AGENDA

1. Roll Call

2. Board Member Participation by Other Means

3. Public Participation

4. Minutes of the November Ad Hoc Rules Committee Meeting (pp. 2-4)

*5. Rules for Initial Review
   a. Part 151 (School Construction Program) (Deb Vespa) (pp. 5-11)
   b. Part 375 (Student Records) (Darren Reisberg) (pp. 12-22)

*6. Rules for Adoption
   a. Part 232 (Summer Bridges Program) (Myron Mason) (pp. 23-30)

7. Committee Agenda Planning/Additional Items

8. Adjourn

* Items listed with an asterisk (*) will be discussed in committee and action may be taken in the plenary session.
Chairman Ruiz called the meeting to order at 8:04 a.m. and noted that no members were participating by other means. He also announced that no one was present for public participation.

4. APPROVAL OF MINUTES: David Fields moved approval of the minutes of the October 18, 2007, meeting. Brenda Holmes seconded the motion. It was adopted unanimously and the minutes were approved as presented.

5. RULES FOR INITIAL REVIEW: General Counsel Darren Reisberg noted that the three sets of rules before the Committee respond to recently enacted legislation or changes in agency processes.

PART 51 (Dismissal of Tenured Teachers Under Article 24 and Dismissal of Tenured Teachers and Principals Under Article 34 of the School Code)

General Counsel Darren Reisberg introduced the set of amendments to Part 51.

P.A. 95-510 amended Section 24A-4 of the School Code to allow the school board of the City of Chicago School District 299, along with the exclusive representative of the district’s teachers, to enter into an agreement that would constitute an alternative evaluation plan for teachers in certain, specified schools. General Counsel Reisberg noted that the change in the law necessitates that an exception be provided in the rules governing teacher dismissals, specifically Section 51.20 (Applicability of this Part). In response to a question from Board Member Christopher Ward, General Counsel Reisberg responded that the law could potentially affect the entire district but that it is being implemented in only a subset of the district’s schools (the “Fresh Start” schools). General Counsel Reisberg also confirmed that the alternative evaluation system can only be employed pursuant to an agreement negotiated with the teachers’ union and that the agency must receive a copy of any evaluation plan negotiated, but that it does not “approve” the plan.

PART 226 (Special Education)

Assistant Superintendent Elizabeth Hanselman explained that the proposed amendments to Part 226 address three separate technical changes necessitated by recent legislation:

1. Section 226.220 (Development, Review, and Revision of the IEP) is being amended to acknowledge that certain considerations must be taken by an IEP team for any student with a disability on the autism spectrum. Assistant Superintendent Hanselman also noted that staff are working on the development of a guidance document that will set forth the questions and steps that local personnel would consider as they go through the process, noting that these
suggested questions and steps are not limited to students with autism but would be useful as an IEP team works with students who have other disabilities. No new form will be required.

2. Proposed changes addressed in Section 226.690 (Transfer of Parental Rights) allow for a student who reaches 18 and whose parent is not declared a legal guardian to designate a delegate to represent his or her rights. Staff will be developing a delegation of rights form for this purpose.

3. Section 226.635 (Appointment, Recusal, and Substitution of Impartial Due Process Hearing Officers) includes a proposed technical change that contains a timeframe for requesting a substitution of a hearing officer.

Following the presentation of the proposed amendments, Assistant Superintendent Hanselman responded to a query from Board Member Brenda Holmes about whether there is a listing of materials available for parents about changes in Part 226 and other legislation. Assistant Superintendent Hanselman responded that staff had just completed a guidance document for parents and others presented in a side-by-side format that addresses the federal regulations aligned to the state regulations. In addition, the electronic version of the side-by-side will include state policy guidance under the relevant sections, so that everything related to the regulations will be in one document for parents and districts. Related documents are available that will address federal policy guidance. Board members will receive a copy of the guidance document once it is printed.

Discussion that followed noted that parents can obtain resources from their school districts or special education cooperatives, as well as from the agency’s website, which will provide a listing of research-based resources. The parent network and the parent information training centers also will have copies of the materials.

