practica it offers that the individual must complete in order to qualify for the certificate. Upon the individual’s successful completion of any such requirements, the institution shall recommend the individual for certification.

f) Prior to submitting an application to the State Board of Education, an applicant who wishes to qualify for the school service personnel certificate based on the requirements of subsection (c)(3) or (c)(4) of this Section and whose professional preparation was completed on or after July 1, 2002, shall submit his or her transcripts and descriptive material for each relevant course completed to an Illinois institution that offers a program of preparation for speech-language pathologists that is approved pursuant to Subpart C of this Part.

1) Professional personnel of the institution familiar with its approved program shall analyze the applicant’s preparation and may request such additional information as may be needed to determine whether the individual has achieved an understanding of the aspects of practice addressed in the content-area standards for speech-language pathologists (see the policies of the State Board of Education related to certification in special education under the federal court order of February 27, 2001, in the matter of Corey H., et al. v. Board of Education of the City of Chicago, et al.) with respect to:

A) planning and intervention;

B) the learning environment;
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C)  service delivery;
D)  professional conduct and ethics; and
E)  facilitation and advocacy.

2) If the individual’s preparation has covered the aspects enumerated in subsection (f)(1) of this Section, the institution shall issue a letter of recommendation for the certificate, which the individual shall submit to the State Board of Education along with his or her application.

3) If the individual’s preparation has not covered all the aspects enumerated in subsection (f)(1) of this Section, the institution shall identify the coursework and/or field experience that the applicant must complete in order to do so. Upon the individual’s successful completion of any such coursework or field experience, the institution shall issue a letter of recommendation for the certificate.

d) 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, subject to the provisions of if its passage would be required for receipt of a standard certificate pursuant to Section 25.720(a) of this Part.

e) 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 25.255 Interim Certification of Speech-Language Pathologist Interns

An individual who has met the requirements of Section 14-1.09b(b)(1) and (b)(2) of the School Code and who wishes to participate in an internship enabling him or her to complete the supervised, school-based professional experience described in Section 14-1.09b(b)(3) of the School Code may obtain interim certification as a speech-language pathologist intern.

a) Each applicant for this certification shall be in good health and of sound moral character and shall be a citizen of the United States or be legally present in the United States and possess legal authorization for employment.
b) Each applicant shall submit an application to the State Board of Education along with:

1) the required fee;

2) evidence that he or she meets the licensing requirements of Section 14-1.09b(b)(1) of the School Code; and

3) evidence that he or she holds an advanced degree in conformance with Section 14-1.09b(b)(2) of the School Code.

c) Interim certification as a speech-language pathologist intern shall be valid for three years, subject to Section 21-22 of the School Code, and shall not be renewable.

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

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF ADMINISTRATIVE AND SUPERVISORY STAFF

Section 25.322 General Supervisory Endorsement (Repealed)

a) Until July 1, 2003, this endorsement shall be required for supervisors, curriculum directors and other similar or related positions as indicated in 23 Ill. Adm. Code 1. Appendix B. Beginning July 1, 2003, this endorsement shall no longer be issued, and each individual newly assuming any such position who does not already hold the general supervisory endorsement shall be required to hold either the general administrative or the superintendent’s endorsement.

b) Minimum Requirements of Graduate-Level Study

1) Areas of Study—— Semester Hours

A) Curriculum 3

B) Educational Research 3

Work in areas (A) and (B) combined must total
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eight (8) semester hours. 8

C) Supervision and Staff Development 8-9

Must include work that provides knowledge of:

i) instructional leadership;

ii) program and staff evaluation; and

iii) program and staff development.

D) Schools and Public Policy 8-9

Must include work that provides knowledge of:

i) parent/teacher communication; and

ii) parent involvement in schools.

E) Clinical Experience appropriate to the endorsement or prior experience in a role requiring this endorsement while holding a certificate of comparable validity.

2) Two years of full-time teaching experience or school service personnel experience as specified in Section 21-7.1(e)(1) of the School Code [105 ILCS 5/21-7.1(e)(1)].

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

Section 25.333 General Administrative Endorsement (Repealed)

This Section is replaced by Section 25.335 of this Part.
This endorsement is required for the following positions: principal, assistant principal, assistant or associate superintendent, and other similar or related positions as indicated in 23 Ill. Adm. Code 1. Appendix B.

b) Minimum Requirements of Graduate-Level Study

<table>
<thead>
<tr>
<th>Areas of Study</th>
<th>Semester Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Instructional Leadership</td>
<td>12</td>
</tr>
<tr>
<td>Must include work which provides skills in:</td>
<td></td>
</tr>
<tr>
<td>i) promoting academic achievement;</td>
<td></td>
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<tr>
<td>ii) implementing school improvement;</td>
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<tr>
<td>iii) long-range planning;</td>
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<tr>
<td>iv) program evaluation; and</td>
<td></td>
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<tr>
<td>v) personnel evaluation.</td>
<td></td>
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<tr>
<td>B) Management of Public Schools</td>
<td>9</td>
</tr>
<tr>
<td>Must include work which provides skills in:</td>
<td></td>
</tr>
<tr>
<td>i) personnel management;</td>
<td></td>
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<tr>
<td>ii) school governance;</td>
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<td>iii) school law;</td>
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<tr>
<td>iv) school finance; and</td>
<td></td>
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<tr>
<td>v) interpersonal communication.</td>
<td></td>
</tr>
<tr>
<td>C) Schools and Public Policy</td>
<td>4-6</td>
</tr>
</tbody>
</table>
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Must include work which provides skills in:

i) establishing effective school/community communication and involvement; and

ii) analysis of political and social context of schools.

D) Clinical Experience appropriate to the endorsement or prior experience in a role requiring this endorsement while holding a certificate of comparable validity.

2) Two years of full-time teaching experience or school service personnel experience.

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

Section 25.344 Chief School Business Official Endorsement (Repealed)

This Section is replaced by Section 25.345 of this Part.

a) This endorsement is required for chief school business officials.

b) Minimum Requirements of Graduate-Level Study

1) Areas of Study ______ Semester Hours

   A) School Business Management ______ 12

      Must include work in data processing.

   B) School Organization and Administration ______ 3
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Must include work in school/community relations, personnel management, and organizational planning and development.

C) School Finance and Fiscal Planning

D) Clinical Experiences appropriate to the endorsement or prior experience while holding a certificate of comparable validity.

2) Two years' school business management experience.

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

Section 25.355 Superintendent Endorsement (Repealed)

This Section is replaced by Section 25.360 of this Part.

a) This endorsement is required for superintendents of school districts.

b) Minimum Requirements of Graduate-Level Study

1) Areas of Study Semester Hours

   A) Governance of Public Schools 6

   Must include work in intergovernmental relationships in education and school/community relationships.

   B) Management of Public Schools 6

   Must include work in school improvement
(i.e., the modification of curriculum and practice based upon research in effective teaching and learning) in addition to that required for the general administrative endorsement.

C) Educational Planning 6

Must include work in organizational development.

D) Additional graduate credit 12

E) Clinical Experiences appropriate to the endorsement or prior experience in a role requiring this endorsement while holding a certificate of comparable validity.

2) Two years' school supervisory or administrative experience and possession of the general supervisory or general administrative certificate or comparable out-of-state certificate.

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

SUBPART F: GENERAL PROVISIONS

Section 25.420 Psychology Accepted as Professional Education (Repealed)

The following courses are accepted as professional education: Child Psychology, Psychology of Learning, Mental Hygiene, Child Growth and Development, and Adolescent Psychology.

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

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section 25.705 Purpose – Severability

If any provision of this Subpart or application thereof to any person or circumstance is held invalid, its invalidity shall not affect other provisions or applications of this Subpart that can be given effect without the invalid provision or application, and to this end the provisions of this Subpart are declared to be severable.

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

Section 25.710 Definitions

For the purposes of this Subpart, the following definitions apply:

"Passing raw score" is the minimum number of multiple choice items that must be answered correctly on a given test or the combination of required correct responses to multiple choice items and required numerical value of constructed responses.

"Passing score" is the minimum scaled score a person must obtain in order to pass a test.

"Re-scoring" means the process of reviewing an examinee's answers and the scores assigned to them to confirm that a test score reported to an examinee is the score earned by him or her.

"Retake" is the opportunity for a person who has taken a test of the Illinois Certification Testing System at one test administration to take the test in the same area as given at subsequent administrations.

"Scaled score" is the person's test score after the mathematical transformation of the number of test items the person answered correctly to a scale of numbers on which the minimum score, the maximum score, and the passing score are set.

Through May 31, 2006, for the tests of subject matter knowledge and language proficiency, the minimum scaled score is 0, the maximum score 100, and passing score 70. Beginning in June 2006, for the tests of subject matter knowledge (content-area tests) and language proficiency, the minimum scaled
score is 100, the maximum score 300, and the passing score 240. For the
assessment of professional teaching, the basic skills test, and any new content-
area test first administered after December 31, 2002, the minimum scaled score is
100, the maximum score 300, and the passing score 240.

"Subarea score" is the scaled score for the subset of test items on a subject matter
test or content-area test which measures specific content, and the "subarea score"
is the scaled score for each subset of test items on the basic skills test which
measures specific content in reading comprehension, writing, language arts, and
mathematics.

“Test” or “Tests” refers to the test of basic skills, the assessment of professional
teaching, the language proficiency tests, and the tests of subject matter knowledge
(or “content-area tests”) for the Illinois Certification Testing System. Through
June 30, 2004, these tests are:

Agriculture
Art (K-12)
Art (6-12)
Assessment of Professional Teaching – Early Childhood
Assessment of Professional Teaching – Elementary
Assessment of Professional Teaching – Secondary
Assessment of Professional Teaching – Special
Basic Skills
   Language Arts
   Mathematics
   Reading Comprehension
   Writing
Biological Science
Blind and Partially Sighted
Business/Marketing/Management
Chemistry
Chief School Business Official
Computer Science
Dance
Deaf and Hard of Hearing
Early Childhood
Educable Mentally Handicapped
Elementary/Middle Grades (K-9)
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English
English as a Second Language
English Language Proficiency
French
General Administrative
General Science
General Supervisory (available through June 30, 2003)
German
Guidance
Health
Health Occupations
Hebrew
History
Family and Consumer Sciences
Industrial Technology Education
Italian
Latin
Learning Disabilities
Mathematics
Media
Music (K-12)
Music (6-12)
Physical Education (K-12)
Physical Education (6-12)
Physically Handicapped
Physical Science
Physics
Reading
Russian
School Nurse
School Psychology
School Social Work
Social/Emotional Disorders
Social Science
Spanish
Speech
Speech and Language Impaired
Superintendent
Theatre Arts
Trainable Mentally Handicapped
Transitional Bilingual Education
  Arabic
  Cantonese
  Greek
  Gujarati
  Hindi
  Japanese
  Korean
  Lao
  Mandarin
  Polish
  Russian
  Spanish
  Urdu
  Vietnamese

Beginning July 1, 2004, the Illinois Certification Testing System shall consist of the following tests in addition to the content-area tests applicable to certification in special education:

  Agricultural Education
  Assessment of Professional Teaching
    Early Childhood
    Elementary
    Secondary
    Special
  Basic Skills
  Business, Marketing, and Computer Education
  Chief School Business Official
  Dance
  Director of Special Education (required beginning July 1, 2005)
  Drama/Theatre Arts
  Early Childhood
  Elementary/Middle Grades (K-9)
  English Language Arts
  English Language Proficiency
  English as a New Language
  Family and Consumer Sciences
Foreign Languages
   Chinese (Cantonese or Mandarin)
   French
   German
   Hebrew
   Italian
   Japanese
   Korean
   Latin
   Russian
   Spanish
General Administrative
Guidance (through June 30, 2005)
Health Education
Health Careers
Library Information Specialist
Mathematics
Music
Physical Education
Reading Teacher
Reading Specialist
School Counselor (beginning July 1, 2005)
School Nurse
School Psychologist
School Social Worker
Sciences
   Biology
   Chemistry
   Earth and Space Science
   Environmental Science
   Physics
Social Sciences
   Economics
   Geography
   History
   Political Science
   Psychology
   Sociology and Anthropology
Superintendent
Technology Education
Technology Specialist
Transitional Bilingual Education – Language Proficiency
  Arabic
  Cantonese
  Greek
  Gujarati
  Hindi
  Japanese
  Korean
  Lao
  Mandarin
  Polish
  Russian
  Spanish
  Urdu
  Vietnamese

Visual Arts

"Test items" are specific questions asked on a test that require a person either to select the correct response from those alternative responses provided or to produce a written response.

"Test objective" is a statement of the behavior or performance measured by test items.

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

**Section 25.728  Use of Test Results by Institutions of Higher Education**

a)  Beginning with the 2002-2003 academic year, each institution shall use the Illinois Certification Testing System's test of basic skills to satisfy the requirement of Section 21-2b of the School Code [105 ILCS 5/2l-2b] -- Teacher Education Program Entrance.

b)  Until the beginning of the 2004-2005 academic year, an institution shall have the option of using an Illinois Certification Testing System subject matter test as a requirement for completion of a teacher education program approved pursuant to
Subpart C of this Part or for candidates’ progression among the components of a program.

c) Beginning with the 2004-2005 academic year, each institution shall use the content-area tests in the disciplines relevant to individuals’ program completion as provided in Section 21-1a(d) of the School Code.

d) An institution shall have the option of using the Illinois Certification Testing System’s assessment of professional teaching as a requirement for completion of a teacher education program or for candidates’ progression among the components of a program.

e) In using any test that forms part of the Illinois Certification Testing System, institutions shall abide by all the rules governing the Testing System set forth in this Subpart, including, but not limited to, passing score, registration, and fees; and shall make no requirement for the use or administration of this test beyond those set forth in this Subpart.

f) Institutions shall be responsible for informing their students of all requirements related to taking the tests and for providing students with registration materials and any other pertinent information in a timely manner. Neither the State Board of Education nor its testing contractor shall assume responsibility for any candidate’s inability to progress through or complete an approved program because of failure to take one or more certification tests in a timely manner.

