Ad Hoc Rules Committee of the Whole

Thursday, October 18, 2007
8:30 a.m.

Core Room, Primary Center, 401 North 30th Street,
Mt. Vernon, Illinois

Public Conference Call Access Number: 1-866-297-6391 (listen only);
Confirmation # 1 9 4 3 7 8 0 8

AGENDA

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

*5. Rules for Initial Review
   a. Part 1 (Public Schools Evaluation, Recognition and Supervision) (pp. 4-44)

6. Committee Agenda Planning/Additional Items
7. 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 4:35 p.m. and noted that all members were present and none were participating by other means. He also announced that no one had signed up for public participation.

4. APPROVAL OF MINUTES: Vinni Hall moved approval of the minutes of the June 20, 2007, meeting. David Fields seconded the motion. It was adopted unanimously and the minutes were approved as presented.

5. RULES FOR INITIAL REVIEW: General Counsel Darren Reisberg introduced the three sets of rules being presented. He indicated that Division Administrators Linda Jamali and Patrick Murphy were available for the discussion of Part 25.

PART 25 (Certification)
In lieu of a detailed overview of the various changes included in this set of amendments, it was clarified that the rule on the master principal designation was the main substantive aspect and the other items included were chiefly technical in nature. Board members had no follow-up questions on Part 25.

PART 232 (Summer Bridges Program)
Mr. Reisberg noted that staff member Sharryon Dunbar was present to answer any questions there might be with respect to Part 232; there were none.

PART 675 (Providers of Supplemental Educational Services)
Dr. Hall stated that she appreciated the strengthening that was occurring in this set of amendments. Andrea Brown had a question regarding whether the rule’s permission for the use of paraprofessionals as tutors was new and whether it was related to the striking of a reference to the maximum number of students. Sally Vogl clarified the two related aspects that were encompassed within the amendments: the required qualifications, which are those for paraprofessionals serving in programs supported with Title I funding; and the applicability of the requirement for criminal background checks on individuals who serve as tutors. The ramifications of overseas (on-line) tutors were discussed in this connection. As to the deletion of the requirement that application state the maximum number of students a provider could serve, Ms. Vogl explained that program staff had indicated they did not need that information, in contrast to the minimum number a provider would need to serve in order for the program to be offered in a particular district.
Dr. Brown then asked about the turnaround time on providers’ requests for changes in their approved applications. She was also interested in whether providers could participate in provider fairs in districts for which they were not yet approved. Ms. Vogl explained the thinking behind the annual approval cycle set forth in the proposed amendments, in terms of districts’ ability to avoid delays and disruptions in their implementation of the program once outreach and sign-up were completed. After a certain point, districts must have the latitude to decide whether new providers and other changes can be accepted for a given year. Division Administrator Randy Niles indicated that he would provide additional follow-up information as to how these situations are handled.

Dr. Brown encouraged those present to read the certification policy document that the Board had recently received (the 2007 State Teacher Policy Handbook). She noted that the state-by-state comparison of policies and their advantages and disadvantages was very interesting.

6. RULES FOR ADOPTION: Darren Reisberg reminded the Board that all three sets of rules that were being presented for adoption had undergone initial review at the May meeting and should be treated together.

PART 100 (Requirements for Accounting, Budgeting, Financial Reporting, and Auditing)
PART 110 (Program Accounting Manual)
PART 125 (Student Activity Funds and Convenience Accounts)

Mr. Reisberg indicated that one letter of public comment had been submitted, on behalf of the Chicago Public Schools, and that there had been another issue under consideration in cooperation with the Office of the Auditor General, as described in the Board packet material. Division Administrator Debbie Vespa was present to address any questions on any of the three Parts. Andrea Brown asked whether the new rules would require districts to make any change or buy anything new, to which Ms. Vespa replied in the negative, explaining that the structure had been kept the same and new account numbers had been made available.

Chairman Ruiz asked for a recommendation of the rules for action by the Board as a whole during the plenary session. Vinni Hall moved that the Rules Committee make that recommendation. It was noted that all the rules would be included in the consent agenda for the next day’s meeting.

