Ad Hoc Rules Committee of the Whole

Wednesday, October 18, 2006
1:30 p.m.
(This meeting will begin at the conclusion of the previous session.)

Maroon Room
Lockport Township High School East

Public Conference Call Access Number: 1-866-297-6391 (listen only)
Confirmation # 1 5 9 8 1 3 1 1

AGENDA

1. Public Participation

2. Minutes of the September Ad Hoc Rules Committee Meeting (pp. 2-6)

*3 Rules for Initial Review
   a. Amendments to Part 60 (“Grow Your Own” Teacher Initiative) (Plenary packet pp. 30-40) (Linda Jamali)
   b. New Part 70 (Early Childhood Teacher Preparation Assistance Grant) (Plenary packet pp. 41-58) (Kay Henderson)

*4 Rules for Adoption
   a. Part 235 (Early Childhood Block Grant) (Kay Henderson) (Plenary packet pp. 59-82)
   b. New Part 70 Emergency (Early Childhood Teacher Preparation Assistance Grant) (Kay Henderson) (Plenary packet pp. 41-58)

5. Additional Items

6. Adjourn

* Items listed with an asterisk (*) will be discussed in committee and action may be taken in the plenary session.
Committee Members Present  Absent  Others
Jesse Ruiz  
Andrea Brown  
Ed Geppert  
Vinni Hall  
Brenda Holmes  
Joyce Karon  
David Fields  
Chris Ward  
Dean Clark  
Randy Dunn  
Darren Reisberg  
Sally Vogl  
Dana Kinley  
Robin Lisboa  
Linda Jamali

1. **PUBLIC PARTICIPATION:** Terry Scrogum from the Illinois Arts Council was in attendance to answer questions about the rules.

2. **MINUTES OF THE JUNE AD HOC RULES COMMITTEE OF THE WHOLE**
The June Ad Hoc Rules Committee meeting minutes were unanimously approved.

3. **DISCUSSION OF RULES FOR INITIAL REVIEW**
   General Counsel Darren Reisberg thanked Sally Vogl, Winnie Tuthill and Shelley Helton for their hard work on the rules and waiver report. Mr. Reisberg turned the meeting over to Ms. Vogl.

**NEW PART 232**
*(Summer Bridges Program)*

On behalf of Myron Mason, Ms. Vogl provided an overview of the new rules for the Summer Bridges Program, which is a fairly long-standing initiative of the State Board. Because this is a grant program for which the agency makes decisions about which districts will be eligible and what the allowable use of the funds will be, ISBE needs to have a set of grant rules to address these points. She noted that new Part 232 would mirror the essential characteristics of other rules that have a similar purpose. The program serves students coming out of prekindergarten through Grade 6 in districts with high percentages of students who are not meeting state standards or who are being recommended for retention. The format of the program is very well set, as described in the rules, and the districts that receive these funds are required to implement this program the way that it is described. Ms. Vogl indicated that she had worked in detail with Sharryon Dunbar on Mr. Mason’s staff so that the rules would encompass all of the aspects of the program that are required for districts and the actions they have to take in order to secure and use the funds.

Board Member Andrea Brown asked if Summer Bridges was now being changed into a competitive grant program or whether that had occurred last year. Ms. Vogl explained that it has not changed and, strictly speaking, really is not competitive. The eligibility criteria for districts are set, and every district that is eligible and submits a letter of intent to apply can apply and will receive funding. The amount of the appropriation is divided on a per-pupil basis once all of the eligible districts and the number of students to be served have been identified. Thus the
program, although not open to all districts, is not actually competitive among those which are eligible.

Board Member David Fields asked what eligibility criteria are used in selecting the students who participate.

Ms. Vogl responded that the first consideration is the eligibility of the district, which must have at least one school in which half of the students are not meeting the standards, but that the eligibility of individual students is somewhat broader. Students are eligible if they are not meeting standards, but there can also be students who are recommended by their teachers for retention or who are identified and referred to the program by their teachers based on other indicators that they are struggling. The students do not all need to be attending the school or schools whose performance led to the district’s eligibility.

Dr. Brown inquired about what had changed so that ISBE would now be required to have rules where there were none in the past. Ms. Vogl replied that there was to be no change in the operation of the program, but rather a change in our understanding. Even though there is no underlying legislation establishing this program or stipulating that ISBE implement it via rules, the fact is that the agency exercises its discretionary authority in deciding how to distribute the funding and in establishing requirements. On that basis, rules are needed to legitimize that decision-making.