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

Section 25.730 Registration

Registration materials and information Information about the tests and registration will be available from the State Board of Education, 100 North First Street, Springfield, Illinois 62777-0001, and, beginning October 1, 2002, at www.isbe.net.

a) An individual's registration must be either received by the testing contractor chosen by the State Board of Education on or before the registration deadline or must be postmarked by the United States Postal Service on or before the registration deadline and received by the testing contractor by the late registration deadline as specified in Section 25.732 of this Part. An individual's registration must include the following:
1) Registrant's name, mailing address, both daytime and evening telephone numbers, Social Security number, date of birth, gender, and ethnicity;

2) Name and identification number of test(s);

3) Test date and first and second test site identification numbers;

4) Name of Illinois teacher preparation institution attended, if applicable, and status within that institution;

5) An assurance that the registrant will abide by all the conditions of testing set forth in Section 25.750 of this Part;

6) An assurance that the registrant has not had and will not seek access to secure test materials, either prior to or after the test date; and

7) The registrant's signature, which shall signify that the facts and assurances presented are true to the best of the registrant's knowledge and that the registrant agrees to abide by the testing conditions.

b) The testing contractor will acknowledge receipt of registrations within four weeks after their receipt.

c) An individual may amend or cancel his or her registration by submitting a properly completed change notice to the testing contractor. The change notice must be received by the testing contractor on or before the late registration deadline as specified in Section 25.732 of this Part. Changes that may be made by an individual to his or her registration are:

1) changing the test site or test date;

2) adding a test or tests; and

3) deleting a test or tests.

d) All requests for changes to a registration, except for deletion of a test or tests, must be accompanied by payment of the appropriate fee.
e) An individual who cancels her or his registration in accordance with this Section, including meeting the specified deadline, will receive a partial refund. An individual who cancels his or her registration other than in strict accordance with this Section, or who is absent from the test administration, will receive no refund or credit of any kind.

f) The registration deadline for each test administration will be six calendar weeks prior to the test administration date.

g) The State Board of Education may issue a fee credit to an individual who is absent from a test administration for which he or she was registered because of a medical emergency or death, provided that:

1) a written request is received by the State Board of Education no later than six months from the date of the missed test administration, and

2) a written statement from a member of the medical profession or funeral home documenting the reason for the absence accompanies the request.

(Source: Amended at ___ Ill. Reg. ____., effective _____________)

Section 25.760 Passing Score

a) The passing raw score will be established for each test by the State Board of Education, in consultation with the State Teacher Certification Board, based upon the professional judgments and recommendations of committees of Illinois educators about the acceptable, minimal level of performance for entry-level educators in Illinois classrooms.

b) Through May 31, 2006, the raw score for each test of subject matter knowledge and for each language proficiency test shall be transformed to a scaled score ranging from 0 to 100, with 70 established as the passing score. The passing raw score shall always be equal to a scaled score of 70. The following formula shall be used to transform raw scores to scaled scores, where MAX means the maximum raw score, CUT means the passing raw score and X means the number of multiple choice items correctly answered or the number of holistic score points assigned to a constructed-response item or section, as applicable:
1) If $X$ is greater than or equal to $CUT$, then the scaled score is $70 + 30[(X - CUT)/(MAX - CUT)]$.

2) If $X$ is less than $CUT$, then the scaled score is $70X/CUT$.

c) The raw score for the basic skills test and the assessment of professional teaching, and for new subject matter knowledge tests first administered after December 31, 2002, shall be transformed to a scaled score ranging from 100 to 300, with 240 established as the passing score. Beginning June 1, 2006, the raw score for each test that forms part of the Illinois Certification Testing System shall be transferred to a scaled score ranging from 100 to 300, with 240 established as the passing score. The passing raw score shall always be equal to a scaled score of 240. The following formula shall be used to transform raw scores to scaled scores, where $MAX$ means the maximum raw score, $CUT$ means the passing raw score and $X$ means the number of multiple choice items correctly answered or the number of holistic score points assigned to a constructed-response item or section, as applicable:

1) If $X$ is greater than or equal to $CUT$, then the scaled score is $240 + 60[(X - CUT)/(MAX - CUT)]$.

2) If $X$ is less than $CUT$, then the scaled score is $100 + 140X/CUT$.

d) Scaled scores are rounded to the nearest integer except between 69 and 70 and between 239 and 240. To ensure that a score just below passing is not equated with a scaled score of 70 or 240, scaled scores between 69 and 70 will be considered 69, and scaled scores between 239 and 240 will be considered 239.

e) In order to pass the basic skills test, a person must receive a passing score on the test as a whole and must also receive at least the minimum acceptable score in each of the subareas of reading, writing, grammar and language arts, and mathematics, at the same time.

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

Section 25.765 Individual Test Score Reports

a) The State Board of Education will report each individual's test score(s) only to:
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1) the individual candidate earning such score(s);

2) the Illinois teacher education institutions and community colleges to which the candidate requested the scores be sent institution the candidate either attended or seeks to attend; and

3) any other institution, entity, or person authorized or required by law the community college attended by the candidate, if the candidate approves such reporting.

b) The score report released to each individual by the State Board of Education will:

1) indicate the test date and whether or not the person has passed the test; and

2) report the person's total score and subarea scores as scaled scores.

c) No test scores will be released via facsimile or over the telephone.

d) A person shall have the right to request additional copies of his or her score report, subject to payment of the required fee.

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

Section 25.775 Institution Test Score Reports

After each test administration, a report will be provided to each Illinois teacher preparation institution having one or more applicants taking the test(s). This report will include:

a) aggregate information on pass/fail status, total scores, and subarea scores for all examinees who requested that their scores be sent to the institution, and for the state as a whole for each test;

b) aggregate information on pass/fail status, total scores, and subarea scores by gender and race, for all examinees from the institution and for the state as a whole, for each test.

(Source: Amended at __ Ill. Reg. _____, effective _____________)
Section 25.905  Choices Available to Holders of Initial Certificates

Pursuant to Section 21-2(c) of the School Code, an individual who is subject to the requirements of this Subpart K shall successfully complete one of the options listed in this Section in order to qualify for a standard teaching certificate. Out-of-state applicants may qualify for a reduction in the requirements of subsection (d) or subsection (e) of this Section; see Section 25.11(a)(2)(B) 25.11(b)(2)(B) of this Part. Each affected individual may choose to:

a)  Complete a program of induction and mentoring that meets the requirements of Section 25.910 of this Part;

b)  Complete at least four semester hours of graduate-level coursework on the assessment of one’s own performance in relation to the Illinois Professional Teaching Standards (see 23 Ill. Adm. Code 24) that meets the requirements of Section 25.915 of this Part;

c)  Complete at least four semester hours of graduate-level coursework addressing the requirements for certification by the National Board for Professional Teaching Standards that meets the requirements of Section 25.920 of this Part;

d)  Complete at least 12 semester hours of graduate-level coursework towards, or either hold or receive, an advanced degree from an accredited institution of higher education in an education-related field, provided that the coursework completed meets the requirements of Section 25.925 of this Part;

e)  Accumulate 60 continuing professional development units (CPDUs), or such quantity as may be applicable under Section 21-2(c)(2)(E) of the School Code [105 ILCS 5/21-2(c)(2)(E)], by completing selected activities as specified in Section 25.930 of this Part;

f)  Complete a nationally normed, performance-based assessment, if such an assessment is made available pursuant to Section 25.940 of this Part;

g)  Complete the requirements for being considered “highly qualified” in an additional teaching field (see Section 25.942 of this Part);
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h) Receive a post-baccalaureate, education-related professional development certificate issued by an Illinois institution of higher education in accordance with Section 25.942 of this Part;

i) Complete all required activities in pursuit of certification by the National Board for Professional Teaching Standards (see Section 25.942 of this Part); or

j) Receive a subsequent certificate or an additional endorsement (see Section 25.942 of this Part).

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

FROM: Randy J. Dunn, Interim Superintendent
Jonathan Furr, General Counsel
Linda Mitchell, Chief Financial Officer

Agenda Topic: Action Item: Rules for Initial Review – Part 180 (Health/Life Safety Code for Public Schools)

Materials: Recommended Rules

Staff Contacts: Deb Vespa and Susan Weitekamp

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 rules is being updated to incorporate by reference the current edition of the International Building Code instead of the 1996 BOCA Code. The rules are also being streamlined to the extent possible to eliminate unnecessary requirements or those that are adequately covered by statute or applicable standards. Examples include making it possible for one application to cover several variances; deleting the requirements for the district facility inventory; elimination of the explicit requirements for plans and specifications; and deletion of some of the existing detail addressing sprinkler systems. Finally, technical corrections and updating have been incorporated as necessary.

Preliminary Review
These amendments were disseminated for review by our standing external advisory committee as well as by representatives of other agencies and groups with an interest in buildings and safety (the Illinois Department of Public Health, Capital Development Board, Historic Preservation Agency, and State Fire Marshal; representatives of design professionals; and the regional superintendents’ advisory committee on health/life safety issues.

A question was raised regarding the specific fire drill requirements that apply to schools. It was determined that the best course at this time would be not to refer to the rules of the State Fire Marshal because legislation is pending that will affect this situation. Once the outcome of that initiative is known, the rules can be revised to conform.

No other comments on these proposed amendments had been received as of the printing deadline for this summary.
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:

Health/Life Safety Code for Public Schools (23 Illinois Administrative Code 180), 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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Section 180.10  Purpose and Scope

a)  The purpose of this Part is to establish minimum standards for public school facilities which will protect the health, safety, and general welfare of the pupils, school personnel, and others who use them.

b)  The requirements set forth in this Part shall apply to all Illinois public school districts except those governed by Article 34 of the School Code. The facilities of districts governed by Article 34 are subject to the requirements of Section 180.250 through 180.280 of this Part (see Section 22-23 of the School Code [105 ILCS 5/22-23]) and in all other respects shall comply with local building codes.

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

Section 180.30  Definitions

"Annual Inspection" means the inspection conducted annually by a regional superintendent of all the public schools under his or her jurisdiction as required by Section 3-14.21 of the School Code.

"Approved Inspection Agency" (also commonly referred to as "Nationally Recognized Testing Laboratory") means any of the following:

American Gas Association Laboratories

Central Experiment Station, Bureau of Mines, U.S. Department of the Interior

Engineering Experiment Station, Ohio State University

Factory Mutual Laboratories (Factory Mutual Engineering Division)

Forest Products Laboratory, U.S. Department of Agriculture

National Bureau of Standards, U.S. Department of Commerce

Southwest Research Institute

"Change in Use" means any change in how an existing facility is operated, or the purpose for which it is used, that requires greater structural strength, changes in provisions for ingress or egress, or changes in the electrical system, plumbing system, heating, ventilating, and air conditioning system, fire protection system, or other system required by this Part.

"Construction Documents" means the written and pictorial documents prepared or assembled by a licensed design professional to describe the design, location, and physical characteristics of a project involving construction or other like activities subject to the requirements of this Part. Such documents include plans, specifications, inspection reports, test reports, maps, educational specifications, enrollment projections, maintenance logs, safety reference plans, and other, similar, descriptive documents.

"Plans" are drawings. They show what a building, system, or component looks like or will look like at a particular stage of construction.

"Specifications" are instructions. They identify materials to be used, methods to be employed, quality of workmanship required, equipment to be installed, details and calculations to be considered, and the relationships among design components.

"Decennial Inspection" means the inspection of all buildings in a school district conducted at least every 10 years as required by Section 2-3.12 of the School Code, which shall be conducted by a licensed design professional and shall result in a safety survey report as defined in this Section.

"Engineer" means an engineer licensed to practice in Illinois under either the Illinois Professional Engineering Practice Act of 1989 [225 ILCS 325] or the Structural Engineering Licensing Act of 1989 [225 ILCS 340] and the applicable
administrative rules of the Department of Professional Regulation (68 Ill. Adm. Code 1380 or 68 Ill. Adm. Code 1480, respectively).

"Facility" means land, buildings, structures and improvements other than buildings, and permanent, fixed equipment attached to or incorporated in any building owned or used for school purposes by a school district subject to this Part. This definition excludes facilities owned by a school district but not used for public school purposes, which shall be subject to local building codes.

"Vehicular Facility" means a vehicular structure that is mounted on a chassis and wheels, subject to transportation from place to place along normally traveled streets, roads, and highways, and subject to occupancy and use virtually immediately upon arrival at its destination.

"Licensed Design Professional" means either an architect or an engineer as defined in this Section.

"Like Activity" means any work involving or similar to construction which is performed with respect to any facility of a school district subject to the requirements of this Part, including but not limited to reconstruction, substantial alteration, repair, remodeling, renovation, or change in use. Repairs that qualify as minor repairs shall not be considered "like activities" subject to the requirements of this Part.