Board member Andrea Brown asked where Illinois stands in relation to what other states are doing regarding RTI (response to intervention) and whether Illinois has gone beyond what other states are doing. State Superintendent Koch noted that the requirements in Part 226 do exceed federal requirements. Assistant Superintendent Hanselman noted that Illinois is perceived as a leader in research-based interventions. In developing the state plan, agency staff are working in consultation with members of the teachers’ unions, special education associations, school administrator groups and the regional offices of education, as well as collaboratively across agency divisions. To assist the field in implementing research-based interventions, the agency will be conducting professional development in school years 2008-09 and 2009-10, with implementation in school year 2010-11. Finally, both State Superintendent Koch and Assistant Superintendent Hanselman indicated that research-based interventions have implications for other areas, such as Reading First and No Child Left Behind.

PART 350 (Secular Textbook Loan)
General Counsel Darren Reisburg noted that the proposed changes update the rules to respond to new technology and system changes. Staff member Frank Hanselman was present to answer questions; no questions were posed.

6. LESS RED TAPE UPDATE: General Counsel Reisberg noted that Shelley Helton was available to answer questions regarding the Less Red Tape update. He noted that the email account continues to receive submissions and that agency staff continue to promptly respond to the field. Member Brown used one submission (#647, regarding RESPROS) as an example of how Less Red Tape helps individuals learn about various programs and services that are available to them. Other board members agreed that the email account is a good way to garner recommendations and get suggestions. A reminder about Less Red Tape also has appeared two recent editions of the Superintendent’s Weekly Message.

In response to a question, General Counsel Reisberg also noted that the agency will pursue legislation addressing obsolete sections of the School Code and provisions about which the
agency has received audit exceptions; the bill may also include proposed changes based on recommendations received through Less Red Tape.

7. **COMMITTEE AGENDA PLANNING/ADDITIONAL ITEMS:** General Counsel Reisberg noted that Parts 151 (School Construction Program) and 375 (Student Records) will come before the Board for initial review in December. Also in December or January, Nutrition Programs Division staff will discuss the results of three public forums held to discuss the recommendations of the Illinois School Wellness Policy Task Force concerning nutrition standards, as well as staff recommendations for incorporating any of those standards into Part 305 (School Food Service).

8. **ADJOURNMENT:** Dean Clark moved that the meeting be adjourned. David Fields seconded the motion, and the meeting was adjourned at 8:25 a.m.
Illinois State Board of Education

December 12-13, 2007

TO: Illinois State Board of Education

FROM:
Christopher A. Koch, Ed.D., State Superintendent of Education
Linda Riley Mitchell, Chief Financial Officer
Darren Reisberg, General Counsel

Agenda Topic: Action Item: Rules for Initial Review – Part 151 (School Construction Program)

Materials: Recommended Rules

Staff Contact: Deb Vespa, Division Administrator

Purpose of Agenda Item
The purpose of this agenda item is to present the proposed amendments to Part 151 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 rulemaking responds to P.A. 95-416, which amended the School Construction Law to require that applicants for school construction grants for projects that are new as of July 1, 2008, demonstrate in one of several ways that the projects meet “green” building standards. While ISBE has no role in the development of those standards, the new law does affect the rules in Part 151 that describe the required contents of applications. Thus a new item is being added to the list of contents in Section 151.30 to acknowledge this new requirement.

Two other minor changes are also being proposed in order to eliminate text that is now long outdated.

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.

Pros and Cons of Various Actions
These amendments are technical in nature and are intended to provide clarity and ensure districts’ awareness of all applicable requirements. Failure to make these changes would not alter districts’ obligation to comply with the School Construction Law.
Superintendent's Recommendation
The Superintendent recommends that the State Board of Education adopt the following motion:

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

School Construction Program (23 Illinois Administrative Code 151),

including publication of the proposed amendments in the Illinois Register.

Next Steps
With the Board’s authorization, staff will submit these 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 be used
to inform interested parties of the opportunity to comment.
ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER c: FINANCE

PART 151
SCHOOL CONSTRUCTION PROGRAM

SUBPART A: SCHOOL CONSTRUCTION PROJECT GRANTS

Section
151.10 Purpose
151.20 Eligible Applicants
151.30 Application for School Construction Project Grant Entitlement
151.35 Application for School Construction Project Grant Entitlement - Districts With A Population Exceeding 500,000
151.40 Award of Construction Project Grant Entitlement
151.50 Priority Ranking of Construction Grant Entitlements
151.55 Needed Capacity for Unit Districts
151.60 Grant Index
151.70 Debt Service Grants (Repealed)

SUBPART B: SCHOOL MAINTENANCE PROJECT GRANTS

Section
151.100 Purpose; Eligible Applicants
151.110 Definitions
151.120 Application for School Maintenance Project Grants
151.130 Award of School Maintenance Project Grants - Applicants With a Population of 500,000 or Fewer
151.135 Award of School Maintenance Project Grants - School Districts With a Population Exceeding 500,000
151.140 Terms of the Grant

AUTHORITY: Implementing the School Construction Law [105 ILCS 230] and authorized by Section 5-55 of that Law.