7. COMMITTEE AGENDA PLANNING/ADDITIONAL ITEMS: Mr. Reisberg and Ms. Vogl indicated that there were likely to be amendments to Part 1 (Public Schools Evaluation, Recognition and Supervision) coming for initial review at the October meeting and that a set of amendments to Part 401 (Special Education Facilities Under Section 14-7.02 of the School Code) was also under consideration with respect to retroactive reimbursement for placements. Changes to the rules for the arts and foreign language program had been prepared but would probably not be brought forward unless funding for the program appeared likely.

8. ADJOURNMENT: Joyce Karon moved that the meeting be adjourned. David Fields seconded the motion, and the meeting was adjourned at 4:50 p.m.

Materials: Recommended Rules

Staff Contact(s): Randy Niles, Division Administrator

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

Expected Outcome(s) of Agenda Item
The Board will be asked to adopt a motion authorizing the solicitation of public comment on the proposed amendments to Part 1.

Background Information
Earlier this year, several related inquiries brought into focus a need to clarify the meaning of Section 1.420, Media Services. The current language of that rule is vague, stating only that, “Each attendance center shall provide a program of media services to meet the curricular and instructional needs of the school.” As such, the rule does not provide any concrete standards against which compliance can be gauged, nor does it ensure uniform understanding of the characteristics of an adequate program. As a first step toward improving the rule, a survey of regional superintendents was conducted in order to gather information on the status of media services in districts around the state. The variability revealed by their responses, in addition to questions from the field, underscored the need to develop more specific statements of these expectations.

In the late spring, an advisory committee was formed to review the issues involved and make recommendations for improvement of this rule. The committee’s membership included State Board member Joyce Karon and representatives of the regional superintendents, school librarians, institutions of higher education with preparation programs for library information specialists (the current term for this position), regional library systems, and the Chicago Public Schools.

The proposed revisions to Section 1.420(o) reflect the committee’s recommendations and incorporate a three-year time horizon for implementation of the new requirements. In many cases, the rule’s provisions will not be new because districts have understood most of these points to be fundamental aspects of an adequate program. The rule also calls for a more
intensive level of professional staff involvement in high school programs than in those for younger students, and this is in line with what staff have learned about districts’ current approaches. It should be noted that the proposed amendments make no revisions in the requirement that school staff who provide library and media services must be appropriately qualified.

These amendments also affect a number of unrelated provisions that need to be updated for various reasons.

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

needs to be revised to reflect changes made recently by P.A. 95-223, which establishes limits on waivers and modifications of Section 27-6 of the School Code (Courses in Physical Education Required; Special Activities). School districts will need to understand how the new legislation will affect their ability to be granted flexibility from these requirements, particularly with regard to the daily physical education mandate. The text of the proposed amendment is based on information available to staff on the specific intent of the bill’s sponsor.

**Section 1.245 (Waiver of School Fees)**

The changes proposed for Section 1.245 will clarify districts’ authority to verify income for the purposes of granting fee waivers for students who are eligible for free and reduced-priced meals under the federal meals program.

Under Sections 10-20.13 and 34-21.6 of the School Code, school districts are required to waive textbook, instructional, and other fees for any student who would be eligible to receive free lunch or breakfast under the state’s School Breakfast and Lunch Program Act. Eligibility for the state program is based on the income guidelines established for the National School Lunch Program and the School Breakfast Program (“federal meals program”). While state law requires all school districts to provide free lunch to eligible students, not all school districts participate in the federal meals program.

Before changes were made in the federal meals program in 2004, participating school districts could verify the income levels of 100 percent of the students whose applications were approved for free or reduced-price lunch or breakfast. As part of that process – or as a separate process – participating school districts could also verify or request additional documentation from students applying for school fee waivers, regardless of whether they had approved applications under the federal meals program.

The new federal verification requirements, however, restrict a participating school district’s ability to verify income for the federal meals program to either 3 percent or 3,000 of approved meals applications on file as of October 1, whichever is less. Verification can also be made for cause. These federal limitations affect a school district’s ability to verify income for the purposes of fee waivers in the following ways.

1. School districts participating in the federal meals program can verify income for any student with an approved application for free or reduced-price meals only within the federal requirements (i.e., 3 percent or 3,000, or for cause).
2. School districts participating in the federal meals program can verify income within reason for any student without an approved application for free or reduced-price meals (see examples provided in the proposed amendments).
3. School districts not participating in the federal meals program may verify income within reason for all students requesting fee waivers.
**Section 1.310 (Administrative Qualifications and Responsibilities)** is being updated to reflect the recent repeal of Appendix B and its replacement by new Section 1.705. The Section’s title is also being revised so it will capture the Section’s contents more accurately.