"Minor Repairs" are any repairs to an individual building or structure that are not subject to the bidding requirements of Section 10-20.21 of the School Code, with the following exceptions:

Cutting away of any wall, partition, or portion thereof;

Cutting or removal of a structural beam or load-bearing support;

Removal of or change in a required means of egress;

Rearrangement of parts affecting exit requirements;

Addition to, alteration of, replacement, or relocation of any standpipe, drain leader, or gas, soil, waste, water supply, sewer drainage, vent or similar piping; electrical wiring; or mechanical or other required building system.
“Permanent, Fixed Equipment” means furniture and equipment affixed to the wall of a building or otherwise attached so that it is not readily portable or movable. Examples include wall-mounted cafeteria tables, automated external defibrillators, basketball backboards, fume hoods, and built-in lockers.

"Safety Survey Report" means a report prepared by a licensed design professional and ensuing from a decennial inspection required pursuant to Section 180.310 of this Part or another inspection conducted by a licensed design professional.

"School Building" or "School" means a building occupied in whole or in part by public school students or intended for occupancy by such students.

"The School Code" means the School Code [105 ILCS 5].

"Variance" means an alternative to a code requirement that is judged to provide equal or superior performance or protection compared to the code requirement, and is approved by the State Superintendent.

"Waiver" means an exemption from a code requirement that is approved pursuant to Section 2-3.25g of the School Code [105 ILCS 5/2-3.25g] and the State Board’s rules at 23 Ill. Adm. Code 1.100.

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

Section 180.50 Responsibilities of Regional Superintendent

a) The regional superintendent shall enforce the provisions of this Part and shall act on any question relative to the installation, alteration, repair, maintenance or operation of facilities owned, operated, or used by school districts within or subject to his or her jurisdiction.

b) The regional superintendent shall receive applications and issue permits for the occupancy, construction, substantial alteration, repair, remodeling, renovation, demolition, movement, or change in use of facilities owned, operated, or used by school districts as required by this Part, including applications for authority to raise or use fire prevention and safety funds.

c) The regional superintendent shall issue all necessary notices and orders to ensure compliance with this Part.
d) The regional superintendent shall make or cause to be made all inspections required by Sections 3-14.21 and 3-14.22 of the School Code. All reports of such inspections and any test results shall be in writing. The regional superintendent is authorized, if he or she deems necessary, to engage expert opinion.

e) Whenever inspections are necessary by any other department or agency, the regional superintendent shall make reasonable effort to arrange for the coordination of such inspections so as to minimize the number of visits by inspectors, and to confer with the other responsible departments or agencies for the purpose of eliminating conflicting orders before any are issued.

f) The regional superintendent shall keep official records of applications received, permits and certificates issued, reports of inspections, and notices and orders issued. Such records shall be retained as long as the facilities to which they relate remain in existence.

g) The regional superintendent shall report annually to the State Board of Education on or before October 1, summarizing all of the transactions relating to the administration and enforcement of this Part for the fiscal year ended on the preceding June 30. This report shall be prepared on forms supplied by the State Board of Education.

h) The regional superintendent and his or her designees shall carry proper identification when inspecting structures or premises in the performance of duties required by this Part.

i) The regional superintendent and his or her designees are authorized to enter the structure or premises of any facility owned, operated or used by a school district in order to conduct the inspections necessary to ensure compliance with this Part. Prior to entering a space not otherwise open to the public, the regional superintendent shall make a reasonable effort to locate a responsible party, present proper identification, and request entry.

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

Section 180.60 Applicability

a) Except as provided in subsection (b) of this Section, every facility other than a vehicular facility shall conform to the standards identified in this
subsection (a) and "BOCA National Building Code" published by the International Code Council, Inc., Building Officials and Code Administrators (1996; 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795), as modified by subsections (a) through (d) of this Section, unless a variance or waiver is obtained pursuant to Section 180.70 of this Part or use of a temporary facility is authorized pursuant to Section 180.230 of this Part. No later amendments to or editions of these standards are incorporated by this rule. The effective date called for in Section 3410.2 of the International BOCA National Building Code shall be the effective date shown for of this Section. The IBC-BOCA permits a facility constructed prior to its effective date to be maintained in compliance with the building code that previously applied to the facility, and provides separate provisions governing the alteration, repair, change of occupancy, replacement of component parts or systems, and enlargement of an existing facility. (IBC, Section 102.6 BOCA, Section 102-2; Chapter 34) The applicable standards shall be:

1) the 2003 International Building Code (IBC);
2) the 2003 International Fuel Gase Code (IFGC);
3) the 2003 International Property Maintenance Code (IPMC);
4) the 2003 International Fire Code (IFC), excluding Chapter 4; and

b) The applicability of the codes listed in subsection (a) of this Section shall be limited as set forth in this subsection (b).

a) 1) The administrative provisions of this Part shall apply instead of the administrative provisions contained in Sections 101.4.4, 103-108, 110-113, and 115 101, 103-114, 116 and 118-121 of Chapter 1 of the International BOCA National Building Code.


c) 3) The requirements set forth in the Illinois Plumbing Code (77 Ill. Adm.
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(Source: Amended at 29 Ill Reg. _____, effective _____________)

Section 180.70 Variances and Waivers

a) When a requirement or standard set forth in any code incorporated herein cannot be satisfied, a school board may apply for a waiver of that requirement or standard pursuant to Section 2-3.25g of the School Code and the State Board’s rules at 23 Ill. Adm. Code 1.100.

b) Except as limited by subsection (b)(3) of this Section, when a requirement or standard set forth in any code incorporated herein can be satisfied by an alternative means, a school board (or the district superintendent, if such authority is delegated by the school board) may apply for a variance as defined in Section 180.30 of this Part.

1) The affected facility must have been surveyed by a licensed design professional.

2) The architect or engineer conducting the survey shall certify and document in what particular respects the proposed alternative provides performance or protection equal or superior to that provided by the code requirement(s) from which a variance is sought.

3) The requirements relative to sprinkler systems set forth in Section Sections 180.250 through 180.280 of this Part may not be varied pursuant to this subsection (b). Waivers or modifications of those requirements may only be requested pursuant to Section 2-3.25g of the School Code and the State Board’s rules at 23 Ill. Adm. Code 1.100.
c) Procedure for Obtaining Variances

1) An authorized representative of the board of education shall complete and submit an application for approval of a variance to the State Superintendent through the regional superintendent.

2) An application shall be submitted for each variance sought for a particular facility, and shall:

   A) Describe the variance or variances being sought;

   B) Identify the board of education seeking the variance, the basis upon which it is seeking the variance, and the facility for which each the variance is being sought;

   C) Attest that the variance is being submitted pursuant to authority granted by the board of education;

   D) Indicate the date upon which the board of education adopted a resolution to seek the variance;

   E) Indicate the specific rule from which each a variance is sought;

   F) Include, by attachment, the statement(s), supporting documents, and certification of the architect or engineer who surveyed the facility; and

   G) Be signed by an authorized representative of the board the president and secretary of the board of education and the district superintendent.

3) Upon receipt of an application for approval of a variance or variances, the regional superintendent shall record the identifying information, the date of submission, and the subject rule or rules in his or her records and forward the application, his or her recommendation regarding each variance’s its approval, and supporting materials to the State Superintendent.

4) Upon receipt of the application for approval of a variance or variances, the State Superintendent may appoint a technical review panel which will
review the application and supporting materials, recommend approval or denial of each variance, and recommend any special conditions under which approval should be granted.

5) For each requested variance, the State Superintendent shall issue either a letter indicating approval, the date, and any special conditions, or a letter of denial. He or she shall return the application, supporting materials, and letter of approval or denial to the regional superintendent for processing and forwarding to the board of education.

6) Upon receipt of the State Superintendent’s decision, the regional superintendent shall amend his or her records to reflect the conditions and particulars of approval, if approved; or proceed with enforcement of the code if disapproved; and forward the documents to the district originating the application for implementation.

d) Variances shall be subject to review and revocation:

1) In conjunction with any substantial repair, alteration, new construction, or change in use that may affect the conditions upon which the variance was granted;

2) If material facts upon which the variance was based change or are found to be false or erroneous;

3) In the course of review and approval of the next decennial survey conducted in accordance with Subpart D of this Part; or

4) When a code is amended to incorporate the substance of a variance.

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

SUBPART B: RECORDKEEPING REQUIREMENTS

Section 180.100 District Facility Records Required (Repealed)

Each school board shall establish and maintain a facility inventory system encompassing all facilities as defined in Section 180.30 of this Part, whether owned by the school district or not owned by the district but used for school purposes.
Section 180.110 District Facility Inventory (Repealed)

a) Within two years after the effective date of this Part, or as soon after that date as a district initiates a facility transaction (see subsection (b) below), whichever occurs first, each school board shall prepare, adopt, and submit to the regional superintendent and the State Superintendent of Education a District Facility Inventory on forms to be supplied by the State Board of Education.

b) The District Facility Inventory shall be amended whenever a facility transaction is complete, i.e., whenever construction or any like activity is carried out, whenever any facility is acquired, newly leased, sold, or demolished, and whenever a lease is not renewed. Such amendments shall be submitted to the regional superintendent and State Superintendent within 60 calendar days after completion of such transactions.

Section 180.120 Safety Reference Plans

Safety reference plans are the “as-built” drawings of a facility, updated after each construction project to include the applicable items required under this Section. These plans shall be updated to reflect all additions, alterations, and other changes to these facilities that affect the arrangement, use, rated capacity, student capacity, or other information required to be shown thereon. They shall serve as a means of indicating the safety-related conditions of a facility, as an aid in developing emergency exit plans, and in other circumstances where reference to overall layouts is necessary.

a) Each local school board shall maintain up-to-date safety reference plans for all facilities owned or used by the district for any school purpose. However, replacement of lost or destroyed safety reference plans will not be required if the regional superintendent determines that such replacement would be overly expensive or burdensome. Each set of safety reference plans shall include:

1) A site plan meeting the requirements of subsection (e) of this Section;

2) Schematic floor plans as described in subsection (f) of this Section;
3) An attic plan meeting the requirements of subsection (h) of this Section, if required pursuant to subsection (g) of this Section; and

4) Such additional drawings and/or schedules as may be necessary to effectively describe the nature and operational characteristics of the facility in question.

b) Safety reference plans shall be drawn to scale, using a medium suitable for reproduction and revision. Each safety reference plan and any revision thereto shall be titled, dated, signed, and certified by the architect or engineer responsible for its preparation.

c) Two complete sets of safety reference plans shall be provided for each facility, one to be kept by the board of education in a safe place and one to be kept on the site to which it applies.

d) Whenever safety reference plans are completed or updated, they shall be submitted to the regional superintendent for review and approval.

e) Each site plan shall be drawn to a scale sufficient to show the required information clearly and legibly, and shall include a legend. The site plan shall include the location and identification of:

1) Highways, boulevards, avenues, or streets bordering the site;

2) Each building or other structure on the site;

3) Each building located on adjacent property less than 75 feet away from a school building;

4) Public fire hydrants and municipal fire alarm boxes adjacent to or on the site;

5) Utility supply services (water, gas, electricity, etc.) leading into the site and into each building or other structure, their size, and the location of shut-offs for each such service;

6) Primary walkways, fire lanes, and bus loading and unloading zones;
7) Play areas and automobile parking areas, and the surfacing material of each;

8) Landscaping or other materials or areas on the site that might impede ingress or egress;

9) Fences and gates, and their respective heights;

10) Elevation with respect to sea level and location with respect to floodways and floodplains; and

11) Unusual terrain.

f) Each schematic floor plan shall be drawn for one floor of a building, to a scale sufficient to show the required information clearly and legibly, and shall include a legend. Each floor plan shall include the following information.

1) Identification of each fire area shown on the Plan, and a statement establishing the height in stories, construction type, protection classification and Plan classification of each such fire area.

2) The elevation of each floor level with respect to the floor level of the lowest street floor. The street-floor plan shall show the difference in elevation between its floor level and the grade level outside at each point of ingress-egress from the building to a point 12 feet from the building line.

3) The location of all existing or proposed partitions and walls, the identification of those partitions and walls required to have a fire resistance rating, and the rating so required.

4) The identification of each room and space as to its occupancy and use.

5) The designation of the rated population capacity and student enrollment capacity for each floor and each occupied room or space thereon.

6) The identification of the areas protected or proposed to be protected by a sprinkler and/or fire detection system.
7) The location, arrangement and width of each stairway, ramp, fire resistive passageway, fire escape and slide escape which serves as a required means of exit, and of each corridor, passageway, primary egress aisle or balcony which provides the required path of travel to each such exit.

8) The location, direction of swing, width, type, and, where required, fire rating of each door located in the path of travel to a required exit or serving as part of a required exit.

9) The locations of vertical openings and the existing or proposed protection for such openings.

10) The existing or proposed locations of fire alarm boxes, fire alarm horns and lights, exit lights, emergency lighting, and fire alarm control panel.

11) The location of primary air distributing or recirculating fans and designation of the areas served by each such fan.

12) Location and identification of fuel burning equipment (both permanent and moveable).

13) On the basement plan, or lowest street floor plan if no basement exists, the location and height of service tunnels and under-floor crawl spaces along with the existing or proposed method of separating such tunnel and spaces from adjacent occupied spaces.

g) A plan shall be included for each attic:

1) That Which is used, or can be used, for storage purposes; or

2) That Which is of combustible construction and used as an open-plenum chamber; or

3) That Which has an average clear height from the top of the ceiling below to the underside of the roof joists or slab (if no joists exist) of more than 42 inches.

h) Each attic plan shall show:

1) The construction of the roof and ceiling;
2) The slope of the roof and such other details as necessary to illustrate the size and arrangement of the attic;

3) Access doors, ducts and other openings into the attic and existing or proposed protection for such openings;

4) Existing or proposed fire-stopping for subdividing attics;

5) The existing or proposed automatic protection (sprinkler or fire detection) and the area to be protected.