Section 151.30 Application for School Construction Project Grant Entitlement

a) A school district seeking a school construction project grant entitlement shall submit an application that includes a District Facilities Plan. A district shall annually update its application in order to establish eligibility for a construction grant.

b) Each application for a grant for Fiscal Year 1998 must be received in the Springfield office of the State Board of Education by February 6, 1998. Applications shall be addressed as follows:

   Illinois State Board of Education
   School Construction Program
   100 North First Street
   Springfield, Illinois  62777-0001

c) Applications for subsequent fiscal years, applications or updates must be received at the address shown in subsection (b) of this Section by April 1 preceding the beginning of the fiscal year in question. Each application or update must include the Capital Development Board’s program statement as defined in 71 Ill. Adm. Code 40.

d) An application that is incomplete will be returned and will not be processed until it is complete. An application must be complete by the applicable filing deadline in order to be considered. All information contained in the application shall be subject to verification and correction by the State Board of Education and the Capital Development Board by means including on-site inspection and review of documents.

e) Each application shall include the following information.
1) A narrative description of the present educational program of the district and anticipated changes in the educational program over the next five years, including:

A) the number of schools currently operated by the district;
B) the configuration of the district’s schools by grade level;
C) the basis upon which students are assigned to the district’s schools; and
D) the nature and estimated impact of any changes in these factors over the next five years.

2) A description of the present and projected financial position of the district, including but not limited to the availability of current revenue, fund balances, the amount of general obligation debt of the district, and the amount of unused bonding power. This requirement may be met by attaching or, if already on file with the State Board, incorporating by reference:

A) a copy of the district’s basic financial statements (i.e., Statement of Revenues Received/Revenues, Expenditures Disbursed/Expenditures, Other Financing Sources (Uses), and Changes in Fund Balances) from the district’s Annual Financial Report for the fiscal year ending June 30 immediately preceding the fiscal year in which the application or update is submitted;
B) a copy of Part III (Budget Summary) and Part IV (Summary of Cash Transactions) from the School District Budget Form for the fiscal year in which the application or update is submitted; and
C) a statement showing the amount of the district’s unused bonding power as determined under Article 19 of the School Code [105 ILCS 5/Art. 19].

3) A description of the district’s maintenance plan and schedule, including but not limited to:
A) the maximum authorized operations and maintenance tax rate of the district;

B) the rate at which the operations and maintenance taxes were last extended;

C) the amount of operations and maintenance expenditures for the last fiscal year;

D) a statement assuring that new, renovated, and existing facilities are being or will be properly maintained; and

E) a brief explanation of how the district intends to maintain new, renovated, and existing facilities.

4) Facility inventory information, including:

A) a listing of each parcel of land, building, building addition, or other structure owned or used by the district to house its operations or held by the district for investment or revenue-producing purposes;

B) for each parcel of land, building, building addition, or other structure, a listing of the following information, as applicable:

i) the facility type;

ii) the ownership class;

iii) an indication of whether the structure is a main building or a building addition;

iv) the functional age of the building or addition as determined under Section 151.50(d)(2) of this Part;

v) the enrollment capacity as determined pursuant to the standards specified in Section 151.50(d) of this Part;

vi) the type of school housed in the building or building addition;
vii) the number of students currently housed in the facility;

viii) the number of inadequately housed students currently housed in the facility as determined under Section 151.50(c) and (d) of this Part;

ix) an indication of the district’s plans for the facility within the next five years; and

x) an indication of which planned activities are the subject of a request for a school construction project grant.

f) Each application submitted on or after July 1, 2007, shall also include information demonstrating that the project conforms to the “green building” requirements of Section 5-40 of the School Construction Law [105 ILCS 230/5-40].

