Ad Hoc Rules Committee of the Whole  
Wednesday, February 21, 2007  
12:30 p.m.  
(This meeting will begin immediately following the previous session.)  

Board Room, 4th Floor  
Public Conference Call Access Number: 1-866-297-6391 (listen only)  
Confirmation # 1 6 9 4 6 3 0 6  

AGENDA  

1. Roll Call  
2. Board Member Participation by Other Means  
3. Public Participation  
4. Minutes of the December and January Ad Hoc Rules Committee Meetings (pp. 2-14)  

*5 Rules for Initial Review  
   a. Part 1 (Public Schools Evaluation, Recognition and Supervision) (Plenary pp. 20-37)  
      (Ginger Reynolds)  
   b. Part 25 (Certification) (Linda Jamali) (Plenary pp. 38-60)  
   c. Part 475 (Contested Cases and Other Formal Hearings) (Darren Reisberg) (Plenary pp. 61-65)  
   d. New Part 485 (Appeal Proceedings Before the State Teacher Certification Board) (Darren Reisberg)  

*6. Rules for Adoption  
   a. Part 1 (Public Schools Evaluation) (Plenary pp. 76-100)  
      (Linda Jamali, Myron Mason & Mark Williams)  

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 1:10 p.m.

1. PUBLIC PARTICIPATION: The Chairman noted that 18 individuals had signed up to speak to the Board. He indicated that the allotted time would be divided among them but that those representing the same organization were requested to appear as a group. Everyone from Valley View School District was therefore invited to come to the speakers’ table first.

This group included Matt Barbini, Johnnie Thomas, Faith Dahlquist, Megan Healy, Dana Smith, and Michelle Stoehrmann, all of whom were involved in some aspect of the implementation of “Response to Intervention” (RtI) or “Problem-Solving”. Mr. Barbini characterized RtI as a very student-centered, proactive way to deliver services to all students in a time-sensitive and data-driven manner. He described the size and diversity of the Valley View school system and advocated RtI as vehicle for decision-making because (1) it “honors” IDEA and NCLB; (2) it provides a structure for decision-making at all levels; and (3) it is good for students, in that they are given the services they need when they need them instead of waiting for them to fail first. He indicated that the district and its partners had trained thousands of general education and special education teachers as well as providers of related services.

Ms. Healy, a general education teacher, described RtI as an “amazing” way to get to know each student. She felt it resulted in her ability to see each one’s reading needs and “take ownership” of addressing those needs. As evidence of these benefits, she noted the advances that had been made by one student in 3 months. Ms. Stoehrmann, a special education teacher, stated that the information collected via RtI is a vital tool in the preparation of appropriate IEPs. Mr. Thomas, the assistant director of special education, noted that this same information makes it much easier to communicate with parents because they can look at concrete data and performance charts. Mr. Smith then noted the speed with which a particular student had begun to receive services based on RtI and contrasted that with the more typical approach. Finally, Ms. Dahlquist, a principal, noted that change sometimes required “a push”. In light of the benefits of RtI, she urged not permitting any other option, fearing that if there were a choice (i.e., the “discrepancy model”) the implementation of RtI would be delayed.

Brenda Holmes inquired regarding the union affiliation of these educators, who responded that they were represented by the Illinois Federation of Teachers. To Ms. Holmes’ question regarding the number of students in her class, Ms. Healy indicated the class size was 26. Ms. Holmes asked Ms. Healy about the training she had received and her access to special education staff when needed. She replied that she had had little specific training in RtI but that a good deal of
the necessary knowledge came from understanding differentiated instruction. In other words, she considered this approach “just how you run a classroom”. She acknowledged that she had needed to learn how to implement it in the first year but stated it had “come very easily” and that it “completely fits in”.

Ms. Holmes followed up by noting that 26 is a fair number of students to serve and asked whether Ms. Healy felt able to “be all things to all students” with so many. Ms. Healy replied that the RtI approach tells her what each student needs. She described keeping individual charts and feeling “accomplished” because of seeing students’ gains in response to instruction. She explained that, when needed, Ms. Stoehrmann provided support for the students in her class who had IEPs.

Vinni Hall wished to know whether the district had adopted a special assessment tool and whether more materials were being provided than before. Ms. Healy indicated that some tools had been in place all along but two additional reading programs had been introduced. Andrea Brown asked how long Ms. Healy had been using differentiated instruction and how long the district had been emphasizing it. She indicated that the district had taken it up about two years ago, and others confirmed that there had been training for a combined general education and special education initiative.