**Sections 1.430 and 1.440** set forth specific requirements applicable to elementary schools and high schools, respectively. Recent legislation (P.A. 95-299) requires a change in Section 1.440 in that school boards may now adopt policies so that, under certain specified circumstances, students in Grades 7 and 8 may enroll in high school classes and receive credit toward graduation for completing them. The rule on requirements for graduation thus needs to acknowledge that not all the required coursework will necessarily have been completed in Grades 9 through 12.

This amendment provides an opportunity to revise both Sections 1.430 and 1.440 to indicate more clearly what is meant by several portions of the School Code that require instruction in history and government-related topics. Sections 27-3, 27-4, 27-21, and 27-22 all address these, sometimes requiring instruction, sometimes requiring evidence of comprehensive knowledge, and sometimes requiring “an examination”. Questions received from the field have led us to conclude that some believe “the Constitution Test” is required for graduation from eighth grade, while the actual requirements at that level are for:

- at least one hour of instruction each week (Section 27-4) and “passing a satisfactory examination” on the subjects listed in Section 27-3 – American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag; as well as
- instruction in history and “evidence of having a comprehensive knowledge thereof” (Section 27-21).

There is no State-prescribed “Constitution Test”, and districts may or may not administer tests addressing only the U.S. and/or Illinois Constitutions. As can also be seen from the information above, a test limited to the Constitution(s) would fulfill only a subset of the requirements. The revisions to Section 1.430 are intended to address these matters more completely.

Section 1.440 already distinguishes between the instruction in which students are required to participate and what must be completed as a prerequisite to receipt of a high school diploma. The wording change being proposed in subsection (c)(1) of that Section is a semantic one only, in that the statutory reference to “passing a satisfactory examination” is awkward and doubtless was intended to convey the idea of *satisfactory performance* on an examination (i.e., passing).

The proposed new material in **Section 1.510 (Transportation)** responds to Public Act 95-260, which added a new provision to the Vehicle Code requiring school districts to adopt policies to ensure that children are not unintentionally left on school buses. Because Section 1.510 includes a subsection on “Passenger Treatment and Supervision”, it would be incomplete absent a reference to this new statutory requirement. It is not necessary for the rule to go into all the detail included in the law but rather only to acknowledge that part of the requirement for supervision of passengers is to obey this law and the employing/contracting district’s policy.

**Section 1.515 (Training of School Bus Driver Instructors)** is being strengthened with regard to the qualifications required. Under subsection (a)(3), instructors must have had training in first aid. The goal of this amendment is to ensure that the training will have been reasonably recent. This revision was prompted by individuals’ presentation of cards that had expired, indicating that
their training had occurred quite some time in the past. (These cards are typically valid for periods of two or three years.)

**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 permit needed corrections and updates to the rules as explained above, as well as providing for implementation of new requirements intended to strengthen school districts’ programs of library and media services. If the amendments are not promulgated, the agency will be unable to institute the changes where applicable, and advisable clarifications will not be made.

**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:

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

> including publication of the proposed amendments in the Illinois Register.

**Next Steps**
With the Board’s authorization, staff will submit 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.
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1.755 Requirements for Library Information Specialists Beginning July 1, 2004
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1.790 Substitute Teacher

1.APPENDIX A Professional Staff Certification
1.APPENDIX B Certification Quick Reference Chart (Repealed)
1.APPENDIX C Glossary of Terms (Repealed)
1.APPENDIX D State Goals for Learning
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NOTICE OF PROPOSED AMENDMENTS

1. APPENDIX E Evaluation Criteria - Student Performance and School Improvement Determination (Repealed)
1. APPENDIX F Criteria for Determination - Student Performance and School Improvement (Repealed)
1. APPENDIX G Criteria for Determination - State Assessment (Repealed)


SUBPART A: RECOGNITION REQUIREMENTS

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

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

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

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

b) "The School Code" comprises only those statutes compiled at 105 ILCS 5. Waivers from State Board rules or School Code mandates pertaining to special education, teacher certification, or teacher tenure and seniority are not permitted (Section 2-3.25g of the School Code). Waivers of mandates contained in Section 5-1 of the School Code [105 ILCS 5/5-1] or in Section 5-2.1 of the School Code [105 ILCS 5/5-2.1] also shall not be requested. Further, pursuant to Section 2-3.25g of the School Code, waivers may not be requested from compliance with any provision of the School Code or the rules of the State Board of Education that reflects or implements the No Child Left Behind Act of 2001 (Public Law 107-110), which shall include all requirements for:

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

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

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

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

6) the required qualifications of paraprofessionals;

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

8) the district’s responsibility to prepare revised school and/or district improvement plans in response to placement on academic warning or watch status;

9) the appointment of school or district improvement panels for schools or school districts on academic watch status;

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

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

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

1) Identification of the rules or mandates involved, either by quoting the exact language of or by providing a citation to the rules or mandates at issue. Applicants unable to determine the exact language or citation may obtain a copy of, or citation to, the rules or mandates involved by contacting the State Board of Education Legal Department by mail at 100 North First Street, Springfield, Illinois, 62777-0001, or by telephone at 217-782-5270.
2) Identification as to the specific waivers and/or modifications sought. For modifications, the specific modified wording of the rules or mandates must be stated.

3) Identification as to whether the request is for an initial waiver or modification or for the renewal of a previously approved request. Renewals of waivers and modifications of Section 27-6 of the School Code [105 ILCS 5/27-6] shall be subject to the requirements of subsection (l) of this Section.

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

   A) the intent of the rule or mandate to be achieved,
   B) the manner in which the applicant will meet that intent,
   C) how the manner proposed by the applicant will be more effective, efficient or economical, and
   D) if the applicant proposes a more economical manner, a fiscal analysis showing current expenditures related to the request and the projected savings that would result from approval of the request.

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

6) If the request is for a waiver of the administration expenditure limitation established by Section 17-1.5 of the School Code [105 ILCS 5/17-1.5], the request must include the amount, nature, and reason for the requested relief and all remedies that have been exhausted to comply with the administration expenditure limitation and shall otherwise comply with Section 17-1.5(d) of the School Code.
7) The time period for which the waiver or modification is sought. Pursuant to Section 2-3.25g of the School Code, this time period may not exceed five years, except for requests made pursuant to subsection (c)(6) of this Section, which may not exceed one year (see Section 17-1.5(d) of the School Code), and except for requests for relief from the mandate set forth in Section 27-6 of the School Code, which may not exceed two years.

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

9) An assurance stating the date of the public hearing conducted to consider the application and, if applicable, the specific plan for improved student performance and school improvement, held as prescribed in Section 2-3.25g of the School Code, and stating the date the application (and, if applicable, the plan) was approved by the local governing board.

d) Each applicant must attach to the application a copy of the notice published in a newspaper of general circulation and a copy of the written notifications provided to the applicant's collective bargaining agent and to those State legislators representing the applicant, each of which must comply with the requirements of Section 2-3.25g of the School Code.

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

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

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

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

3) Incomplete requests will not be considered.

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

1) is not based upon sound educational practices,

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

3) compromises equal opportunities for learning, or

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

i) Disapproval of an application for a waiver or modification of a State Board rule or for a modification of a School Code mandate shall be sent by certified mail to the applicant no later than 45 calendar days after receipt of the application by the State Board. An applicant wishing to appeal the denial of a request may do so within 30 calendar days after receipt of the denial letter by sending a written appeal by certified mail to the Illinois State Board of Education, Rules and Waivers Unit, 100 North First Street, S-493, Springfield, Illinois 62777-0001. The written appeal shall include the date the local governing board approved the original request, the citation of the rule or School Code section involved, and a brief description of the issue. Appeals of denials shall be submitted to the General Assembly in the semiannual report required under Section 2-3.25g of the School Code.

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

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

l) The limitation on renewals established in subsection (e) of Section 2-3.25g of the School Code shall apply to each waiver or modification of Section 27-6 of the School Code that is approved on or after January 1, 2008. Once an eligible applicant has received approval for a waiver or modification of that Section on or after January 1, 2008, any request submitted by that applicant for a subsequent time period shall be considered a renewal request, regardless of the rationale for the request or the schools or students to be affected. No applicant shall receive approval for more than two renewals after January 1, 2008, and no applicant shall receive approval for more than six years cumulatively beginning with that date.

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

SUBPART B: SCHOOL GOVERNANCE

Section 1.245 Waiver of School Fees

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

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

A) All charges for required textbooks and instructional materials.