(Source: Amended at 32 Ill. Reg. _____, effective _____________)
TO: Illinois State Board of Education
FROM: Christopher A. Koch, Ed.D., State Superintendent of Education
Linda Tomlinson, Assistant Superintendent
Darren Reisberg, General Counsel

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

Materials: Recommended Rules

Purpose of Agenda Item
The purpose of this agenda item is to present the proposed amendments to Part 375 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 rulemaking responds to P.A. 95-232, which added provisions to the School Code governing school districts’ collection, use, release, and destruction of students’ biometric information (defined as including items such as fingerprints, hand geometry, retinal scans, and the like). Districts that intend to collect these kinds of information must adopt policies requiring:

- written consent by parents (or students who have reached the age of 18);
- prohibition on the disclosure of the information except with consent or under a court order;
- discontinuation of use of the information when the student leaves the school district or upon request by the parent (or student); and
- very prompt destruction of the records after their use is discontinued.

Of particular interest is the 30-day timeframe established for the destruction of these records, which does not correspond to the 90-day advance notice school districts are required to provide to their respective local records commissions under the Local Records Act. In order to give effect to the new provisions of the School Code added by P.A. 95-232, we have determined that it will be necessary to interpret the recent legislation as exempting records of this type from the Local Records Act. Similarly, in order to respect the requirement for destruction of the records within 30 days after their use is discontinued, the rules have been drafted to preclude the transfer of this type of information along with students’ other records.

The other revisions included are being made to conform to current style considerations and wording requirements.
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.

Pros and Cons of Various Actions
These amendments are intended to clarify for school districts how they should respond to conflicting portions of the statute. Failure to promulgate rules on this subject would be likely to lead to unevenness in districts’ implementation of the new requirements and might possible subject their actions to challenges.

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

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

   Student Records (23 Illinois Administrative Code 375),
   including publication of the proposed amendments in the Illinois Register.

Next Steps
With the Board’s authorization, staff will submit these 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 be used to inform interested parties of the opportunity to comment.
Section 375.10  Definitions

"Act" means the Illinois School Student Records Act [105 ILCS 10].

"Student Permanent Record" means and shall consist of the following, as limited by Section 2(d) of the Act [105 ILCS 10/2(d)]:

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

Basic identifying information, including the student’s name and address, birth date and place, and gender, and the names and addresses of the student’s parents;

Academic transcript, including grades, class rank, graduation date, grade level achieved and scores on college entrance examinations;

Attendance record;

Accident reports and health record;

Record of release of permanent record information in accordance with Section 6(c) of the Act [105 ILCS 10/6(c)];

Scores received on all State assessment tests administered at the high school level (i.e., grades 9 through 12) (see 105 ILCS 5/2-3.64(a)); and

May also consist of:

Honors and awards received; and

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

No other information shall be placed in the student permanent record.

"Student Temporary Record" means all information not required to be in the student permanent record and shall consist of the following, as limited by Section 2(d) of the Act:

A record of release of temporary record information in accordance with Section 6(c) of the Act [105 ILCS 10/6(c)];

Scores received on the State assessment tests administered in the elementary grade levels (i.e., kindergarten through grade 8) (see 105 ILCS 5/2-3.64(a));
Information regarding serious infractions (i.e., those involving drugs, weapons, or bodily harm to another) that resulted in expulsion, suspension or the imposition of punishment or sanction;

Information provided under Section 8.6 of the Abused and Neglected Child Reporting Act [325 ILCS 5/8.6], as required by Section 2(f) of the Act [105 ILCS 10/2(f)];

Any biometric information that is collected in accordance with Section 10-20.40 or Section 34-18.34 of the School Code [105 ILCS 5/10-20.40 or 34-18.34]; and

May also consist of:

Family background information;

Intelligence test scores, group and individual;

Aptitude test scores;

Reports of psychological evaluations, including information on intelligence, personality and academic information obtained through test administration, observation, or interviews;

Elementary and secondary achievement level test results;

Participation in extracurricular activities, including any offices held in school-sponsored clubs or organizations;

Honors and awards received;

Teacher anecdotal records;

Other disciplinary information;

Special education files, including the report of the multidisciplinary staffing on which placement or nonplacement was based, and all records and tape recordings relating to special education placement hearings and appeals;
Any verified reports or information from non-educational persons, agencies or organizations; and

Other verified information of clear relevance to the education of the student.

"Substitute" means a person designated by the school to temporarily serve in the event of absence of a person employed by the school.