David Fields asked Ms. Healy whether she, as a regular education teacher, would point to any negatives. Ms. Healy replied that the assessment aspect might be viewed as negative but that she saw it as one-on-one time with her students. She indicated that it took, on average, one minute to make a curriculum-based assessment decision for a student, or perhaps 10-15 minutes for a group of half a dozen children. Mr. Barbini mentioned that in January 840 students’ literacy skills would be benchmarked, and by the following week all the teachers (general education, special education, and bilingual) would be using this information to help determine their students’ placement in reading groups. Then progress would be monitored and interventions could be developed accordingly.

Dr. Hall asked whether any students had not been successful, and Ms. Healy indicated there had been some. In those cases further testing would be done and it would be much more targeted in light of the information already available. Ms. Stoehrmann added that it was vital to know what interventions already had or had not worked for each child, and the parents would already have been involved and aware of their child’s situation.

The next group to testify represented Indian Prairie School District 204. First to speak was Leighton Helwig, a problem-solving coach with nine years’ teaching experience. He stated that one of his biggest frustrations as a teacher had not been with class size but rather with how to approach making decisions for students who were struggling. He described weekly team meetings addressing students’ problems out of which no real improvement plans had emerged. Then the district had begun conducting training in problem-solving, at which time “the light bulb went off”. His support for RtI arose from several factors, including its provision of a structure by which teachers can make the best educational decisions for students; the “routine of data collection”; the potential for more timely intervention; and the review of factors outside the learner, including the instruction being provided. He concluded by stating that the biggest point in favor of RtI was “that it works”.

Lisa Davidson, a Ph.D. candidate in school psychology, stated her belief that current practices of evaluating and placing students in special education were failing and stressed her determination not to repeat the mistakes of the past. She noted research showing that monitoring students’ progress, close attention to data, and flexible services provide the best educational opportunities to all students. Teachers and administrators from District 204, including Kimberly Marran, Lynn Reilley, and Emily Scheuchenzuber, also spoke in support of RtI and problem-solving as preferable to the “wait-to-fail” model by which students had previously been determined eligible for special education. They described the use of charts and graphs depicting students’ progress and the students’ response to being able to “see their lines move” as they tracked their own
growth. It was noted that RtI involves a change in how educators think about planning, rather than requiring additional planning, and that the outcomes are worth the change.

Ms. Holmes again inquired as to these teachers’ union affiliation, which was with the Illinois Education Association. She then asked a two-part question: what does it take for a district to implement RtI; and how can smaller districts, i.e., those without all the resources that are available to the larger suburban districts, do the same thing? The answers involved the use of time, although not necessarily additional time, and the involvement of parents and the community. Andrea Brown asked several follow-up questions regarding training and transfer of the information to other districts, and Vinni Hall inquired as to the assessment tools and interventions used. The teachers described these and the strategies that had been used to ensure that all staff would understand each tool and program. They further stressed that any extra time they had spent was extremely worthwhile in terms of improved student performance. Mr. Helwig, the problem-solving coach, described seeing teachers’ reluctance change to excitement.

Bridget Helmholtz of the Illinois Association of Private Special Education Centers expressed her members’ concern for the implications of a point that had been raised in the summary and analysis of public comment. She requested assurances from ISBE that the rules affecting those entities (i.e., Part 401, Special Education Facilities Under Section 14-7.02 of the School Code) would be reviewed and amended as necessary to reflect their correct relationship to Part 226, including any relevant distinctions. She noted that there are important differences between school districts’ programs and those offered in the facilities under Part 401, because districts must generally be unable to provide an appropriate program for a child because of the child’s complex needs before the child can be placed into one of the facilities instead. Therefore, exact equality in the two sets of rules would be inappropriate, and only through different requirements could an equally appropriate education be offered.

Ms. Helmholtz asked for an expression on the record of ISBE’s intent to involve her member facilities in a detailed review of Part 401, in order to ensure appropriate acknowledgment of the distinctions that should apply. Dr. Koch and Sally Vogl responded by explaining the context of the discussion found in the summary and analysis and assured both Ms. Helmholtz and the Board that Part 401 would be reviewed as a matter of course when the revisions to Part 226 were nearing completion. Brenda Holmes noted the request for the affected facilities to be involved in the review, and Dr. Koch affirmed this would occur so that there would be no unintended effects on them.