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

SUBPART C: CONSTRUCTION AND LIKE ACTIVITIES

Section 180.200 Application for Building Permit

No construction or other, like activity as defined in Section 180.30 of this Part shall begin until a building permit has been obtained pursuant to the following provisions.

a) The school board shall file an Application for a Building Permit ("application") with the regional superintendent having jurisdiction over the board of education in question, on a form prescribed by the regional superintendent. If the board is not the owner, the board shall attach an affidavit from the owner indicating the owner's consent for the proposed work.

b) The completed application shall be accompanied by two copies of all relevant construction documents. Plans and specifications submitted as part of an application shall be prepared by or under the supervision of an architect or engineer. They shall bear the stamp of, and the following certification signed by, the responsible architect or engineer:

“I hereby certify that these plans and specifications were prepared under my supervision and to the best of my knowledge comply with (here insert the code or codes, including the edition, upon which the plans and specifications were drawn), as well as the applicable requirements of 23 Ill. Adm. Code 180.

These plans and specifications consist of the following:
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(here list the plates or sheets constituting the plans & specifications)

(Seal) by ______________________________
(Architect/Engineer Signature)

__________  ________________
(Date Signed)  (Lic. # and Exp. Date)

1) Plans shall be drawn to scale and be based upon the "Architectural Graphics Standards" published by the American Institute of Architects (1988; 1735 New York Avenue, NW, Washington, D.C. 20006). No later amendments to or editions of these standards are incorporated by this rule.

2) Specifications shall, to the greatest extent possible, be written in conformance with the Construction Specifications Institute's "Masterformat" published by John Wiley and Sons, Inc. (1988; 601 Madison Street, Alexandria, Virginia 22314), or the "Uniformat II" published by the American Society for Testing and Materials (1993; 1916 Race Street, Philadelphia, Pennsylvania 19103-1187). No later amendments to or editions of these standards are incorporated by this rule.

3) Whenever reference is made in plans or specifications to this Part or the codes incorporated by reference herein, such reference shall identify the specific edition, section and subsection(s) applicable to the subject in question.

c) Upon receipt of an application, the regional superintendent shall record the date of submission by the school board and assign a unique identification number to said application. This identification number shall be used on all building permits issued pursuant to the application.

d) If the proposed work involves the installation of a closed, prefabricated mechanical system (e.g., a window air conditioner or heating, ventilating, air conditioning (HVAC) unit), the regional superintendent shall not issue a building permit until he or she has reviewed an evaluation report on that system from an approved inspection agency and verified that the report supports the use of the mechanical system in question as proposed.
Section 180.230 Certificate of Occupancy

A certificate of occupancy shall be obtained prior to any occupancy of a facility, including a vehicular facility.

a) General Certificate of Occupancy

When the work covered by a building permit is complete or a facility complies with the requirements of this Part, and upon presentation of accurate safety reference plans for the facility certified by an architect or engineer to be in compliance with this Part (see Section 180.120 of this Part), the regional superintendent shall issue a general certificate of occupancy.

b) Certificate of Partial Occupancy

When requested to do so, a regional superintendent shall issue a certificate of partial occupancy before completion of the entire work covered by a permit, provided that his or her inspection indicates that some area(s) can be occupied safely prior to full completion.

c) Certificate of Occupancy for a Temporary Facility

Effective July 1, 1998, a regional superintendent, when requested to do so, shall issue a one-year certificate of occupancy for a temporary facility, allowing use of a facility that does not comply with all the requirements of this Part, provided that all the following requirements are met.

1) Use of the facility is necessary to meet a temporary need of the school district, as verified by the regional superintendent.

2) The school board presents a plan either for replacement of the temporary facility with a facility meeting the requirements of this Part or for the elimination of the temporary need upon which the request is based. The school board’s plan includes positive action to accomplish this end within a specified period of time, during which the certificate may be annually renewed.
3) The facility has been surveyed by a licensed design professional, whose report is attached identifying the respect(s) in which the facility fails to comply with the requirements of this Part and certifying that such noncompliance does not jeopardize the general health and safety of the students and others who occupy the facility.

4) If the facility is a premanufactured unit such as a mobile home, trailer unit, or other, similar structure, the application shall include evidence that all of the following conditions exist:

A) The facility has received the seal of approval issued by the Illinois Department of Public Health pursuant to the Manufactured Housing and Mobile Home Safety Act [430 ILCS 115];

B) The facility is anchored as specified in the Illinois Mobile Home Tiedown Act [210 ILCS 120] “Manufactured Home Installations (NCSBCS/ANSI A225.1),” published by the National Conference of States on Building Codes and Standards, Inc. (1994; 505 Huntmar Park Drive, Suite 210, Herndon, Virginia 22070);

C) The facility is separated from other buildings by the distance required pursuant to the standards referenced in Section 180.60 of this Part BOCA National Building Code; and

D) The facility is connected to the fire alarm system and intercom or telephone system of a nearby school building, if such a system is present.

d) Certificate of Occupancy for a Vehicular Facility

When requested to do so, a regional superintendent shall issue a certificate of occupancy for a vehicular facility, provided that the facility meets the requirements of Section 180.80(a) and (b) of this Part.

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

Section 180.250 Sprinkler Systems

This Section sets and Sections 180.260, 180.270, and 180.280 of this Part set forth the requirements and standards for sprinkler systems installed in school buildings pursuant to the
provisions of Section 22-23 of the School Code. *The requirements set forth herein shall apply to the school board, board of education, board of school directors, board of school inspectors, or other governing body of each school district in this state, including special charter districts and districts organized under Article 34. (Section 22-23 of the School Code)*

a) **Applicability**

1) In determining whether school construction affects "one or more areas of a school building that cumulatively are equal to 50% or more of the square footage of the school building" (Section 22-23 of the School Code), each separate "fire area" as defined in the building code incorporated pursuant to Section 180.60 of this Part shall be considered as a separate building.

2) "School construction" means any of the activities enumerated in Section 22-23 of the School Code, when the affected building is occupied in whole or part by public school students or is intended for occupancy by such students.

b) **Standards for Sprinkler Systems**

Sprinkler systems shall conform to the requirements set forth in the International Building Code.

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

Section 180.260 Sprinkler System Requirements and Applicability (Repealed)

a) No school construction shall be commenced in any school district unless sprinkler systems are required by the plans for such construction (Section 22-23 of the School Code).

b) "School construction" means any of the activities enumerated in Section 22-23 of the School Code, when the affected building is occupied in whole or part by public school students or is intended for occupancy by such students.

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

Section 180.270 Standards for Sprinkler Systems (Repealed)
Sprinkler system plans shall conform to the requirements set forth in the "Standard for the Installation of Sprinkler Systems" (NFPA 13; 1994) and, where alternative protection is necessary, plans for such protection shall conform to the requirements set forth in "Dry Chemical Extinguishing Systems" (NFPA 17; 1994), both published by the National Fire Protection Association, 1 Battery March Park, Quincy, Massachusetts 02269-9101. (No later amendments to or editions of these standards are incorporated by this Section.)

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

Section 180.280 Standards for Sprinkler System Plans and Specifications (Repealed)

a) Preliminary plans and specifications submitted as part of applications for building permits shall define the extent, arrangement, and quality of the work described therein.

b) Preliminary plans and specifications shall be prepared by or under the supervision of an architect or engineer licensed to practice in Illinois, and shall bear the stamp of and a certificate signed by the responsible architect or engineer, which shall have the following form:

Architect's or Engineer's Certificate

"I hereby certify that these plans and specifications for the installation of a sprinkler system, including any alternative forms of protection, were prepared under my supervision and, to the best of my knowledge, comply with the requirements identified in 23 Ill. Adm. Code 180.260 and 180.270. These plans and specifications consist of the following:

(architect or engineer to list contents)

________________________ _____________________
(Date) (Signature and Stamp)"

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

SUBPART D: INSPECTIONS

Section 180.300 Regional Superintendent's Annual Building Inspection
In complying with the requirement for annual inspections set forth in Section 3-14.21 of the School Code, the regional superintendent shall record the results of such inspections on forms provided by the State Board of Education. (Section 3-14.21 of the School Code.) The requirements of this Section 180.300 shall also apply to all other facilities owned or used for school purposes by a school district subject to this Part.

a) The regional superintendent shall visit each facility and shall issue any necessary notice(s) of violations within 10 calendar days and specify the corrective actions to be taken, as provided in Section 180.400(b) of this Part.

b) Following each inspection, the regional superintendent shall prepare a written report of the results within the time allotted under Section 3-14.21 of the School Code on a form supplied by the State Board of Education. This report shall be submitted to the board of education by July 30 following the school year for which the inspections were conducted. (Section 3-14.21 of the School Code.) The report shall also be submitted to the State Superintendent of Education, in writing or by such electronic means as the State Superintendent may authorize, and shall include the regional superintendent's approval or disapproval of any extension of time requested by the local board pursuant to Section 2-3.12 of the School Code. The recommendations of the regional superintendent shall be considered approved by the State Superintendent unless the regional superintendent receives notification to the contrary within 60 calendar days after submission of his or her report.

c) Upon submission of the regional superintendent's first annual report after the effective date of this Part, each school board will be required to have a certificate of occupancy for each of its facilities and to maintain these certificates in the district's administrative office.

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

Section 180.310 Decennial Inspections

Each school board subject to this Part shall have its school buildings surveyed in conformance with Section 2-3.12 of the School Code. Within two years after September 23, 1983, and no less often than every ten years thereafter, each school board subject to this Part shall have its school buildings surveyed by a licensed design professional in conformance with the provisions of this Section. (Section 2-3.12 of the School Code.)
a) In the course of his or her on-site inspection(s), the architect or engineer shall check the accuracy of the safety reference plans, verify the information shown on the facility inventory records, and make such corrections as are necessary.

b) The design professional conducting the survey shall prepare a safety survey report conforming to the requirements of Section 2-3.12 of the School Code and including the materials specified in Section 180.320 of this Part.

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

Section 180.320 Safety Survey Report

The safety survey report shall include for each facility either:

a) a Certificate of Compliance, if the survey revealed no violations of applicable requirements; or
b) A sketch map showing district boundaries and the locations of all facilities.

c) A violation and recommendation schedule on a form provided by the State Board of Education. A sketch showing facilities on each site owned or used by the district for school purposes.

c) For each facility, either

1) A Certificate of Compliance, if the survey revealed no violations of applicable requirements; or
2) A violation and recommendation schedule on a form provided by the State Board of Education.

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

Section 180.340 Approval of Safety Survey Reports

a) If the regional superintendent finds that the Safety Survey Report and relevant floor plans are complete and correct, he or she shall approve the report; if the regional superintendent finds that the report and floor plans are incomplete or
contain errors, he or she shall so notify the board of education in writing. If the district fails to correct the errors or omissions, the regional superintendent shall disapprove the report. In either case, the regional superintendent shall forward the report and any floor plans to the State Superintendent for approval or disapproval.

b) If the State Superintendent finds that the safety survey report is incomplete or contains errors, he or she shall so notify the board of education in writing. If the district fails to correct the errors or omissions, the State Superintendent shall disapprove the report and return the material to the regional superintendent for return to the board of education.

c) The State Superintendent shall approve or disapprove the report within 90 days of its submission by the regional superintendent. If he or she approves the report, he or she shall issue a Certificate of Approval.

d) Upon receipt of the State Superintendent's certificate, the regional superintendent shall issue such orders as are necessary to effect any recommendations contained in the safety survey report.

e) School board action in response to approved safety survey reports shall conform to the requirements of Section 2-3.12 of the School Code.

f) Failure to submit accurate and complete safety survey reports as required shall subject a school district to the recognition provisions of 23 Ill. Adm. Code 1.

g) Submission of Other Survey Reports

1) If, after having received approval of a safety survey report from the State Superintendent and before submission of the next required safety survey report, a board of education is ordered to have a complete or partial resurvey of its facility(ies) conducted pursuant to Section 180.400 of this Part, it shall submit an updated report reflecting the results of said resurvey.

2) The report shall be submitted to the regional superintendent and the State Superintendent for approval or disapproval in the same manner as for a safety survey report resulting from a decennial inspection.

(Source: Amended at 29 Ill. Reg. _____, effective ______________)
SUBPART E: ADDRESSING VIOLATIONS

Section 180.420 Temporary Closing and Condemnation

a) If, in the opinion of the regional superintendent, a facility or part of a facility poses an imminent threat to the health or safety of its occupants, the regional superintendent shall temporarily close said facility or part of the facility pending determination of the extent of the hazard and order it evacuated immediately.

1) The regional superintendent shall cause to be posted at each entrance to the affected facility a notice reading as follows: "This Facility is Unsafe and its Occupancy has been Prohibited by the Regional Superintendent."

2) Notice of the closing shall also be served on the school district superintendent.

3) No person shall enter a facility so closed, except for the purpose of inspecting, repairing, or demolishing it.

b) The regional superintendent shall request that the facility or part of the facility be inspected by appropriate personnel from either the Department of Public Health, the State Fire Marshal, or the State Board of Education, depending upon the circumstances. Such official(s) shall inspect the facility or part of the facility in question; state, in writing, whether the facility is unsafe, unsanitary, or unfit for occupancy; and indicate the reasons for their conclusions. (Section 3-14.22 of the School Code.) The report of the inspection required under Section 3-14.22 of the School Code shall be submitted to the regional superintendent as soon as possible.

c) Upon receipt of this report, the regional superintendent shall:

1) Lift the closing order, if the report indicates that the facility is not unsafe, unsanitary, or unfit for occupancy; or

2) Issue a condemnation order, if the report indicates this to be warranted, and include the listing of particulars contained in the report.
required of the inspection conducted pursuant to subsection (b) of this Section.