Ms. Vogl illustrated how to determine whether a rule is needed: it becomes a requirement when ISBE tells districts there are only certain ways in which given funds may be used or that certain expenses are not allowable. Those statements qualify as generally applicable policies and, therefore, they meet the definition of a “rule”. Similarly, the actions districts must take in order to secure the funds (such as submit a letter of intent and then apply via the process ISBE establishes) are requirements that are enforceable if they are in rule.

Board Member Ed Geppert asked relative to the eligibility and funding issue with Summer Bridges. He wished to know whether information on the amounts to be available could be conveyed to the schools at a significantly earlier date than the funding itself and Ms. Vogl said she certainly would think so.

Mr. Geppert asked if funding is distributed on a per-capita basis and Ms. Vogl reiterated that it was but noted that from year to year it is not known how much that amount will be.

NEW PART 270
(Advanced Placement)

Ms. Vogl asked Division Administrator Dana Kinley to join her at the Board table to discuss the new rules for Advanced Placement.

Ms. Kinley explained the state Advanced Placement program and asked the Board to authorize the solicitation of public comment on proposed New Part 270. She pointed out that, running concurrently with the state program, there is also the federal Advanced Placement Incentive Program and as a part of that there is Advanced Placement fee reimbursement. She indicated that all three pieces complement one another. The purpose of this funding is to reach out to those students who would not ordinarily have sought inclusion into an Advanced Placement classroom and providing the resources necessary to school districts so they can provide training through the College Board to their teachers so they can build that capacity. Ms. Kinley said the program would not pay for the cost of teaching Advanced Placement courses; it simply provides for the professional development necessary to get teachers ready to provide that rigorous coursework. She said another facet of the program is that it needs to target outreach to families and to students to seek out these types of programs.
Ms. Kinley explained further that the eligible applicants also include school districts that serve Grades 6-12 and are trying to establish a Pre-AP program, so when students do get to high school they have had the necessary coursework and training to be successful in those courses. Ms. Kinley said that Grades 6-8 would be Pre-AP, with Grades 9-12 being Advanced Placement. She explained that, to be eligible, districts must show that one or more schools serving these grade ranges has 40% or more students classified as low-income. She also noted that the recipient districts are required to set aside at least 50% of the funding they receive from ISBE to send their teachers or administrators to College-Board supported activities. She said that the schools can administer the PSAT but it is not a requirement under these rules. She concluded by indicating that this would be operated as a 3-year program per recipient, contingent upon sufficient funding, and that applications would be sent this fall for continued participation.

Board Member Chris Ward asked about the issue of 40% and how to get students of color and students coming from poverty into Advanced Placement. He wished to know whether anything in the rules would address that issue, and Ms. Kinley stated that is what the federal program is really about: appealing to nontraditional students. She noted that the participating school districts are being pushed on the recruitment of students.

Dr. Ward said it would be interesting to track and see whether the profile of participating students changes as a result of this program, and Ms. Kinley said that to some extent such tracking is done and that students are tracked through testing. She said work was being done on the establishment of a data base.

Board Member Brenda Holmes asked if ISBE received an appropriation last year and if any dollars had been expended, to which Ms. Kinley replied in the affirmative. Ms. Holmes commented further about the dollars for last year for AP and the International Baccalaureate exam. She followed up on Dr. Ward’s question and asked if Board members might have a list of the grantees. Ms. Holmes also wanted to know if ISBE expects the full appropriation to be spent this year and Ms. Kinley stated that was the expectation.

Board Member David Fields said that this would be more a communications model, with emphasis on getting the information out about the benefits of Advanced Placement courses and testing. He said this needs to be sold and promoted to the parents and students as well. Very few students are going to step forward and say they want to take a tougher course.

Ms. Kinley said one of the avenues that had been explored was an advisory committee for the AP program. She said some of the participants receive federal AP funding, some state funding, and some receive some of each. She stated that she and Lou Berkman had been able to consult a portion of the advisory committee and some of the grantees to discuss these rules.

Dr. Brown asked if a model could be started for the small high schools and Ms. Kinley said there are not any consortiums currently under this particular grant. She acknowledged that the smaller schools are not versed as well in grant writing and grant management. She said that one of the steps her division is being taking with respect to AP, as well as in connection with other programs, is trying to do more active informational meetings with eligible districts on the front end so they know what is good and right and then working with the ROE to hold grant writing workshops to build up their strengths and to help them be more competitive with other applicants.

4. Rules for Adoption

NEW PART 265
(Grants for Arts Education and Foreign Language Education)

Chairman Jesse Ruiz asked the Board if they had questions or comments regarding these new rules. The Board members responded that they had none.
NEW PART 365
(Technology Immersion Pilot Project)
Ms. Vogl mentioned that emergency rules had been adopted earlier when the proposed rules went out for public comment and that no comments were received. Therefore, the rules presented for adoption are identical to the emergency rules, as well as to what was published as a proposal.