Judy Hackett, an assistant superintendent also serving as President of the Illinois Alliance of Administrators of Special Education (IAASE), noted the amount of testimony already heard on RtI and elected to focus her remarks on Sections 226.730 and 226.731 instead. She stated that a great deal of study on the issues of class size and case load had been done by her organization and others in recent years and that the provisions in the current rules were more prescriptive than those of many other states. She characterized the language as very prescriptive, very categorical, and out of date in that it promotes reliance on disability labels in decision-making rather than focusing on students’ individual needs. She pointed out that the teacher certification system and higher education approaches had changed to focus on strategies for meeting standards instead. She concluded by applauding the proposed changes, which she considered to be very reflective of public comment.

Ms. Holmes asked Ms. Hackett what she had heard from teachers on this subject. Ms. Hackett responded that there had not been significant objections voiced by teachers in her large district with regard to class size, nor had she seen many teachers present at the public hearings she had attended. She expressed support for the concept of local decision-making on case load based on “what makes sense” from a student-centered perspective. Chairman Ruiz asked how many of the hearings she had attended, to which she responded that she had been present at six.
Bev Johns, Chair of the Illinois Special Education Coalition (ISELA), pointed out that the Board would be making history with its action on the amendments to Part 226. She stated that this could be bad history or positive history if the Board sent the rules back to the drawing board. In her view, adoption of the rules would set special education back 40 years. She stated that there were reasons for case load and class size limits and for categorical programs, pointing particularly to the lack of services experienced by students with disabilities at the time rules were originally written in the 1970s. She warned against returning to a situation in which all children with disabilities were grouped together without consideration of their needs, which had not worked. She also stated that the amendments would delay or even refuse the identification of students as having disabilities.

Ms. Johns felt that the elimination of caseload limitations would intensify the shortage of special education teachers and that students placed in general education settings would then suffer because the general education teachers would not have access to the necessary support from special educators. She indicated that the proposed mandate for RtI would place additional demands on general education teachers without additional funding other than grant funds. She repeated her point that the Board could do harm or good by adopting or rejecting the proposed amendments and stated further that she had attended four of the hearings and felt the summary did not reflect the testimony given. She requested that the Board “think long and hard” because children could not afford for a mistake to be made.

Brenda Holmes noted that the previous presenters had not created the impression that services being provided in those districts were similar to the situation of 40 years ago and asked Ms. Johns how to explain these divergent points of view. Ms. Johns noted that the districts represented were receiving grant funds for implementation (of RtI) and expressed her concern for those that had no such funds. She also referred to two “horror stories” of which she had been made aware in recent days. While not asserting that these arose in the districts represented at the meeting, she stated that instances had occurred in districts where RtI was being implemented.

Ms. Holmes asked the district representatives to clarify whether they were, in fact, receiving targeted grant funds to facilitate the implementation of RtI; they indicated that this was not the case. She then asked Ms. Johns whether, in her opinion, ISBE should start over with this rulemaking, i.e., that there was nothing in the proposal that should be kept. Ms. Johns replied that she had only had the materials in hand for a few days.

Andrea Brown indicated that she was aware of instances during the 1960s and 1970s such as those Ms. Johns had pointed to but highlighted the difference between those earlier times and the current situation in which parents and teachers, in addition to administrators, are represented on IEP teams and children’s individual needs are required to guide the choices that are made. She stated the importance of trust in that system and her belief that there must be leeway for consideration of context and individual need at the local level when class size and case load are under consideration.

Ms. Johns responded by pointing to the serious financial issues that many districts face and the pressures that operate when hiring decisions are made under those circumstances. Her concern was that cuts could be made in special education if no limit on case load were in place. Dr. Brown stated her concern, on the other hand, that when “numbers drive things”, less attention would be paid to students’ specific needs. In the age of differentiated instruction, she believed it more appropriate to look across the continuum of needs being served by an individual teacher in order to determine what that individual’s case load should be. She reiterated her sense of the problem of trust.

Ms. Johns wished to refute the idea that monitoring of case load is difficult on the basis that such monitoring is the job of ISBE. She pointed to the parallel difficulty of monitoring the quality of services being provided when a teacher has a large number of students on his/her caseload. The
discussion concluded with Dr. Brown’s acknowledgment that “horror stories” had occurred in the past but that expectations were very different in current times.

Daryl Morrison of the Illinois Education Association also spoke on the rules for special education. He noted that a position statement had been submitted to Board members by the IEA and confined his presentation to re-emphasizing three points. He first expressed his organization’s support for the reversal of the proposed change in the definition of “general education classroom”. On the other hand, the IEA was opposed to the new language in Section 226.730 calling for district-level policies on case load. In particular, Mr. Morrison believed ISBE would have monitoring difficulties related to this provision. Finally, he stated that the IEA was not opposed to RtI per se but was opposed to the requirement for all districts to use that approach. He asked that the Board let the unions work with ISBE to find out more about it before implementing this requirement.