(Source: Amended at 32 Ill. Reg. _____, effective _____________)

Section 375.30 Notification

a) Upon the initial enrollment or transfer of a student to the school, the school shall notify the student and the student's parent(s) of their rights under the Act as specified in subsection (d) of this Section and of their rights with respect to the collection, distribution and retention of biometric information under Section 10-20.40 or Section 34-18.34 of the School Code, if the school collects student biometric information.

b) All notification under this Part to parents of children classified under Section 14C-3 of the School Code [105 ILCS 5/14C-3] to be of limited English-speaking ability shall be in English and in the language of the child's primary speaking ability.

c) This notification may be delivered by any means likely to reach the parents, including direct mail, parent-teacher conferences, delivery by the student to the parent, or incorporation in a "parent-student" handbook or other informational brochure for students and parents disseminated by the school.

d) Such notification shall consist of:

1) The types of information contained in the permanent and temporary records;

2) The right to inspect and copy permanent and temporary records, the limitations on the right of access established under Sections 10-22.3c and
34-18.6a of the School Code [105 ILCS 5/10-22.3c and 34-18.6a] and Section 5(a) of the Act, and the cost of copying such records;

3) The right to control access and release of school student records and the right to request a copy of information released;

4) The rights and procedures for challenging the contents of the school student record;

5) The persons, agencies or organizations having access to student records without parental consent;

6) The right to copy any school student record or information contained therein proposed to be destroyed or deleted and the school's schedule for reviewing and destroying such information;

7) The categories of information the school has designated as "directory information" and the right of the parents to prohibit the release of such information;

8) A statement informing the parents that no person may condition the granting or withholding of any right, privilege or benefits or make as a condition of employment, credit or insurance the securing by any individual of any information from a student's temporary record which such individual may obtain through the exercise of any right secured under the Act or this Part;

9) The right of the parents, as limited by Section 7 of the Act, to inspect and challenge the information contained in a school student record prior to transfer of the record to another school district, in the event of the transfer of the student to that district; and

10) Any policies of the school relating to school student records which are not included in the Act or this Part, including any policy related to the collection of biometric information as permitted under Section 10-20.40 or Section 34-18.34 of the School Code.

e) The principal of each school or the person with like responsibilities or his or her designate shall take all action necessary to assure that school personnel are
informed of the provisions of the Act and this Part, either orally or in writing [105 ILCS 10/3].

(Source: Amended at 32 Ill. Reg. _____, effective ______________)

Section 375.40 Maintenance

a) The provisions within the Act and this Part requiring records to be separated into permanent and temporary categories shall apply only to records of students who are enrolled in the school on or after the effective date of this Part. Records of students who have graduated or permanently withdrawn prior to the effective date of this Part are not subject to these classifications except:

1) In compliance with the request of a parent or eligible student that such categorization occur; and

2) The records custodian shall ensure that information characterized by the Act and this Part as "temporary" shall not be disclosed except as provided by Section 5 of the Act or by court order [105 ILCS 10/4(f)].

b) Student records shall be reviewed every four years or upon a student's change in attendance centers, whichever occurs first, to verify entries and to eliminate or correct all out-of-date, misleading, inaccurate, unnecessary or irrelevant information pursuant to Section 375.10 of this Part.

c) Upon graduation, transfer or permanent withdrawal of a student from a school, the school shall notify the parents and the student of the destruction schedule for the student permanent record and the student temporary record and of the right to request a copy of such records at any time prior to their destruction. Notification shall consist of the following: date of notification, name of parent, name of records custodian, name of student, and the scheduled destruction date of temporary and permanent records. Biometric information collected pursuant to the district’s policy, if any, shall not be subject to the retention requirements applicable to the remainder of students’ temporary records under Section 4(f) of the Act, and its destruction shall not be subject to authorization by the appropriate Local Records Commission under Section 7 of the Local Records Act [50 ILCS 205/7]. Instead, the destruction of students’ biometric information shall conform to the requirements of Section 10-20.40 or Section 34-34.18 of the School Code, as applicable.
d) Upon graduation or permanent withdrawal of a handicapped student, as defined in Article 14 of the School Code [105 ILCS 5/Art.14] and 23 Ill. Adm. Code 226: Subpart A (Special Education), psychological evaluations, special education files and other information contained in the student temporary record which may be of continued assistance to the student may, after five years, be transferred to the custody of the parent or to the student if the student has succeeded to the rights of the parents. The school shall explain to the student and the parent the future usefulness of these records.

e) If a certified copy of an order of protection has been filed with a school district, then the district shall notify its school employees that the student records or information in those records of a protected child identified in the order shall not be released to the person against whom the order was issued (Section 222(f) of the Illinois Domestic Violence Act of 1986 [750 ILCS 60/222(f)]).

f) Any report required by Section 8.6 of the Abused and Neglected Child Reporting Act that has been filed in a student’s temporary record shall be removed from the student’s record and returned to the Department of Children and Family Services upon written request made by the Department pursuant to Section 8.6 of the Abused and Neglected Child Reporting Act. If a school that receives such a request from the Department has transferred the report to another school as part of the transfer of the student’s records, the sending school shall forward a copy of the Department’s request to the receiving school, which shall comply with this subsection (f).