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

SUBPART F: FIRE PREVENTION AND SAFETY FINANCING

Section 180.500 Request for Authorization

a) A school board desiring to use fire prevention and safety funds shall submit to the regional superintendent, using a format prescribed on forms supplied by the State Board of Education, a Request for Authorization ("request"). The request shall consist of a Statement of Facts and Assurances and a Summary of Financing Requirements and shall be accompanied by the following documents, prepared and certified by a licensed design professional:

1) A sketch map showing district boundaries and the locations of all facilities, and

2) A sketch showing facilities on each site involved in the request, and

3) Schematic floor plans or other drawings necessary to show and describe the facility in question and the nature of the work to be done, and

4) a Schedule of Violations, A Violation and Recommendation Schedule, including a brief description of each violation and the recommended correction, and

5) a Schedule of Recommended Work Items and A Statement of Estimated Costs.

b) If the request is submitted within one year after approval of the district's most recent safety survey report and that report remains accurate, any of the documents contained in that report may be used to meet the comparable requirements of subsections (a)(1) through (a)(5) above.

e) Fire prevention and safety financing shall only be approved if:
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1) the district has levied at its maximum authorized rate for its operations and maintenance fund for the most recent year for which tax rates are available; and

2) the district does not have sufficient unrestricted funds (as defined in 23 Ill. Adm. Code 110, Table B) in its operations and maintenance fund and/or its fire prevention and safety fund to pay for the necessary work.

c) If the regional superintendent finds that the request is complete and approvable, or she shall so certify and forward the request with such certification to the State Superintendent of Education. If the regional superintendent disapproves the request, he or she shall so certify and return the request with such certification to the local board. The regional superintendent shall approve or disapprove each request within the time specified in Sectin 17-2.11 of the School Code [105 ILCS 5/17-2.11]. The regional superintendent shall approve or disapprove each request within three months after its submission by a local board.

e) A board of education whose request is not acted upon within three months may submit the request to the State Superintendent for review. (Section 17-2.11 of the School Code)

f) Except under emergency circumstances as provided for in Section 180.530 of this Part, a regional superintendent shall not grant approval to use fire prevention and safety funds for any work which has already been initiated, without the prior express authorization of the State Superintendent. (Section 17-2.11 of the School Code.)

d) If the State Superintendent finds that a request is complete and approvable, he or she shall so certify and return the approved request with such certification to the regional superintendent.

e) Upon receipt of an approved request from the State Superintendent, the regional superintendent shall issue an order to implement the request and forward the request and the order to the originating school board.

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

Section 180.510 Initiation of Work (Repealed)
Initiation and conduct of construction or other, like activities for which the use of fire prevention and safety financing has been approved shall be subject to the procedural requirements set forth in Subpart C of this Part.

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

Section 180.520 Accounting for Fire Prevention and Safety Funds (Repealed)

Funds received and expended for fire prevention and safety purposes shall be accounted for pursuant to the applicable provisions of the Program Accounting Manual (23 Ill. Adm. Code 110).

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

Section 180.540 Cost Estimates

a) Administration and implementation of this Subpart require that many costs be estimated and certified as a prerequisite to approval of proposed work or determination of the applicability of particular rules. The following standards and procedures are to be used where certification of cost estimates is required.

b) All cost estimates shall be based upon published price guides such as those compiled by R. S. Means Company, Inc., Frank Walker Company, and McGraw-Hill Cost Information Systems.

1) The source of the cost figures shall be specifically identified by title, publisher, and period of effectiveness.

2) The cost factors to be used shall be the mean or median costs published for such construction nationally.

3) These raw cost estimates shall be adjusted by applying the appropriate inflation factors, size adjustment factors, and regional cost adjustment factors.

4) The estimate shall be based upon the work to be performed as described in the violation and recommendation schedule.

5) The estimate shall specify the unit or units of measure, the quantity of such units necessary, and the unit cost installed.
6) A total of estimated costs must be provided, along with a general breakdown.

7) The resulting figure shall be referred to as the Adjusted Gross Estimated Cost.

c) Estimates of the replacement cost of a school shall be based upon the cost of constructing a new building of equal size, serving like grades, and for the same programmatic purposes as the facility to be replaced. The procedure is as follows.

1) Determine the type of school to be built based upon its classification as reflected in the most recent Fall Enrollment and Housing Report filed with the State Board of Education.

2) Determine the size of the school to be built, based upon the square footage of the school to be replaced.

3) Multiply the square footage of the school to be built by the appropriate square-foot cost factor.

   A) The published cost factor for elementary schools shall be used for preschools, kindergartens, and elementary schools.

   B) The published cost factor for junior high/middle schools shall be used for schools housing various combinations of grades 5 through 9.

   C) The published cost factor for high schools shall be used for schools housing combinations of grades 9 through 12.

4) The resulting figure shall be referred to as the Adjusted Gross Estimated Replacement Cost of the school.

d) For purposes of estimating costs related to energy conservation measures, the procedures outlined in "ASTM Standards on Building Economics, Fifth Second Edition," published by the American Society for Testing and Materials (2004 1993; 1916 Race Street, Philadelphia, Pennsylvania 19103-1187), shall be used. No later amendments to or editions of these standards are incorporated by this rule.
1) In addition, the source(s) of heating degree days, cooling degree days, and energy consumption data, and the basis for determining the efficiency of existing systems and equipment and their useful lifetimes shall be noted.

2) Where Fire Prevention and Safety Funds are to be used to finance all or part of energy conservation measures, the payback period calculations must show that payback can be achieved within the timeframe specific in Section 19b-4 of the School Code [105 ILCS 5/19-b4] over the useful lifetime of the proposed measure or 10 years, whichever is less.

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

(Replacement of Required Rules)

Materials: Recommended Rules

Purpose of Agenda Item
The purpose this agenda item is to present proposed new Part 500 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 rulemaking.

Background Information
These rules will replace the 11 existing Parts or Subparts that have been identified as extraneous because they regulate programs and activities that are not currently occurring due to lack of funding. This new Part will acknowledge that existing statutory language requires the State Board to have rules on the subjects covered by those 11 Parts and will explain the agency’s intention to place back into effect any of those rules for which funding might be restored in the future.

The sets of rules that are slated for repeal and identified in Part 500 are:

- 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);
- Part 245, Urban Education Partnership Programs;
- Part 250, Comprehensive Arts Programs;
- Part 360, Mathematics and Science Loan Program; and
- Part 575, School Technology Program (Subpart A).

-continued-
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:

Replacement of Required Rules (23 Illinois Administrative Code 500),

including publication of the proposed new Part in the Illinois Register.

Next Steps
With the Board’s authorization, staff will submit these proposed rules 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 500
Replacement of Required Rules

Section 500.10 Purpose; Declaration


SOURCE: Adopted at 29 Ill. Reg. _____, effective ______________.

Section 500.10 Purpose; Declaration

a) The purpose of this Part is to acknowledge the requirement for promulgation of rules by the State Board of Education for:

1) the mathematics and science loan program pursuant to Section 2-3.54 of the School Code [105 ILCS 5/2-3.54];

2) staff development plans and programs, pursuant to Sections 2-3.59 and 2-3.60 of the School Code [105 ILCS 5/2-3.59 and 2-3.60];

3) summer school for remedial education, pursuant to Section 2-3.61 of the School Code [105 ILCS 5/2-3.61];

4) comprehensive arts programs, pursuant to Section 2-3.65 of the School Code [105 ILCS 2-3.65]

5) the alcohol and drug education initiative, pursuant to Section 2-3.93 of the School Code [105 ILCS 5/2-3.93]
6) scientific literacy, pursuant to Section 2-3.94 of the School Code [105 ILCS 5/2-3.94];

7) the urban education partnership program, pursuant to Section 2-3.106 of the School Code [105 ILCS 2-3.106];

8) school technology grants, pursuant to Section 2-3.117a of the School Code [105 ILCS 5/2-3.117a];

9) insurance for certificated employees, pursuant to Section 2-3.124 of the School Code [105 ILCS 5/2-3.124];

10) the professional development block grant under Article 1C of the School Code [105 ILCS 5/Art. 1C]; and

11) alternative learning opportunities program grants, pursuant to Article 13B of the School Code [105 ILCS 5/Art. 13B].

b) Inasmuch as no funding for the initiatives identified in subsection (a) of this Section has been forthcoming for a period of years, ISBE has found that its existing rules on these subjects serve no purpose and constitute unnecessary regulatory documentation. ISBE has therefore repealed its rules formerly found at 23 Ill. Adm. Code 360, 30, 230, 250, 225, 220, 245, 575 (Subpart A), 56, 160, and 240 (Subpart B), respectively, but will restore these to effectiveness if warranted by the resumption of applicable funding.
TO: Illinois State Board of Education
FROM: Randy J. Dunn, Interim Superintendent
       Jonathan Furr, General Counsel
       Ginger Reynolds, Assistant Superintendent (Interim)

Agenda Topic: Action Item: Rules for Adoption – Part 1 (Public Schools Evaluation, Recognition and Supervision)

Materials: Recommended Rules

Staff Contact(s): Jonathan Furr

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

Expected Outcomes of Agenda Item
The Board will be asked to adopt the proposed amendments to Part 1.

Background Information
It has become apparent that, in at least one instance, access to a public early childhood education program in Illinois has been denied to a child because of the child’s immigration status. The Governor’s Office and the State Board of Education were asked to intervene on behalf of the child’s family, and ISBE was directed to take action to prohibit denials of access such as this.

Free public education is guaranteed regardless of immigration status under the U.S. Supreme Court’s 1982 decision in Plyler v. Doe. The present amendment to Part 1 makes this protection explicit in the rules of the State Board of Education.

These rules were presented for the Board’s initial review at the February 2005 meeting and were subsequently published in the Illinois Register to elicit public comment. None was received, and the version presented for adoption is identical to that considered in February.

Analysis and Implications for Policy, Budget, Legislative Action and Communications
Policy Implications: Please see above; these changes reflect a decision of the U.S. Supreme Court.

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 adopts the proposed rulemaking for:

Public Schools Evaluation, Recognition and Supervision (23 Illinois Administrative Code 1).

Further, the Board authorizes the State Superintendent of Education to make such technical or nonsubstantive changes as the State Superintendent may deem necessary in response to suggestions or objections of the Joint Committee on Administrative Rules.

Next Steps

Notice of the adopted 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 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
STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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
STATE BOARD OF EDUCATION
NOTICE OF ADOPTED AMENDMENTS

SUBPART G: STAFF QUALIFICATIONS

Section
1.705 Minimum Requirements for Teachers (Repealed)
1.710 Requirements for Elementary Teachers
1.720 Requirements for Teachers of Middle Grades
1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above through June 30, 2004
1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
1.740 Standards for Reading through June 30, 2004
1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
1.750 Standards for Media Services through June 30, 2004
1.755 Requirements for Library Information Specialists Beginning July 1, 2004
1.760 Standards for Pupil Personnel Services
1.762 Supervision of Speech-Language Pathology Assistants
1.770 Standards for Special Education Personnel
1.780 Standards for Teachers in Bilingual Education Programs
1.781 Requirements for Bilingual Education Teachers in Grades K-12
1.782 Requirements for Teachers of English as a Second Language in Grades K-12
1.790 Substitute Teacher

1.APPENDIX A Professional Staff Certification
1.APPENDIX B Certification Quick Reference Chart
1.APPENDIX C Glossary of Terms (Repealed)
1.APPENDIX D State Goals for Learning
1.APPENDIX E Evaluation Criteria - Student Performance and School Improvement Determination (Repealed)
1.APPENDIX F Criteria for Determination - Student Performance and School Improvement (Repealed)
1.APPENDIX G Criteria for Determination - State Assessment (Repealed)

ILLINOIS REGISTER
STATE BOARD OF EDUCATION
NOTICE OF ADOPTED AMENDMENTS


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 access to its schools or 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 The board of education 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 _____________)
ILLINOIS STATE BOARD OF EDUCATION MEETING
May 18-19, 2005

TO: Illinois State Board of Education

FROM: Randy J. Dunn, Interim Superintendent
       Jonathan Furr, General Counsel
       Ginger Reynolds, Assistant Superintendent (Interim)

Agenda Topic: Action Item: Rules for Adoption – Part 25 (Certification)

Materials: Recommended Rules

Staff Contact(s): Dennis Williams

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

Expected Outcomes of Agenda Item
The Board will be asked to adopt the proposed amendments to Part 25.

Background Information
This set of amendments includes miscellaneous changes that were identified as opportune over the winter. One or two of the changes are needed 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 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 there should 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. 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 state explicitly the differing nomenclature that is used in conjunction with recommendations.

• 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)) has 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 as written 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. (Please see additional discussion below.)

• 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 presented for the Board’s initial review at the February 2005 meeting and were subsequently published in the Illinois Register to elicit public comment. Twenty-two submissions were received. The issues raised are outlined in the attached summary and analysis, and the version of the rules presented for adoption includes changes recommended in response to the comments received.

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 adopts the proposed rulemaking for:

Certification (23 Illinois Administrative Code 25).