Ms. Holmes asked Mr. Morrison for his definition of appropriate monitoring of local case load policies. His response centered on the availability of resources for each district to implement a research-based system of intervention and to determine the effectiveness of the model. Ms. Karon then asked whether he believed ISBE was able to monitor the current system. The answer was “no”, and Mr. Morrison also noted there were other areas of concern that could be brought up. The relationship of monitoring to the agency’s budget was noted, and Ms. Karon pointed out that some problems would be missed in any system. The parent’s role in advocating for appropriate services was mentioned by Dr. Ward. Mr. Morrison concluded by reiterating the IEA’s opposition to use of the word “shall”, i.e., the imposition of a mandate. Dr. Brown emphasized that RtI was only one of the scientifically based models for evaluation of students that could be used, that the mandate was for a data-based determination of students’ needs rather than for RtI specifically, and that this was entirely in keeping with the No Child Left Behind Act.

Sue Walter, Union Professional Development Director for the Illinois Federation of Teachers, thanked the Board for reconsidering the definition of “general education classroom” and noted that the IFT still had concerns with the two other major issues Mr. Morrison had also addressed. She felt teachers would have more recourse under the current system of class size limits and stressed the difficulty in monitoring class composition under the proposal, as well as the implementation of some 800 local policies on case load. She acknowledged that insertion of that new provision had been an attempt to respond to the problem but reiterated the sense that the current limits provide the only protection for educators. She expressed the same concern as voiced by the IEA regarding the proposed requirement for RtI or a similar, research-based model of intervention because of the need for funding for training and the time involved.

Erika Lindley, Executive Director of ED-RED, indicated that she had planned to speak in favor of RtI but that the earlier presentations had made that unnecessary. Instead, she focused her comments on the new formula for class size, which relies on the intensity of need and in her view would allow districts to group students in ways that make sense to them. She also expressed support for the provision calling for local district policies on case load that would take into account the time needed for various critical functions. She believed this would ensure that districts use best practices in ways that are locally appropriate. She stated that ED-RED expects high-quality instruction for all students and noted the need for professional development for all teachers. She closed by encouraging the State Board to support funding for RtI resources and training so that the necessary foundation would be in place.

Ms. Holmes asked whether, in formulating its position, ED-RED had taken into consideration the issues outlined by the teachers’ unions with regard to resources, monitoring, and major changes. Ms. Lindley replied in the affirmative. Her member cooperatives did not believe the new class sizes would be an issue and would offer them needed flexibility to group students in appropriate ways.
Christine Martin, an IEA member, school psychologist and problem-solving coach in (Indian Prairie) District 204, and regional coordinator for Illinois ASPIRE, expressed support for RtI and scientifically based interventions. She stated that RtI was the right thing for kids because, “We’ve spent too long admiring problems... and blaming parents, tests, and students for skills not being learned”. She characterized RtI as an opportunity to focus on things that educators have the power to change and described students’ achievement gains in schools where teachers had taken advantage of this opportunity. She believed what matters is not the label put on a child but rather what the child needs and “what we as educators are going to do about it.”

Ms. Martin went on to state that RtI could be implemented and implemented well, that staff who were actually implementing it liked it, and that it resulted in large amounts of gain in short periods of time. For example, she noted that students in classrooms where RtI was implemented had nearly twice the reading gains as similar students in other classrooms in her district. She indicated that, even if it did take more time or educators did not like it, it would still be the right thing to do. However, she believed it did not require more time or money; it only would require educators to do things differently. In her opinion, “It’s time to do what works.”

Ed Geppert asked what currently prevents a school district from using RtI. Ms. Martin indicated that the rule requiring use of the discrepancy model provides a disincentive to implement another procedure as well, since the tendency is to do what is required. Mr. Geppert asked about the difference made by changing the wording between the version that had been originally proposed and the version presented for adoption, and Dr. Koch clarified that the meaning was still to require scientifically based intervention and to permit additional use of the discrepancy model. The change was being recommended for the sake of clarity and not to change the original meaning. Mr. Geppert then reiterated that there is currently no requirement that would prohibit a district from using RtI or a similar model.

It was agreed that the order of the remaining agenda items would be changed somewhat by moving the discussion of Part 226 (Item 3a) to the end since it would involve the lengthiest discussion. It was also noted that only some 35 minutes were available before the Committee would need to take a recess for another meeting to which external participants had been invited. The rules discussion would need to resume at the conclusion of that other session.