(Source: Amended at 32 Ill. Reg. _____, effective _____________)

Section 375.70 Release of Information

a) Except as otherwise provided in Section 375.75 of this Part, the records of a student shall be transferred by the records custodian of a school to another school in which the student has enrolled or intends to enroll upon the request of the records custodian of the other school or the student, provided that the parent receives prior written notice of the nature and substance of the information to be transferred and opportunity to inspect, copy, and challenge such information. If the address of the parents is unknown, notice may be served upon the records custodian of the requesting school for transmittal to the parents. This service shall be deemed conclusive, and ten calendar days after this service,
if the parents make no objection, the records may be transferred to the requesting school. Biometric information collected pursuant to a district’s policy, if any, shall not be transferred to another school district in which a student has enrolled and shall be destroyed as provided in Section 10-20.40 or 34-18.34 of the School Code, as applicable.

b) The school shall grant access to information contained in school student records to persons authorized or required by state or federal law to gain such access, provided that:

1) The person making the request shall provide the school with appropriate identification and a copy of the statute authorizing such access; and

2) The parent receives prior written notice of the nature and substance of the information to be released and an opportunity to inspect, copy and/or challenge such information. If this release of information relates to more than 25 students, such prior notice may be given in a local newspaper of general circulation or other publication directed generally to parents.

c) The school shall grant access to, or release information from, school student records without parental consent or notification only in accordance with the provisions of Section 6(a) of the Act [105 ILCS 10/6(a)] and Section 10-20.40 or 34-18.34 of the School Code, where applicable.

d) Any release of information other than specified in subsections (a) through (c) of this Section requires the prior, specific, dated, written consent of the parent designating the person to whom the records may be released, the reason for the release, and the specific records to be released. At the time such consent is requested or obtained, the school shall inform the parents of the following rights:

1) To inspect and copy the records;

2) To challenge the contents of the records; and

3) To limit any consent to designated records or designated portions of information within the records.
e) Release of information by school personnel shall conform to the requirements of Sections 10-22.3c and 34-18.6a of the School Code [105 ILCS 5/10-22.3c and 34-18.6a] and Section 5(a) of the Act.

(Source: Amended at 32 Ill. Reg. _____, effective _____________)

Section 375.110 Enforcement

a) The State Board of Education shall collect and maintain information concerning compliance with the provisions of the Act and this Part and shall take action as specified by the Act to secure compliance in the event of violation.

b) Complaints arising from violations of the Act or this Part, other than challenges of the contents of the school student records as specified in Section 375.90 of this Part, shall be directed to the Superintendent of the Educational Service Region and then to the State Superintendent of Education as specified in Sections 3-10 and 2-3.8 of the School Code [105 ILCS 5/3-10 and 2-3.8] Ill. Rev. Stat. 1985, ch. 122, pars. 3-10 and 2-3.8.

(Source: Amended at 32 Ill. Reg. _____, effective _____________)
ILLINOIS STATE BOARD OF EDUCATION MEETING
December 12-13, 2007

TO: Illinois State Board of Education

FROM: Christopher A. Koch, Ed.D., State Superintendent of Education
Rene Valenciano, Assistant Superintendent
Darren Reisberg, General Counsel

Agenda Topic: Action Item: Rules for Adoption – Part 232 (Summer Bridges Program)

Materials: Recommended Rules

Staff Contact(s): Myron Mason, Division Administrator (Acting)

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

Expected Outcome(s) of Agenda Item
The Board will be asked to adopt the proposed amendments to Part 232.

Background Information
These amendments were proposed as follow-up to the original adoption of Part 232 last year. Their purpose is to strengthen recipient districts’ accountability with respect to implementation of the program, chiefly by implementing some quality assurance measures with respect to the teachers who are paid from the state funds provided. Salient among these requirements are following the established curriculum and sequence and planning to teach every day while the program is in session. The latter provision has been found to be critical, because the Summer Bridges Program is compressed into a short period of time and each day of instruction is important to students’ success.