Further, the Board authorizes the State Superintendent of Education to make such technical or nonsubstantive changes as the State Superintendent may deem necessary in response to suggestions or objections of the Joint Committee on Administrative Rules.

Next Steps
Notice of the adopted 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.
Summary and Analysis of Public Comment
Part 25 (Certification)

Comment
All but one of the respondents who submitted comments addressed the proposed change in Section 25.235, which would eliminate the current requirement that candidates for certification in school psychology have graduated from a program that is accredited by the National Association of School Psychologists (NASP).

All but one of the 21 communications on this provision advocated a return to the existing requirement, stating that NASP is proactive in terms of establishing and maintaining high standards for school psychology as a profession. These individuals variously added that the elimination of the requirement would be misplaced; that it would not be in the interest of the students to be served; and that reliance on NASP’s high standards is congruent with our partnership with NCATE. Further, the seemingly restrictive requirement has recruitment value in that it informs professionals in other states that they can be assured of certification in Illinois if their training has been congruent with these nationally accepted standards. Along the same lines, it was indicated that requiring a review by an approved Illinois program when an out-of-state candidate comes from a program not accredited by NASP is an appropriate way of ensuring that the Illinois standards either have been met or will be met by these candidates.

Commenters also noted that the alternative to requiring NASP accreditation of programs is costly in that it would entail a course-by-course review of various programs by ISBE staff. With 70% of programs nationwide accredited by NASP, significant resources can be saved by avoiding the need for staff to review all credentials.

Several of the commenters acknowledged the rule’s inadvertent effect on the ability of Illinois institutions of higher education to start new school psychology preparation programs. This unintended outcome was not contemplated by the committee that developed the content-area standards in this field. As an alternative, it was proposed that ISBE develop a provisional or conditional program approval so that new programs could operate long enough to accumulate the data on graduates that are required for NASP accreditation. This proposal rested on the idea that the program’s curriculum and assessment of candidates would have been reviewed and found adequate with respect to Illinois’ standards.

Finally, one commenter stated the belief that this amendment had been prompted by the unwillingness of a specific institution not to seek accreditation by NASP.

Analysis
We recognize that NASP is a well-respected organization, but we believe that linking school psychologists’ certification exclusively to NASP ignores the preparation and credentials of individuals who have completed other states’ approved programs and places unjustified barriers in the way of such individuals when they seek Illinois certification. It needs to be recognized that in some states, including some bordering Illinois, there are no NASP-accredited programs at all, and this will have an effect on the supply of school psychologists for Illinois. School psychology is a shortage area in this state, so we believe it is more reasonable not to restrict this area of certification.

Additionally, there are practical problems associated with requiring NASP accreditation. This form of program review was not established until the late 1980’s and did not immediately become widespread. Therefore, completion of a NASP-accredited program cannot be required of persons certified prior to 1988, and for persons certified thereafter it would be necessary to review the history of each specific program to determine its date of accreditation. Further, NASP accredits only programs that result in issuance of a doctorate or “specialist” credential,
whereas Illinois requires a master’s degree for certification. This creates an inherent mismatch between NASP’s approach and the requirements for Illinois candidates.

Contrary to the assertion that the present amendment was prompted by any particular institution or program, this change was brought forward by ISBE staff in response to experience with the effects of this rule since its June 2004 adoption. Staff concluded that virtually no out-of-state applicants were going to be found eligible for certification in Illinois and suggested removal of the barrier established by the rule’s restrictiveness.

Recommendation
The amendment to Section 25.235 should be adopted as originally proposed.

Comment
The other aspect of this rulemaking on which a comment was received was the existing language found in Section 25.11(e). The respondent indicated that Illinois teachers have more difficulty “adding options” than out-of-state applicants do and suggested that Illinois teachers should have a level field in this regard. He proposed deleting the phrase “of another type” so that the rule would read, “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 as set forth in Section 25.37 of this Part, unless the additional certificate is to be issued based on comparable out-of-state certification.

Analysis
Section 25.37, referenced in Section 25.11(e), describes the “focused program” approach to adding certificates, and the proposed amendment is intended to treat all of a person’s out-of-state certificates in the same way. However, this commenter pointed out that the phrase “of another type” precludes a holder of an Illinois secondary certificate from receiving an additional secondary certificate based on an out-of-state credential. Instead, the applicant is subject to the Illinois requirements for an endorsement in the subsequent subject.

Recommendation
Time and staff commitments did not permit a thorough exploration of the ramifications of this topic prior to the deadline for materials for this Board meeting. It has not been ISBE’s practice to issue multiple secondary certificates to the same individual. Staff will consider the situation and an updated analysis will be provided to the Board. In the meantime, no recommendation for changing the rule can be made.
STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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

PART 25
CERTIFICATION

SUBPART A: DEFINITIONS

Section 25.10 Definition of Terms Used in This Part

SUBPART B: CERTIFICATES

Section 25.11 New Certificates (February 15, 2000)
25.15 Standards for Certain Certificates
25.20 Requirements for the Elementary Certificate
25.30 Requirements for the Secondary Certificate
25.35 Acquisition of Subsequent Certificates; Removal of Deficiencies
25.37 Acquisition of Subsequent Teaching Certificates (2004)
25.40 Requirements for the Special Certificate
25.43 Standards for Certification of Special Education Teachers
25.45 Standards for the Standard Special Certificate--Speech and Language Impaired
25.50 General Certificate (Repealed)
25.60 State Special Certificate, Grades 11-12, For Teaching Elective Subjects
(Repealed)
25.65 Alternative Certification
25.67 Alternative Route to Teacher Certification
25.70 State Provisional Vocational Certificate
25.75 Part-time Provisional Certificates
25.80 Requirements for the Early Childhood Certificate
25.85 Special Provisions for Endorsement in Foreign Language for Individuals Currently Certified
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NOTICE OF ADOPTED AMENDMENTS

25.86 Special Provisions for Endorsement in Foreign Language for Individuals Prepared as Teachers But Not Currently Certified
25.90 Transitional Bilingual Certificate and Examination
25.92 Visiting International Teacher Certificate
25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate (Repealed)
25.99 Endorsing Teaching Certificates
25.100 Endorsing Teaching Certificates (2004)

SUBPART C: APPROVING PROGRAMS THAT PREPARE PROFESSIONAL EDUCATORS IN THE STATE OF ILLINOIS

Section
25.110 System of Approval: Levels of Approval (Repealed)
25.115 Recognition of Institutions, Accreditation of Educational Units, and Approval of Programs
25.120 Standards and Criteria for Institutional Recognition and Program Approval (Repealed)
25.125 Accreditation Review of the Educational Unit
25.127 Review of Individual Programs
25.130 Special Provisions for Institutions Subject to Conditions for Continuing Accreditation
25.135 Interim Provisions for Continuing Accreditation and Approval -- July 1, 2000, through Fall Visits of 2001
25.136 Interim Provisions for Continuing Accreditation -- Institutions Visited from Spring of 2002 through Spring of 2003
25.137 Interim Provisions for Continuing Accreditation and Approval -- July 1, 1999, through June 30, 2000 (Repealed)
25.140 Transitional Requirements for Unit Assessment Systems
25.145 Approval of New Programs Within Recognized Institutions
25.147 Approval of Programs for Foreign Language Beginning July 1, 2003
25.150 The Periodic Review Process (Repealed)
25.155 Initial Recognition Procedures
25.160 Notification of Recommendations; Decisions by State Board of Education
25.165 Discontinuation of Programs

SUBPART D: SCHOOL SERVICE PERSONNEL

Section
STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

25.200  Relationship Among Credentials in Subpart D
25.210  Requirements for the Certification of School Social Workers
25.220  Requirements for the Certification of Guidance Personnel
25.230  Requirements for the Certification of School Psychologists
25.240  Standard for School Nurse Endorsement
25.245  Certification of School Nurses (2004)
25.252  Certification of Non-Teaching Speech-Language Pathologists

SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF ADMINISTRATIVE AND SUPERVISORY STAFF

Section
25.300  Relationship Among Credentials in Subpart E
25.310  Definitions (Repealed)
25.311  Administrative Certificate (Repealed)
25.313  Alternative Route to Administrative Certification
25.315  Renewal of Administrative Certificate
25.320  Application for Approval of Program (Repealed)
25.322  General Supervisory Endorsement
25.330  Standards and Guide for Approved Programs (Repealed)
25.333  General Administrative Endorsement
25.344  Chief School Business Official Endorsement
25.355  Superintendent Endorsement
25.365  Director of Special Education
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STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART F: GENERAL PROVISIONS

Section
25.400  Registration of Certificates; Fees
25.405  Military Service
25.410  Revoked Certificates
25.415  Credit in Junior College (Repealed)
25.420  Psychology Accepted as Professional Education
25.425  Individuals Prepared in Out-of-State Institutions
25.427  Three-Year Limitation
25.430  Institutional Approval (Repealed)
25.435  School Service Personnel Certificate--Waiver of Evaluations (Repealed)
25.437  Equivalency of General Education Requirements (Repealed)
25.440  Master of Arts NCATE (Repealed)
25.442  Illinois Teacher Corps Programs
25.444  Illinois Teaching Excellence Program
25.445  College Credit for High School Mathematics and Language Courses (Repealed)
25.450  Lapsed Certificates
25.455  Substitute Certificates
25.460  Provisional Special and Provisional High School Certificates (Repealed)
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)
25.485  Provisional Recognition of Institutions (Repealed)
25.490  Rules for Certification of Persons Who Have Been Convicted of a Crime
25.493  Part-Time Teaching Interns
25.495  Approval of Out-of-State Institutions and Programs (Repealed)
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
25.530  Specialized Instruction by Noncertificated Personnel
25.540  Approved Teacher Aide Programs
STATE BOARD OF EDUCATION
NOTICE OF ADOPTED AMENDMENTS

SUBPART H: CLINICAL EXPERIENCES

Section
25.610 Definitions
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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).

SUBPART B: CERTIFICATES

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 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.
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 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 [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 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 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 25.100  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
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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.
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].
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
available to the public on an annual basis and shall include it in or with publications routinely sent to potential applicants, guidance counselors, and prospective employers of the institution’s program completers.

(Source: Amended at 29 Ill. Reg. 1999, effective _____________)

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 authorizing 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 Section 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, subject to the provisions of Section 25.720 if its passage would be required for receipt of a 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.
STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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 Adoption
Part 51 (Dismissal of Tenured Teachers) and
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 adoption.

Expected Outcomes of Agenda Item
The Board will be asked to adopt 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 will no longer be specified in our rules. ISBE is currently reviewing its ability to increase this per diem amount.

These rules were presented for the Board’s initial review in February 2005 and were subsequently published in the Illinois Register to elicit public comment. Two pieces of correspondence were received, and the issues raised are outlined in the attached summary and
analysis. The version of the rules presented for adoption includes changes recommended in
response to the comments received.

**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 adopts 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)

Further, the Board authorizes the State Superintendent of Education to make such
technical or nonsubstantive changes as the State Superintendent may deem necessary
in response to suggestions or objections of the Joint Committee on Administrative Rules.

**Next Steps**

Notice of the adopted amendments and repealer 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.

**Summary and Analysis of Public Comment**

**Part 51 (Dismissal of Tenured Teachers Under Article 24 and Dismissal of Tenured
Teacher and Principals Under Article 34 of the School Code)**

**Comment**

It was noted that the definition of “parties” in Section 51.10 does not mention “contract
principals”, a set of individuals employed by the Chicago Public Schools who are subject to
these rules. This omission was also noted in connection with Sections 51.20(a), 51.30,
51.55(d), 51.60, and 51.70.

**Analysis**

The definition of “tenured teacher” in Section 51.10 does specifically include principals.
However, after reviewing this comment we have determined that the language of the definition
may convey the idea that principals are “defined” as tenured teachers in Section 34-85, which is
not the case. The dismissal of principals is discussed in that Section and made subject to the
same requirements as for teachers, so it would be more accurate to reword the definition
slightly.
Recommendation
The definition of “Tenured Teacher” in Section 51.10 should be revised as shown below:

“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 (see as defined in Sections 34-84 and 34-85 of the School Code [105 ILCS 5/34-84 and 34-85]).

Comment
It was stated that Section 51.40(e) should not permit ex parte communications or should limit such communication to scheduling matters only.

Analysis
The first part of this subsection states, “All communications from the parties to the 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.” Thus the intent of this rule is generally to prohibit ex parte communications and to indicate that they must be reported if they do occur. We believe this approach is more feasible since even an absolute prohibition in the rule cannot absolutely preclude such communication.

Recommendation
No change is needed in this rule.

Comment
Section 51.40(f) was questioned with respect to its reference to the code of professional responsibility for arbitrators. The respondent wished to know the reason for the statement that “no later amendments to or editions of these standards are incorporated”.

Analysis
The Illinois Administrative Procedure Act permits a state agency’s rules to incorporate material published by another entity only if the specific edition that is referenced is identified in the rule. Under Section 5-75 of the Act, any such incorporation is also required to state that the rule does not include any later amendments or editions. The point of this requirement is to enable interested or affected parties to determine exactly what material the agency is relying upon.

Recommendation
No change is needed in response to this comment.

Comment
It was suggested that the phrase “bill of particulars” be deleted from Section 51.55(b)(3) because it is redundant and antiquated.

Analysis
The reference to “bills of particulars” is set forth in statute; see 105 ILCS 5/24-12. We do not consider it appropriate to delete the reference to “bills of particulars” from our rules unless and until the statute is revised.

Recommendation
No change is needed in this rule.