2. RULES FOR INITIAL REVIEW

PART 1 (Public Schools Evaluation, Recognition and Supervision)

Darren Reisberg introduced Irma Snopek, a staff attorney, to provide an overview of the proposed amendment to Part 1. Ms. Snopek recolled the amendment that had been made to Section 1.240 approximately 18 months previously to prohibit districts from denying enrollment to undocumented students. She stated that, while very useful, that rule had not proven sufficient and that complaints continued to arise regarding inappropriate enrollment practices affecting immigrant students. Some districts were continuing to ask about students’ immigration status, while others were requiring residency to be demonstrated by means of documents not generally available to those students. These occurrences had proven the need to amend the rule again to be more specific.

Ms. Holmes asked whether districts may require proof of residency as long as they do not require documents such as a Social Security card or driver’s license. Mr. Reisberg answered that they absolutely are permitted to do so and clarified that no change was being made in districts’ ability to require residency as a condition of enrollment. A “fine line” was identified, i.e., that immigration status should have no impact on the question of residency.

Joyce Karon asked for clarification of how these requirements affect students transferring from other districts, particularly with regard to how many forms of documentation could be requested. Mr. Reisberg reiterated that the new rule would not preclude any district from requiring multiple
documents as proof of residency; it would simply require that the documentation requested not consist solely of items that immigrant students would not have. Examples were discussed, and it was suggested that the Superintendent share this information in the weekly message to help districts avoid complaints.

Ms. Snopek stated that problems had unfortunately continued to occur even when the information was widely disseminated. Ms. Holmes noted that the rule would give ISBE better authority for addressing these problems.

3. RULES FOR ADOPTION

PART 227 (Gifted Education)
Mr. Reisberg reminded the Board that initial review of Part 227 had occurred in March and that the rules were now ready for adoption. He introduced Carol McCue and Myron Mason to provide the background on this rulemaking. Ms. McCue noted the work of the Gifted Advisory Council in helping to define what would be expected of programs once funding became available. She described some of the improvements that had been made in the rules when compared to the version repealed several years previously, such as attention to underserved groups and particularly the needs of students who also have disabilities.

Ms. McCue outlined the rules’ provisions for a competitive grant process based on locally developed plans. The goal was to achieve high quality in funded programs while leaving sufficient flexibility at the local level. Ms. McCue also pointed to the various options under which teachers would be considered qualified to serve in funded programs, including some that would honor the work of professionals in programs that have been operating without state funding. Finally, she noted the provision for statewide activities to be conducted by ISBE in years when an appropriation is insufficient to fund a grant competition and indicated that the Advisory Council would have a strong role in developing ideas for those activities, especially professional development.

PART 232 (Summer Bridges Program)
Sharryon Dunbar joined Mr. Mason to discuss this set of rules, which had undergone initial review in September. Ms. Dunbar described the origins and growth of the program, indicating that it was designed to serve students who were not succeeding and that over the years it had been very successful.

PART 270 (Advanced Placement)
Division Administrator Dana Kinley presented an overview of this set of rules, which the Board had first reviewed in September. She noted the issue that had been raised during the public comment period with regard to the required percentage of grant funds to be used specifically for training provided by the College Board. After exploration of this matter, it had been agreed that the proposed percentage could be reduced to 20 instead of 50. Districts would have the latitude to exceed that percentage if they so chose.

Joyce Karon followed up on the reduction and Ms. Kinley clarified that some districts might find that spending more directly on College Board training would be most appropriate, while others could determine that a better use might be local in-service training, collaboration meetings, etc. Vinni Hall noted that the change had been made in response to just one comment, and Ginger Reynolds noted her own experience in working with the College Board, some issues of capacity within that organization, and her assessment that the argument made by the commenter had been compelling. The possibility of “propagating” College Board training at the local level was noted. In response to questions from Chris Ward, it was also clarified that these grant funds could not be used to offset costs for providing the program per se and that the program had been designed to promote greater access to these courses on the part of students from low-income backgrounds.
4. **DISCUSSION ITEM**
Darren Reisberg introduced this item by recalling that the Board had requested an update on current developments related to nutrition standards.

Christine Schmitt, Division Administrator for Nutrition Programs, noted that an overview had been presented in the Board packet, providing information on the federal regulations, Illinois rules, and local wellness policies. An additional document setting out guidance for schools on these matters was handed out. Ms. Schmitt stated that staff in the regional offices of education were being trained, as well as district staff.