The revision to Section 232.50(h) regarding the timetable for starting the program and the addition of material to Section 232.60 discussing which appropriation applies are clarifications of current policy rather than substantive amendments.

This set of amendments was presented for the Board’s initial review in September and subsequently published in the Illinois Register to elicit public comment. None was received, and the version being presented for adoption is identical to that originally proposed.

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.
**Pros and Cons of Various Actions**
Adoption of these amendments will enable program staff to best ensure that those teachers employed by districts to work in the Summer Bridges Program will be present for the entire duration of the program. Further, a foundation will be laid for imposing common expectations regarding the program’s implementation. If the rulemaking is not undertaken, it will not be possible to establish these requirements.

**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:

Summer Bridges Program (23 Illinois Administrative Code 232).

Further, the Board authorizes the State Superintendent of Education to make such technical and 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 rules will be filed with the Secretary of State and disseminated as appropriate.
III. 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 f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 232
SUMMER BRIDGES PROGRAM

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AUTHORITY: Implementing Section 10-20.9a of the School Code [105 ILCS 5/10-20.9a] and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.6].


Section 232.50  Program Specifications

a) Eligibility for services under this Part shall not be limited to students who attend the particular attendance centers whose performance led to the district’s eligibility under Section 232.20 of this Part. Any student in an eligible district may be served, provided that he or she was enrolled in pre-kindergarten, kindergarten, or any of Grades 1 through 6 in the school year immediately preceding the summer when the program is offered and:

1) did not meet State standards in reading, as evidenced by the relevant score attained on the State assessment required pursuant to Section 2-3.64 of the School Code [105 ILCS 5/2-3.64]; or
2) was recommended for retention in grade; or

3) was referred to the program by his or her teacher based on the results of a locally determined reading assessment or other factors such as poor grades or a high rate of absenteeism.

b) Funding under this Part shall be used only to provide a remedial summer program consisting of no fewer than 90 hours of instruction to each student served and addressing the components of the literacy framework displayed in Appendix A to this Part. Each district operating the program shall be required to purchase or demonstrate the availability of the materials listed in Appendix B to this Part.

c) The number of sites at which the program is offered within any district shall be limited to the number of sites whose performance led to the district’s eligibility for funding under Section 232.20 of this Part. The program may, however, be conducted at sites other than those whose performance led to the district’s eligibility.

d) Except as otherwise specified in subsection (e) of this Section, no fewer than 12 and no more than 15 students shall be served in each class for Grades 1 through 6, and no fewer than seven and no more than 10 students shall be served in each class for pre-kindergarten and kindergarten. Each district shall report its enrollment count by grade level on the sixth day of attendance in the program and shall consolidate classes as needed to achieve class sizes within these ranges. The services of teachers in excess of the number required for the applicable class sizes shall not be paid for with funding provided under this Part.

e) In order to respond to developments that may occur after the sixth day of attendance, a district may seek approval from the State Superintendent of Education to add no more than two students to any class in excess of the applicable maximum. The State Superintendent shall approve a district’s request if the Superintendent determines that doing so is necessary for reasons of cost-effectiveness or to avoid a disruption in learning opportunities for students, provided that the teacher responsible for the class has consented to the addition of the students.

f) Each district shall prepare a job description for the teachers who will be employed to provide instruction in the Summer Bridges Program. If the district executes individual contracts with the teachers, the contracts shall include the job
description or incorporate it by reference. If the district does not execute individual contracts with the teachers, the district shall require a signed affirmation from each, acknowledging the obligations established in the job description. Each job description shall include at least the requirements set forth in this subsection (f).

1) To conduct a parent orientation prior to the beginning of the program.

2) To participate in all required planning and professional development sessions and activities.

3) To set up the classroom for engaged and cooperative learning, including learning stations or centers.

4) To establish classroom rules in collaboration with the students in the class.

5) To prepare and submit daily lesson plans on a weekly basis.

6) To deliver the established curriculum in accordance with the framework and use the materials provided.

7) To administer the required assessments and report on the results in accordance with the prescribed timetable.

8) To collaborate in the program evaluation effort.