Comment
It was stated that the provision in Section 51.60(a) that requires the hearing officer to exclude witnesses during the testimony of other witnesses should be removed in order to allow principals to assist counsel during the hearing. The commenter noted that the existing text of the rule will allow teachers to dictate the exclusion of the principal.

Analysis
We believe that this rule should be made parallel to a rule that is currently being revised in Part 475, Contested Cases and Other Formal Hearings. This revision will make clear that each “side” in a case can be represented by no fewer than two persons even when the hearing officer is excluding witnesses. One of those persons would be counsel or the party’s “authorized representative” permitted in subsection (b). The party, if present, will count as the other “representative” and may remain whether or not he or she will also be a witness. If the party is not present, another individual representing the party may remain, regardless of whether he or she will also be a witness.

Recommendation
Section 51.60(a) should be revised to state:
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 officer shall exclude witnesses during the testimony of other witnesses upon the motion of either party, except that, at any time, one representative of each party in addition to counsel (or other authorized representative) shall be allowed to be present, even if that representative is also a witness. Individuals who are not witnesses are not affected by exclusion under this subsection (a).

Comment
One commenter requested that the term “authorized representative” (used in Section 51.60(b)) be defined.

Analysis
We do not believe there would be any purpose in defining this term because we have no desire to limit whom a party may identify as such.

Recommendation
No change should be made in Section 51.60(b) in light of this comment.

Comment
A suggestion was made to include the hearing officer in the second sentence of Section 51.60(c)(13).

Analysis
Subsection (c)(13) indicates that, at the end of a hearing, each party may make a closing statement incorporating arguments of fact and law. There is no second sentence in this provision, and there is also no other subsection (13) to which this comment could refer instead. A follow-up conversation with the commenter revealed that the sequence of language in a different provision that crosses a page break was not clear. The meaning she sought is already present in the rule that was actually in question.
**Recommendation**
No change is needed in connection with this comment.

**Comment**
The reference to Section 34-85b of the School Code (see Section 51.70(d)) was noted to be incorrect since hearing officers’ decisions are final only if rendered under Section 24-12.

**Analysis**
This comment is correct, and several changes are needed with subsections (c) and (d) of this rule in order to differentiate adequately between the procedure applicable to Chicago and the procedure for all other districts.

**Recommendation**
Section 51.70(c) should be revised to include a separate statement relative to cases in Chicago:

c) A copy of the hearing officer’s 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. If Section 34-85 of the School Code applies, the decision of the Board shall also be given to the State Board of Education to be forwarded by certified mail to the teacher.

Section 51.70(d) also needs a separate discussion of the status of decisions in Chicago:

d) The decision of the hearing officer, if rendered pursuant to Section 24-12 of the School Code, is final unless reviewed under the Administrative Review Law [735 ILCS 5/Art. III], as provided in Sections 24-16 and 34-85b of the School Code [105 ILCS 5/24-16 and 34-85b]. The decision of the hearing officer, if rendered pursuant to Section 34-85 of the School Code, is only a finding of fact and recommendation to the Board. The Board’s decision to dismiss a tenured teacher from its employ is final unless reviewed under the Administrative Review Law, as provided in Section 34-85b of the School Code [105 ILCS 5/34-85b].

Finally, Section 51.70(d)(3), which delineates the contents of the record of a hearing, should be amplified:

D) the decision of the hearing officer (and the decision of the Board, if Section 34-85 of the School Code applies).

**Comment**
One of the commenters advocated that the burden of paying for the preparation of the record when a case is to be reviewed should rest with the local board of education rather than the State Board.

**Analysis**
We agree that this point of view is correct. The word “Board” as used in the rule prior to the proposal of this set of amendments has been defined as the local board of education (see Section 51.10) and should not have been amplified through the addition of “State” and “of Education”.
Recommendation
Section 51.70(d)(2) should be revised to state:

2) The costs of preparing and filing the record of proceedings in the case of a review shall be paid by the State Board of Education.

Comment
With regard to Section 51.80(a), a question was raised as to the requirement for a written statement of an objection versus simply placing the objection on the record.

Analysis
The rule intentionally includes the requirement for a written statement. This requirement will help avoid situations in which a party believes he or she has entered an objection but his or her oral statement was not understood as such by the others present.

Recommendation
Section 51.80(a) should not be changed in response to this question.

Comment
It was proposed that Section 51.80(d) be changed to provide that “All other rules shall be interpreted and applied by the hearing officer” as opposed to the State Board of Education.

Analysis
In general, when there is a question as to the meaning or intent of a particular agency’s rules, deference must be paid to that agency’s interpretation. It is correct to expect that a hearing officer will rely upon ISBE’s interpretation or application of its own rules rather than developing some other position.

Recommendation
No change should be made in this rule in response to the comment.

General
It was suggested that ISBE balance its desire for streamlining its rules with the needs of practitioners, parties, and members of the public for whom searching the statute is not “user-friendly”. It was proposed that changing the rules might better be preceded by reorganizing or clarifying the underlying statutes.
ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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

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 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 (see 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 These rules apply 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 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.

e) 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.
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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 of Education 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 or her 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.
d) If any hearing officer shall resign, die, withdraw, refuse or be unable or disqualified to perform the duties of his or her position, the State Board of Education 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.

f) All communication from the parties to the 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 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.

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.
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

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 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.

2) 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.

c) Further discovery, limited to written interrogatories, bills of particulars, requests to produce, and lists of witnesses, may be allowed for good cause.

1) 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.

2) 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.

3) The hearing officer shall rule on the motion within five days after
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.

4) D) 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) 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 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, except that, at any time, one representative of each party in addition to counsel (or other authorized representative) shall be allowed to be present, even if that representative is also a witness. Individuals who are not witnesses are not affected by exclusion under this subsection (a).

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 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 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.

6) The 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 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 or 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 teacher or the board or upon his
or her 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 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 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 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 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 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 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 State Board of Education 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 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, it 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 hearing officer’s 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. If Section 34-85 of the School Code applies, the decision of the Board shall also be given to the State Board of Education to be forwarded by certified mail to the teacher.

d) The decision of the hearing officer, if rendered pursuant to Section 24-12 of the School Code, Hearing Officer is final unless reviewed under the Administrative Review Law [735 ILCS 5/AI. III], (Ill. Rev. Stat. 1983, ch. 110, pars. 3-101 et seq.) as provided in Section 24-16 of the School Code [105 ILCS 5/24-16]. The decision of the hearing officer, if rendered pursuant to Section 34-85 of the School Code, is only a finding of fact and recommendation to the Board. The Board’s decision to dismiss a tenured teacher from its employ is final unless reviewed under the Administrative Review Law, as provided in Section 34-85b of the School Code [105 ILCS 5/34-85b].

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 Board.

3) The record of the hearing shall include:

A) all pleadings and exhibits,

B) a statement of matters officially noticed,

C) a transcript of the hearing, and

D) the decision of the hearing officer (and the decision of the Board, if Section 34-85 of the School Code applies) 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 insofar as they relate to his or her powers and duties and shall follow any court interpretation of these rules.

c) A violation of the professional standards identified in Section 51.40(f) 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 _____________)
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.
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
STATE BOARD OF EDUCATION
NOTICE OF ADOPTED REPEALER

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,
STATE BOARD OF EDUCATION

NOTICE OF ADOPTED REPEALER

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

Expected Outcomes of Agenda Item
The Board will be asked to adopt the proposed amendments to Part 145.

Background Information
As a result of the general review of these rules, it was 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 determined that it would be sufficient for each affected district to make one payment annually, consisting of all proceeds received to that point.

These rules were presented for the Board’s initial review at the February 2005 meeting and were subsequently published in the Illinois Register to elicit public comment. None was received, and the version presented for adoption is identical to that considered in February.

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 adopts the proposed rulemaking for:

Temporary Relocation Expenses (23 Illinois Administrative Code 145).

Further, the Board authorizes the State Superintendent of Education to make such technical or nonsubstantive changes as the State Superintendent may deem necessary in response to suggestions or objections of the Joint Committee on Administrative Rules.

Next Steps
Notice of the adopted 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.
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 such
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) e) 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 Adoption – 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 adoption.

Expected Outcomes of Agenda Item
The Board will be asked to adopt the proposed amendments to Part 155.

Background Information
These 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.

These rules were presented for the Board’s initial review at the February 2005 meeting and were subsequently published in the Illinois Register to elicit public comment. None was received. Section 2-3.116 of the School Code requires that ISBE’s rules on this subject be approved by the Comptroller, and that concurrence has been received. Consequently the version presented for adoption is identical to that considered in February.

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 adopts the proposed rulemaking for:

Electronic Transfer of Funds (23 Illinois Administrative Code 155).

Further, the Board authorizes the State Superintendent of Education to make such technical or nonsubstantive changes as the State Superintendent may deem necessary in response to suggestions or objections of the Joint Committee on Administrative Rules.

Next Steps

Notice of the adopted 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 c: FINANCE  

PART 155  
ELECTRONIC TRANSFER OF FUNDS  

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-
NOTICE OF ADOPTED AMENDMENTS

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.
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 30 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.
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

Agenda Topic: Action Item: Rules for Adoption – Secular Textbook Loan (Part 350)

Materials: Proposed Amendments

Staff Contact: Frank Hanselman

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 the proposed amendments to Part 350 (Secular Textbook Loan).

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 were published in the Illinois Register on March 4, 2005, to elicit public comments. No comments were received.
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 FY 2005, the agency had proposed moving the deadline to receive textbook orders to December 15. School districts had indicated that this earlier deadline would not provide them with sufficient time to review their textbook needs nor provide them the opportunity to order the newest editions of textbooks. 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 than was possible under the April 15 deadline.

Superintendent's Recommendation

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

The State Board of Education hereby adopts the proposed rulemaking for:

Secular Textbook Loan (23 Illinois Administrative Code 350).

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.
STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER j: TEXTBOOKS

PART 350
SECULAR TEXTBOOK LOAN

Section 350.10  Definition of Terms
Section 350.15  Acquisition Procedures
Section 350.20  Administrative Practices (Repealed)
Section 350.25  Disposal Procedures
Section 350.30  Fiscal Procedures (Repealed)

AUTHORITY: Implementing and authorized by Section 18-17 of the School Code [105 ILCS 5/18-17].


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 or 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 Code. I
understand that this request will remain valid so long as my son/daughter is enrolled in (name of school) and that I may at any time withdraw this request."

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 April 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 Adoption – 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 repealer for the
Board’s adoption.

Expected Outcomes of Agenda Item
The Board will be asked to adopt the proposed amendments to Part 475 and the proposed
repealer of Part 480.

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.
These amendments to Part 475 are to be accompanied by the repeal of Part 480.

These amendments and the repealer were presented for the Board’s initial review at the
February meeting and were subsequently published in the Illinois Register to elicit public
comment. One letter was received, and the issues raised are discussed in the attached
summary and analysis. The version of the amendments being presented for adoption includes
several changes that are recommended in response to the comments received.
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 adopts 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).

Further, the Board authorizes the State Superintendent of Education to make such technical or nonsubstantive changes as the State Superintendent may deem necessary in response to suggestions or objections of the Joint Committee on Administrative Rules.

Next Steps

Notice of the adopted amendments and repealer 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.

Summary and Analysis of Public Comment

Part 475 (Contested Cases and Other Formal Hearings)

Comment

It was pointed out that Section 475.10(c) mentions “other rules” that are not identified. The commenter noted that rules not properly promulgated cannot control.

Analysis

We understand the concern that not all relevant provisions may be identified. Couching the rule in these terms merely ensures that requirements that do govern will not be contradicted by Part 475. There is no question of making applicable any rules or other requirements not properly promulgated.

Recommendation

No change in the rule should be made in response to this comment.

Comment

The placement of language regarding electronic transmission of documents was stated to be awkward because of a conflict with another statement requiring either mailing or personal delivery.
Analysis
An address for electronic submission is stated in Section 475.20(a) to be a potential exception to the general requirement for mailing or personal delivery. Its placement within the rule was intentional in that electronic submission will only be permissible when authorized, whereas the standard required method will be either mailing or personal delivery. However, a slight reorganization of the text may make this clearer. Subsection (b) of the same Section can also be slightly reworded to avoid any confusion on the same subject.

Recommendation
Section 475.20(a) should be revised as shown below:

a) Documents and requests permitted or required to be filed with the ISBE or the State Superintendent of Education pursuant to this Part 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 or an alternative means of filing (such as electronic transmission or submission of facsimile copies) is designated in the notice of hearing, such as for electronic transmission or the submission of facsimile copies.

Section 475.20(b) should also be revised:

b) Documents and requests permitted or required to be filed with the STCB in connection with an evidentiary hearing shall be directed mailed or personally delivered to the Secretary of the STCB in the same manner at the same address specified under subsection (a) of this Section.

Comment
Questions were raised as to whether subsection (b) of Section 475.20 applies to all hearings before the State Teacher Certification Board and, if not, to what types of hearings it will not apply.

Analysis
Section 475.20(b) refers specifically to “evidentiary hearings” and thus excludes instances when the Certification Board is hearing an appeal. This is correct, because the rules in Part 475 are not applicable when the STCB “hears” appeals.

Recommendation
No change should be made as a result of these questions.

Comment
With regard to subsection (f) of Section 475.20, it was noted that the proposed language would have the effect of shortening the timeline for filings accomplished by mail. Also the commenter questioned whether a certificate of service would suffice or the certified letter receipt would be needed to prove timely filing.