Ms. Schmitt also noted that she and her staff expected to be presenting additional amendments to the rules for School Food Service once the report of the School Wellness Policy Task Force was available. She indicated that the report was expected to be available by the end of December and that the law required there to be a Board goal on this subject. Further comparative information would be prepared to assist in the development of that goal.

Brenda Holmes expressed appreciation for the background materials that had been provided and asked Ms. Schmitt to confirm her impression that, although revisions might be initiated in response to the Task Force’s recommendations, the Board would not be compelled to accept those revisions. Ms. Schmitt agreed. Ms. Holmes asked the Chairman and General Counsel Reisberg whether it would be appropriate to solicit assistance from some of the individuals who had provided testimony on the prior amendments, to help the Board avoid making changes in a vacuum. Mr. Reisberg discussed the rule language and its meaning connected with a timeframe for revising the rules.

The Committee recessed at 2:55 p.m. and reconvened at 8:40 a.m. on the morning of Thursday, December 14, to consider agenda item 3.a.

3. **RULES FOR ADOPTION, continued**

**PART 226 (Special Education)**
Dr. Koch introduced the discussion by reflecting on the lengthy rulemaking process that had been conducted and the amount of input that had been received and considered. He noted that it had been clear from the outset that it would be impossible to satisfy all the interested parties and outlined the agency’s efforts to identify reasonable responses, stating that the large volume of public comment had been taken very seriously. He thanked the members of the public for the input that had been provided. He introduced Dr. John Herner and Division Administrator Beth Hanselmann to go into more detail on the key changes in the rules, with particular attention to the provisions for class size and case load. He stressed that these two concepts were different and were intentionally being treated separately in the rules. He reminded the Board that the rules would continue to limit class size but stated his belief that case load was more appropriately a local determination. With regard to RtI, he noted the requirement in federal law for data-based decisions, stating that identification and placement problems in Illinois demonstrated the need for this move.

Dr. Herner, as a recent arrival on ISBE’s staff from out of state, characterized the Board’s rulemaking process as the most thorough, most responsive, and most transparent that he had ever seen and commended the Board for that. He proceeded to outline the types of changes that were being made as part of this rulemaking with regard to nomenclature, the definition of “developmental delay”, timelines for certain procedural steps, scientific research-based intervention, the composition of the IEP Team, the definition of “general education classroom”, and new class size maximums for school years beginning with 2008-09. In explaining research-based intervention, Dr. Herner noted relevant requirements as stated in the federal regulations.
but indicated that talking about legal requirements seemed superfluous in light of the preceding day’s testimony in terms of what it meant for students.

Ms. Hanselmann noted the comparative information that had been provided on the current and proposed versions addressing class size. She clarified that the maximum class sizes had been and would continue to be stated by class period and that ISBE would continue to be able to monitor compliance with these requirements. She noted that the title of Section 226.730 was being changed to eliminate the notion that case load and class size were synonymous and pointed out that case load had not been consistently defined across districts. Rather, ISBE recognized that it was sometimes a bargaining issue at the local level, leading to the addition of Section 226.730(c) to require local policies on staffing needs. She stated that the elements to be included represented best practice. With regard to ISBE’s monitoring of case load, she indicated that submission of these policies would not be required except when violations were alleged. In those instances the local policies would be reviewed and districts would be required to demonstrate how they permitted the provision of all the required services under students’ IEPs.

Dr. Herner provided his perspective on the move away from class size maximums stated on the basis of disability categories. He recalled the fairly recent use of course descriptions such as “LD Math” in another state and noted that these designations implied that arithmetic, for example, is different for students who have disabilities. He emphasized that this did not make sense and went on to point out that the approach taken in the proposed rules would permit flexible delivery of service to students according to their needs.

Ed Geppert expressed gratitude to Dr. Koch and the staff for the effort that had gone into the development of the rules. He described the proposal as “visionary” in its concept of the integration of general education and special education but cautioned against “missionary zeal” about moving quickly in a new direction. He was reluctant to impose yet more requirements on public school staff and moved a revision to Section 226.130 to defer implementation of the requirement for use of a process such as RtI until the 2008-09 school year. Dr. Hall seconded the motion. Mr. Geppert indicated that his proposal arose from the concern that many Illinois districts could not immediately replicate the exciting successes achieved by the Valley View and Indian Prairie districts. He advocated allowing time for the necessary training for all school districts and indicated his willingness to seek the inclusion of funding for that purpose in ISBE’s budget. This phase-in would permit Illinois to reach the visionary goal without the missionary zeal.