Board Member Ed Geppert asked Ms. Kinley about the number of districts that have applied and Ms. Kinley said that more than 50 districts had submitted notices of intent to apply, 48 districts had submitted applications, and seven school districts had been selected for participation. The legislation requires seven school districts with a minimum of nine schools, but seven school districts and 15 schools will be served.

Ms. Holmes discussed whether uniform training with teachers and administrators will be identified and paid by ISBE and if there was a specific appropriation line item for that within the Tech Immersion and Ms. Kinley said there was no appropriation to ISBE for this initiative. She explained that funding was established via the Capital Development Board, through the sale of bonds to fund this initiative. Ms. Holmes pointed out that no funds were included for the agency to do what the agency is mandated to do and Ms. Kinley confirmed.

NEW PART 65
(New Teacher Induction and Mentoring)
Ms. Vogl told the Board that this was another item that had been adopted as emergency rules and also been published to elicit public comment. No public comment was received, so the version being presented was identical to the previous versions the Board had seen.

Acting Division Administrator Linda Jamali came to the Board table to address the Board about ten proposals that had been approved. There were 38 proposals reviewed through the (INTC) Illinois New Teacher Collaborative. She stated that the Collaborative was administering this particular grant and that ten reviewers had reviewed each proposal. Ms. Jamali commended Phyliss Jones for doing a great job with the reviews. She also indicated that the 28 applicants whose proposals were not selected would be sent feedback so the applicants would know where they were weak.

Dr. Brown asked what the funding was for the INTC to administer the grant and Ms. Jamali said it was $200,000. Dr. Brown asked if they were going to be evaluating or if someone else would be performing that function, and Ms. Jamali said they would be evaluating as well and providing technical assistance to all the groups that received the grants. In addition, they had paid for the services of the grant readers and hired a director for that program.

AMENDMENT TO PART 1
(Public Schools Evaluation, Recognition and Supervision and
AMENDMENTS TO PART 228
(Transitional Bilingual Education)
Ms. Vogl said that these two sets of amendments went together. She reminded the Board that the only aspect being addressed in Part 1 is requirements for the annual measurable achievement objectives (AMAOs) for districts that serve students of limited English proficiency with Title III dollars. She explained that no public comment had been received on this amendment but that a change was being recommended within that rule in response to some of the discussion that had to do with Part 228.

Ms. Lisboa thanked everyone who was involved in this process, particularly including the members of the Illinois Bilingual Advisory Council on Bilingual Education, the entire division of English Language Learning, Sally Vogl, and Irma Snopek.
Ms. Lisboa discussed the major points raised in public comment. She noted the inclusion of the English Language Learning Standards, specifically since they are the basis for the annual English language proficiency testing and that is new. A comment had also been made about testing students who are not in bilingual programs; the concern had been that districts would be held accountable for their performance when determining whether the AMAOs had been met. Ms. Lisboa said it was agreed that while those students must be assessed on an annual basis until they test proficient, it would not be appropriate to include those scores in the AMAO determination. That change had been made where appropriate in Part 1.

A commenter had pointed to difficulties in implementing the required student/teacher ratio as required in Part 228. Ms. Lisboa noted that this provision was not new, but that several changes could be incorporated to give districts appropriate flexibility. These changes acknowledged the difficulties in recruiting new personnel after the beginning of a school year. Another new requirement she discussed was for the administrator who oversees TBE and TPI programs to have an appropriate credential. Ms. Lisboa said there were public comments on this matter that had been taken into consideration, as the need was recognized to give individuals time to meet those requirements. Finally, a requirement had been for providing training to the members of the parent advisory councils at the local level.

Board Member Vinni Hall asked Ms. Lisboa what the requirements would be for the administrator who is overseeing these programs. Ms. Lisboa said either an approval or an endorsement would be accepted, given that an administrative credential is also a fundamental requirement.

Dr. Hall asked about the 62 languages that are spoken, but Ms. Lisboa noted that the rules would not specify which language administrator must be proficient in, so long as it is one of the approximately 14 self-contained languages in which certificates are issued in Illinois.

Dr. Hall commended Ms. Lisboa on the balance achieved between the substance of the comments and the needs of the programs, which she thought was remarkable.

5. Additional Items

6. Adjournment
   Dr. Ward made the motion to adjourn. Ed Geppert seconded the motion.

Meeting adjourned at 4:25 p.m.