9) To be absent only in response to unforeseen circumstances (for example, no absences shall be permitted for vacation, attendance at conferences, or participation in activities that are not of an emergency nature).

g) Each teacher, paraprofessional, and administrator employed in the program shall be provided with, and shall be required to participate in, 30 hours of professional development.

1) Three hours of professional development shall occur in the time period after the end of the school year and prior to the start of the program and shall be devoted to setting up the learning environment, administering an individual reading inventory, and orientation to the Summer Bridges Program.
2) Twelve hours of professional development shall occur prior to or during the course of the program and shall be devoted to the learning environment, language development and word knowledge, fluency, comprehension, writing, and classroom-based assessment appropriate to the grade level to be served by the participating teachers.

3) Fifteen hours of professional development shall be devoted to mathematics concepts and games, additional literacy strategies, problem-solving, exchange of strategies, activities, and methods among teachers, and analysis of the results of the individual reading inventory.

h) No program funded under this Part shall begin sooner than five business days after the end of the school year unless approved in advance by the State Superintendent of Education. Approval shall be granted only when the school year has been extended to make up days missed due to severe weather or other emergencies.

i) Each district funded under this Part shall assess students’ growth in reading prior to and following their participation in the program. No fewer than 20 percent of the students from each of Grades 2 through 6 and no fewer than 20 percent of the total group of students from pre-kindergarten, kindergarten, and Grade 1 shall participate in an assessment prescribed by the State Superintendent as appropriate to their respective grade levels. The results of these assessments shall be compiled to form part of each district’s summative report under Section 232.70 of this Part.

1) Each student whose results are included in the report shall have achieved an attendance rate of at least 80 percent.

2) The pre-test shall be separated from the post-test by no fewer than 18 days of attendance.

(Source: Amended at 31 Ill. Reg. _____, effective _____________)

Section 232.60 Local Match; Use of State Funds

The Summer Bridges Program is typically operated in the very late portion of one fiscal year and sometimes concludes in the early weeks of the subsequent fiscal year. The required components
of each year’s program (e.g., instructional materials, staff time, professional development) shall be paid for out of the later fiscal year’s appropriation.

a) Each district that receives funding pursuant to this Part shall be required to contribute a matching share equivalent to 20 percent of the amount awarded by the State Board of Education (ISBE). The district’s share may consist of funds, in-kind contributions, or a combination of these, provided that all amounts are related to delivery of the program (e.g., transportation expenses, janitorial services, expenditures for utilities, salary and benefits for an administrator or coordinator, or food service).

b) Each district shall allocate the State funds provided for the program within the range specified in this subsection (b) unless an exception is granted as discussed in subsection (c) of this Section.

1) It is expected that between 45 and 55 percent of the funds provided by ISBE will be used for salaries and benefits related to the employment of instructional and support personnel for the program.

2) It is expected that approximately 20 percent of the funds provided by ISBE will be needed for supplies and materials directly related to the curriculum delivered and not otherwise readily available within the district. Each district shall use no less than $1,000 of its grant allocation per classroom for this purpose.

3) It is expected that approximately 20 percent of the funds provided to each recipient will be used for professional development of the certified and paraprofessional staff who provide instruction and instructional support in the program. All professional development shall be delivered by providers approved for purposes of certificate renewal (see 23 Ill. Adm. Code 25, Subpart J).

4) Up to ten percent of the funds provided to each recipient may be used to offset expenses for administration or program coordination, provided that no support under this program shall be provided for personnel expenditures relative to any staff member employed on an 11- or 12-month contract with the recipient district.
c) A district may expend more than 55 percent of the funds provided under this Part for personnel-related costs only if approved by the State Superintendent of Education based upon evidence of other resources that will be used to ensure the availability of the materials required under Appendix B of this Part and the provision of the professional development required under Section 232.50(f) of this Part.

d) Limitations on Specific Expenditures

1) Grant funds shall not be used to provide more than 130 hours’ compensation for any teacher in the program.

2) Grant funds shall not be used for costs associated with employing more than one support staff member (clerical or paraprofessional) for each four teachers in the program.

3) A full-time program coordinator shall be supported only for programs enrolling at least 1,000 students.

4) Grant funds may be used only to support classroom-based instruction and shall not be used for field trips or experiences.

5) No food or food service expenditures shall be supported with funds provided under this Part.

6) No equipment, software, or software licenses shall be purchased with funds provided under this Part.

(Source: Amended at 31 Ill. Reg. _____, effective _____________)