Mr. Geppert went on to propose a second revision that would involve Section 226.730. He moved deletion of the word “period” from subsection (b) and decreasing the class size maximums stated in subsections (b)(1) through (b)(4) to 13, 8, 6, and 4, respectively. Dr. Hall seconded the motion and Mr. Geppert then spoke to his reasons for these amendments. He expressed uncertainty as to the reason for use of the word “period” and indicated there might be some potential for its manipulation. He advocated consistent use of the term “class” rather than “class period” throughout this Section.

On the other aspect of the changes, Mr. Geppert indicated that lowering the maximums for each type of class would place the numbers in the middle of the current range. This would not be dramatically different from the original proposal but would send the message that more individualized instruction for students is desired. He expressed the hope of success for a legislative initiative that would double personnel reimbursement for special education.

Chairman Ruiz confirmed that staff had a clear understanding of the revisions that had just been discussed so that the plenary session could begin while they were being committed to writing. Discussion of the proposals then ensued. Andrea Brown expressed a desire not to allow perfect to be the enemy of good. While agreeing with the notion that not all districts were equally prepared for the implementation of models such as RtI, she noted the considerable amount of professional development that had already taken place on teaching reading and focusing on
scientifically based instruction. With regard to class size, she expressed the desirability of local options for placing students appropriately while still maintaining some fundamental protections. She indicated that in her opinion the staff had done a thorough job of investigation the options.

5. ADJOURNMENT
Dr. Hall moved to adjourn the meeting and Mr. Geppert seconded the motion. The meeting was adjourned at 9:15 a.m.
Chairman Ruiz called the meeting to order at 4:30 p.m.

It was announced that no one had signed up for public participation. Brenda Holmes moved approval of the minutes of the November 2006 meeting. Chris Ward seconded the motion and the minutes were approved as presented. Chairman Ruiz abstained from this vote, not having been present at the prior meeting. Discussion moved to the remaining agenda items, beginning with item 5.

5. RULES FOR ADOPTION

PART 60 (The “Grow Your Own” Teacher Education Initiative)

Darren Reisberg noted that this rulemaking had been presented for the Board's initial review in October of 2006 and introduced Division Administrator Linda Jamali to address any questions the Board members might have. Ms. Jamali indicated that several items of public comment had been received and that the proposed rules had been modified in response to the area of concern that had been identified. She noted that this set of amendments had been prompted by legislative changes, as well as by several issues that had arisen in the course of the planning grant process. On the legislative side, the cap on the number of permissible programs had been eliminated; there was now scope for partial forgiveness of loans; the repayment obligation could be waived or deferred for good cause; and candidates must be preparing at the bachelor's degree level. As far as operation of the program was concerned, it had been determined that each candidate’s loan should consist only of amounts provided for tuition, books, fees, and other items directly related to the preparation program and should exclude peripheral expenses such as child care. Finally, the definitions of “hard-to-staff school” and “hard-to-staff position” were being adjusted to reflect the original intent to confine the program to schools serving a substantial percentage of low-income students.

Vinni Hall stated that she had two concerns. The first had to do with her experience that there had been some people who came into teacher preparation under the aegis of this program who had been required by the institutions of higher education to stay in school for considerable periods of time. She expressed the hope that the agency would have a way to track institutions’ implementation in terms of entering candidates and the length of their preparation, particularly when they enter with an associate’s degree already completed.

Ms. Jamali agreed that this might represent a problem and explained that the Board of Higher Education and the Community College Board were trying to correct the situation by means of clear-cut articulation agreements. She believed the availability of the associate’s degree in
teaching should have the effect of streamlining candidates’ further work and also noted that the
problem was less severe in the “Grow Your Own” program than in other initiatives. She went on
to note that the equivalency of coursework completed in foreign institutions is reviewed by
specific agencies and is not within ISBE’s purview.

Dr. Hall’s second concern lay in the elimination of the opportunity for candidates in this program
to earn master’s degrees. It was clarified that individuals holding bachelor’s degrees would no
longer be eligible to participate, but that use of other alternative routes to teacher preparation by
these individuals was encouraged.

Andrea Brown asked about what happens when a candidate who has completed a “Grow Your
Own” program starts teaching but is not hired for a second year. The obligation to repay a
proportionate share of the loan amount was discussed. Dr. Brown’s concern related to the need
for counseling individuals out of teacher preparation when it becomes apparent that they are
unsuited to the profession rather than allowing them to finish and incur the loan obligation. The
responsibility for close collaboration between those recruiting the participants and the institutions
of higher education was stressed. Dr. Brown asked Ms. Jamali whether she could estimate the
percentage of those recruited who would complete the teaching obligation, that is, who would be
retained in the schools the program was designed to serve. Ms. Jamali responded that it was too
early in the program’s implementation to know.