Analysis
The proposed new language of subsection (f) indicates that proof of mailing at least four days prior to the established due date will be accepted as proof of timely filing. By contrast, the existing language of the rule requires proof that notice was “dispatched by means reasonably calculated to be received by the prescribed date”. The four-day provision has the advantage of being concrete and not open to question, whereas “reasonably calculating” the arrival of mailed
documents will be more difficult in some areas of the state than others. We believe a uniform and specific timeline is preferable as a rule. A certificate of service would, indeed, be sufficient.

**Recommendation**
No change is needed in Section 475.20(f).

**Comment**
It was proposed that Section 475.50 should be revised to require the filing of both initial motions and answers not less than 14 days before the hearing, as is currently the case. This suggestion was made to avoid the arrival of a response to a motion on the day of the hearing (the combined effect of the timelines in subsections (a) and (c)).

**Analysis**
Because the hearing officer is not required to consider replies, we believe there is no inherent necessity for setting an earlier deadline for answers as suggested. It is within the hearing officer’s discretion to stay the proceedings if he or she deems that necessary in order to review all useful information.

**Recommendation**
Both these deadlines should remain at 7 days prior to the date of the hearing.

**Comment**
A question was raised in connection with Section 475.50(f) as to whether a hearing officer has the authority to dismiss a certification case under Section 21-23 of the School Code on its merits prior to a hearing before the State Teacher Certification Board, or whether the prerogative to dismiss rests with the STCB. The commenter pointed out that permitting the hearing officer to dismiss the case would conflict with Section 21-23(a) of the School Code.

**Analysis**
Subsection (f) states that “...the 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.” This language does comport with Section 21-23(a) of the School Code and we believe it is sufficiently straightforward.

**Recommendation**
No change is needed in Section 475.50(f).

**Comment**
The broad right given to the hearing officer in Section 475.50(i) to consolidate hearings and allow other parties to be joined was discussed in terms of the late advent of other parties and their evidence. The impact of these late introductions was questioned and it was suggested that intervention should be permitted no later than 14 days prior to the hearing, rather than no later than 48 hours prior as stated in the proposed rule.

**Analysis**
If the hearing officer believes a requested intervention would impede the administration of a fair and efficient hearing, he or she has the discretion to deny the intervention. Therefore it should not be necessary to set the deadline for petitions at 14 days.

**Recommendation**
No change should be made in Section 475(i)(3).
Comment
The respondent expressed strong reservations about hearings on certification matters conducted by hearing officers independently, i.e., outside the presence of members of the State Teacher Certification Board. He stated that this approach would undercut one of the fundamental purposes of the STCB, that peers would make determinations regarding continuing certification of educators. He also stated that anyone who has an interest in the outcome of the proceedings or a potential conflict of interest should be precluded from being a hearing officer. As an example, he pointed to the potential for conflict of interest in situations where one ISBE staff attorney is appointed as hearing officer and another prosecutes the case on behalf of the State Superintendent.

A further question was raised about the relationship between the State Superintendent and the hearing officer, having to do with whether the State Superintendent could disqualify a hearing officer for bias based on a disagreement with the hearing officer’s rulings. Also, the commenter noted that the State Superintendent, ISBE, or STCB, as applicable, would be unlikely to grant a teacher’s motion to disqualify a hearing officer if the hearing officer were friendly to the State Superintendent’s, ISBE’s, or STCB’s respective position.

Analysis
The language of Section 475.60(e) is designed to preclude anyone with a vested interest in the outcome of the proceedings or a potential conflict of interest from being a hearing officer, and we are of the opinion that it accomplishes that goal. We do not believe the language of subsection (e) can reasonably be construed to allow, as the commenter poses, the State Superintendent to disqualify a hearing officer simply because he or she disagrees with the ruling. Nor do we expect the State Superintendent, ISBE, or STCB to consider the hearing officer’s position in a matter when considering a teacher’s motion to disqualify that hearing officer. Finally, we acknowledge the possibility that an attorney from ISBE’s legal counsel’s office may be designated as a hearing officer while another attorney from the same office is appointed to prosecute the case on behalf of the State Superintendent; however, based on relevant law, we do not consider this to be an impermissible conflict of interest. See, e.g., Scott v. Department of Commerce and Community Affairs, 84 Ill.2d 42, 54-56, 416 N.E.2d 1082, 1089-90 (1981).

Recommendation
No change in the rule should be made in response to this comment.

Comment
The commenter questioned whether the rules provide adequate means of disqualifying a hearing officer who proves physically or mentally unable to perform his or her duties or who simply fails to do so.

Analysis
The rules do not currently include a provision addressing situations such as these, and we agree that such a provision is needed.

Recommendation
The first sentence of subsection (e)(2) should be revised as shown below:

2) 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 [1 ILCS 100/10-30(b)]; for physical or mental incapacity; or for persistent failure to meet statutory or other timelines.

Comment
The power of the hearing officer to exclude individuals from the hearing room of Section 475.60(g) was questioned with regard to its effect on the parties and on “representatives” who may also be witnesses.

Analysis
The proposed language of Section 475.60(g) states:

\[ g) \quad \text{At the request of any party, the hearing officer shall exclude all witnesses from the hearing room, except that, at any time, one representative of each party in addition to counsel shall be allowed to be present.} \]

The intent behind this rule is to specify that no fewer than two persons representing one “side” in a case will be permitted to remain in the hearing room even when the hearing officer excludes “all witnesses”. One is counsel, if present. The party, if present, will count as the other “representative” and may remain whether or not he or she will also be a witness. If the party is not present, another individual representing the party may remain, regardless of whether he or she will also be a witness. The exclusion applies only to witnesses, so other individuals who are not witnesses, such as the paralegals mentioned by the commenter, are not affected or limited by this rule.

We agree that additional language would be helpful in clarifying the meaning of this provision.

Recommendation
Subsection (g) should be rewritten to state as follows:

\[ g) \quad \text{At the request of any party, the hearing officer shall exclude all witnesses from the hearing room, except that, at any time, one representative of each party in addition to counsel shall be allowed to be present, even if that representative is also a witness. Individuals who are not witnesses are not affected by this subsection (g).} \]

Comment
It was stated that the new title of Section 475.80 (Depositions and Discovery) is a misnomer because the Section only addresses depositions.

Analysis
Subsection (e) of Section 275.80 discusses permission for discovery by appropriate procedures other than depositions.

Recommendation
The title should not be changed in response to this comment.

Comment
A question was raised in connection with Section 475.90(f) as to what a “generally recognized technical or scientific fact” might be. It was stated that parties should be notified before the hearing of any such facts or allowed a continuance when such facts are raised.
Analysis
This provision is derived directly from the Illinois Administrative Procedure Act. Section 10-40(c) of the Act states that, “Parties shall be notified either before or during the hearing….and they shall be afforded an opportunity to contest the facts so noticed.” Granting a continuance would potentially be part of an opportunity to contest the facts and would be within the hearing officer’s discretion, under Section 475.60(c)(8), to “rule upon motions, objections, and evidentiary questions”.

Recommendation
No change is needed in Section 475.90.

Comment
The commenter stated that Section 475.100 does not make clear which hearings are covered under each subsection.

Analysis
Section 475.100 is organized to discuss the origins of orders according to the decision-making authority of the hearing officer in relationship to the entity under whose jurisdiction the hearing is held. Subsection (a) deals with actions by the hearing officer when the final decision rests with the hearing officer. Subsection (b) deals with actions by the hearing officer when the final decision rests with an individual or entity other than the hearing officer. For each potential hearing, the underlying statute specifies with whom the authority for a final decision rests. This generic form of organization will be serviceable if additional types of hearings are placed under ISBE’s or the Certification Board’s jurisdiction, and it will help us avoid the need to revise the rule in such a case.

Recommendation
No change is needed in Section 475.100.
STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER n: DISPUTE RESOLUTION

PART 475
CONTESTED CASES AND OTHER FORMAL HEARINGS

Section
475.10 Authority and Applicability
475.15 Alternatives to Appointment of Hearing Officers
475.20 Filing and Form of Documents
475.30 Appearance of Parties
475.40 Notice of Hearing
475.50 Motion and Answer
475.60 Hearing Officer: Qualifications, Powers and Duties
475.70 Pre-Hearing Conferences and Consent Orders
475.80 Depositions and Discovery
475.90 Hearings
475.100 Orders

AUTHORITY: Implementing Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i)] and Article 21 of the School Code [105 ILCS 5/Art. 21] and authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act.


Section 475.10 Authority and Applicability

a) The rules in this 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 These rules shall apply to all administrative hearings conducted under the jurisdiction of the Illinois State Board of Education (ISBE), or 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 these rules, 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 or an alternative means of filing (such as electronic transmission or submission of facsimile copies) is designated in the notice of hearing. The office of the State Board of Education is
STATE BOARD OF EDUCATION
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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 directed to the Secretary of the STCB in the same manner specified under 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 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;

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 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 STCB, 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 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 served:

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.

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

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 and one copy shall be served on each additional party, if any, to the hearing. 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 shall be filed with the General Counsel, one copy shall be filed with the hearing officer, and at least one copy shall be 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. A telephone 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 notice to all parties.

f) The hearing officer shall rule upon all motions, except that the 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 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 may permit any party to intervene in a hearing proceeding, subject to the necessity for conducting an orderly and expeditious hearing, when any 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) When a party's circumstances and the hearing proceeding have a question of law or fact in common.

3) Two copies of a petition for intervention shall be filed with the General Counsel, Legal Advisor and one copy shall be filed with the hearing officer, and one copy shall be 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 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 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 upon the 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 adopted pursuant to that Act and Rules, 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

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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)]; for physical or mental incapacity; or for persistent failure to meet statutory or other timelines. 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:

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.

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, even if that representative is also a witness. Individuals who are not witnesses are not affected by this subsection (g).

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 that have been filed, 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 presiding 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 that 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 presiding 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 presiding Hearing Officer for his or her consideration; or

B) Inform the hearing officer presiding 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 presiding 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.
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

4) The subject matter concerning which each witness is expected to testify.

c) Such notice as the 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. 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 of the taking of the deposition 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 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 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;

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 based on the pleadings and evidence 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 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, 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.  

2) The testimony of a witness shall be under oath or affirmation administered by the hearing officer.
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 Hearing Officer shall admit such evidence subject to the right of the hearing officer Hearing Officer to strike the such 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 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, or the 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:

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 [5 ILCS 100/10-35(b)] by a certified court reporter or by a mechanical recording device. Such records shall be transcribed either:
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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 Administrative Review or an order of a 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 all hearings 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 Hearing Officer may require or allow parties to submit written briefs to the hearing officer Hearing Officer within 21 ten (10) days after the close of the hearing or such other reasonable time as the hearing officer Hearing Officer
shall determine consistent with the State Board of Education's 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 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 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 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, opinions conclusions and recommendations of the hearing officer Hearing Officer and to present a brief to the hearing officer 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
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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 an order, within a reasonable time, 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.

c) Effectiveness of Orders: The final decision in each 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/Art. III] [5 ILCS 100/10-50(b)]

(Source: Amended at 29 Ill. Reg. ______, effective _____________)
PART 480
HEARINGS BEFORE THE STATE TEACHER CERTIFICATION BOARD (REPEALED)

Section
480.10 Authority and Applicability
480.20 Filing and Form of Documents
480.30 Appearance of Parties
480.40 Notice of Hearing
480.50 Motion and Answer
480.60 State Teacher Certification Board: Powers and Duties
480.70 Hearing Officer
480.80 Hearings
480.90 Orders


SOURCE: Adopted at 11 Ill. Reg. 5956, effective March 23, 1987; Part repealed at 29 Ill. Reg. _____, effective ______________.

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:
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

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. (Ill. Rev. Stat. 1985, ch. 127, par. 1015)
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.
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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 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 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  
May 18-19, 2005

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 the proposed amendments to Part 5001.

Background Information
Several months ago we amended Part 5001 to deleted unnecessary or redundant provisions. While those amendments streamlined ISBE’s FOIA rules, they were not meant to represent any substantive change in ISBE’s FOIA procedures. However, we have been advised that the consolidation of two existing provisions has created an unintended discrepancy with respect to the Illinois Administrative Procedure Act (IAPA).

Section 5-15(a)(2) of the IAPA provides that a request for copies of agency rules is not a FOIA request unless the requester designates it as such. In our recent amendments, however, we repealed Section 5001.600 dealing with the inspection of documents that are incorporated by reference into ISBE’s rules and amplified Section 5001.500 (Inspection of Records) to include those materials. That change needs to be reversed so that the rules will conform to both applicable Acts by treating the incorporated materials separately.

The Joint Committee on Administrative Rules has also requested minor technical revisions in Sections 5001.110 and 5001.210 that were overlooked in the previous amendments.

Under the IAPA, 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:

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.
ILLINOIS REGISTER

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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

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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].


SUBPART A: INTRODUCTION

Section 5001.110 Definitions

a) Terms used in this Part these rules shall have the same meaning as in the Freedom of Information Act.

b) "FOIA" means the Freedom of Information Act.

c) "Freedom of Information Office" ("FIO") means the unit within the Agency that 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 this Part 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 shall be made in writing.
b) Forms will be available in the Agency’s offices (Springfield and Chicago) for 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.

(Source: Amended 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 other than and all materials incorporated by reference in the administrative rules of the State Board of Education.

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. Unless otherwise approved by the Agency, 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.

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 _____________)
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 217/782-5270).

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

(Source: Section repealed at 29 Ill. Reg. 3900, effective February 22, 2005; new Section added at 29 Ill. Reg. _____, effective _______________)