In the audience was Anne Hallett, Director of Grow Your Own Illinois, and Dr. Brown noted that
speaking with Ms. Hallett prior to the meeting had allayed some of her fears in this regard.

Brenda Holmes expressed her appreciation for Ms. Jamali’s efforts in the establishment of this
program, and Dr. Brown stated the belief that Illinois was at the forefront in this field and that the
program should be a model for others.

PART 70 (Early Childhood Teacher Preparation Assistance Grant)
Mr. Reisberg recalled the October 2006 emergency rulemaking that was identical to these
proposed rules and stated that, since no public comment had been received, the version being
presented for adoption was identical to those earlier versions. He introduced Cindy Zumwalt, an
ISBE staff member in the early childhood education division, who was present to speak to any
questions the Board members wished to ask.

There were no questions. The Board members expressed support for the grant program
established by Part 70 and their hope that an increase in high-quality early childhood education
programs would result.

6. DISCUSSION ITEM

NUTRITION PROGRAMS
Darren Reisberg introduced Division Administrator Christine Schmitt and Division Supervisor
Mark Haller to discuss the comparative information that had been provided in the Board packet
and answer any further questions on nutrition standards or wellness policies.

Ms. Schmitt reminded the Board members that their December materials had included a
comparison between federal requirements and the provisions of Part 305, School Food Service.
This month, the recommendations of the School Wellness Policy Task Force had also been
included.

Joyce Karon mentioned a Chicago Tribune article that had indicated that most fattening foods are
found at home rather than in schools. Chris Ward recalled that that had been the Board’s
understanding at the outset of the recent round of rulemaking but that some things done in
schools compounded the problem.
Mr. Reisberg framed the issue in terms of the provision in Part 305 which requires that the Board initiate a revision to the rules in response to the standards set forth in the Task Force’s report. He noted that the discussion then taking place was intended to constitute that initiation. Brenda Holmes asked for confirmation of what had been stated previously from a legal perspective, namely that initiating the discussion was required but that it was not a foregone conclusion that the Task Force’s recommendation would be incorporated into ISBE’s rules or put into effect. Ms. Schmitt confirmed her understanding on this point. Ms. Holmes expressed her appreciation for the work and good intentions of the Task Force members. It was agreed that there is an issue with what students consume but that the recommendations needed a good deal of further consideration and discussion. The agency’s next steps were identified as continuing with an in-depth analysis, after which the staff would communicate recommendations to the Board.

Mr. Reisberg stated that the Board would then be able to determine how it wished to proceed, possibly with further revisions to Part 305. Staff would certainly pay deference to the Task Force’s report and welcome any additional input from the Board. However, he reiterated that there was no requirement for accepting any of the Task Force’s recommendations. He also noted, however, that the State Board must adopt a goal to the effect that all districts would adopt wellness policies incorporating certain points, in line with recommendations of the Centers for Disease Control and Prevention (CDC). It was pointed out that districts had already been required to have local wellness policies in place by the start of the 2006-07 school year and that they had done a very good job with these. The suggested language of a Board goal would be brought forward by staff for consideration.

Ms. Holmes inquired about the relationship of the CDC’s policies to those of the U.S. Department of Agriculture. Ms. Schmitt clarified the four required components of districts’ policies: standards for foods served during the school day; goals for nutrition education and physical activity; community involvement; and a plan for measuring implementation. Mr. Reisberg noted that it was P.A. 94-199 that had established the requirement for the Board to have a relevant goal.

Dr. Hall recalled the October discussion, at which time some Board members had felt ISBE was duplicating the work of the Wellness Task Force. Now that rulemaking had been completed relative to elementary schools, she felt that doing more in rules would defeat the intent of the legislation. Instead, she advocated work aimed at informing parents as to what good nutrition is and stated that the Board should move on to other matters.

7. COMMITTEE AGENDA PLANNING
Mr. Reisberg provided an overview of the rulemaking items that were likely to be ready for the Board’s initial review at the February meeting, including Part 25 (Certification), new Part 485 (Appeal Proceedings Before the State Teacher Certification Board), and Part 180 (Health/Life Safety Code for Public Schools), which needed to be amended in response to P.A. 94-973. In addition, a pending set of amendments to Part 1 (Public Schools Evaluation, Recognition and Supervision) was expected to be ready for adoption at that time. That set of amendments also included changes in response to recent legislation.

8. ADJOURNMENT
David Fields moved to adjourn the meeting and Chris Ward seconded the motion. The meeting was adjourned at 5:00 p.m.