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

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

D) Charges or deposits for uniforms or equipment related to varsity and intramural sports, or to fine arts programs.

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

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

G) School records fees.

H) School health services fees.

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

"School fees" do not include:

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

B) Charges for the purchase of class rings, yearbooks, pictures, diploma covers or similar items.
C) Charges for optional travel undertaken by a school club or group of students outside of school hours (e.g., a trip to Spain by the Spanish club or a senior class trip).

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

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

b) School boards that do not charge school fees must adopt a policy so stating. Parents must be notified of this policy as provided in this Section.

c) School boards that charge school fees must adopt a policy and procedures containing at least the following elements:

1) Eligibility Criteria Standards to determine eligibility
   A) Eligibility criteria Standards must include a waiver of fees for all students who qualify for free lunches or breakfasts under the Community School Breakfast and Lunch Program Act [105 ILCS 125]. Students must meet the income requirements of the program but need not participate in order to receive a waiver of school fees.

   B) Eligibility criteria Standards must also include a description of other extenuating circumstances under which the district will grant a waiver of school fees. Examples include: students who are eligible to receive reduced-price lunch or breakfast; very significant loss of income due to severe illness or injury in the family or unusual expenses such as fire, flood, or storm damage; or similar emergency situations that the district determines to include in its policy.

2) Notification of parents
   A) The district's policy for the waiver of school fees shall be communicated in writing to the parents of all students enrolling in the district for the first time. A fee waiver application form also
may be included with this notice when it is sent to parents. The notification must be in English or the home language of the parents; if it is needed to ensure their understanding of the district's policy (if translation of the notice is not feasible, the use of interpreters is permitted, e.g., other students or neighbors). The notice shall at least describe:

i) the district's policy, including the criteria and other circumstances under which the district will waive school fees;

ii) the fees subject to waiver under the district's policy;

iii) the procedure to be used by parents in applying for a waiver of school fees, including the availability of forms that may be used to request a fee waiver and the documents whose use is required by the school district in verifying income as permitted under subsection (d) of this Section; and

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

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

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

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

3) Procedures for the resolution of disputes

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

B) An appeal shall be decided within 30 calendar days after the receipt of the parents' request for an appeal. Parents shall have the right to meet with the person who will decide the appeal in order to explain why the fee waiver should be granted. The person who decides the appeal shall not be the person who initially denied the fee waiver or a subordinate of this person. If the appeal is denied, then the district shall mail a copy of its decision to the parents. The decision shall state the reason for the denial.

C) No fee shall be collected from any parent who is seeking a fee waiver in accordance with the district's policy until the district has acted on the initial request or appeal (if any is made), and the parents have been notified of its decision.

d) A school district may make reasonable requirements for verifying a family's income (e.g., payroll stubs, tax returns, evidence of receipt of food stamps or Temporary Assistance for Needy Families) in order to determine eligibility for a school fee waiver; however, for students approved for free or reduced-price meals under the School Breakfast Program (42 USC 1771 et seq.) and/or the National School Lunch Program (42 USC 1751 et seq.), verification shall be conducted within the limitations set forth in 42 USCA 1758.

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

f) School records that identify individual students as applicants for or recipients of fee waivers are subject to the Illinois School Student Records Act [105 ILCS 10]. Information from such records is confidential and may be disclosed only as provided in the Act.

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

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

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section 1.310 Administrative Qualifications and Responsibilities

Administrators and supervisors shall be appropriately certificated, meeting the requirements
stated in Section 21-7.1 of the School Code [105 ILCS 5/21-7.1] and Section 1.705 Appendix B
of this Part.

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

b) Department chairpersons who are required to supervise and/or evaluate teachers
shall meet the applicable requirements of Section 1.705 Appendix B
have appropriate
certification as indicated in Appendix B of this Part. (See also Section 21-7.1 of
the School Code.) This regulation shall apply only to those individuals first
assigned to this position on or after September 1, 1978.

c) Divided Service

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

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

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

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.420 Basic Standards
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a) Class schedules shall be maintained in the administrative office in each attendance center of a school district.

b) Every school district shall have an organized plan for recording pupil progress and/or awarding credit that can be disseminated to other schools within the State.

c) Every school district shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2) If a school district that establishes a full-day kindergarten also has 20 or more students whose parents request a half-day program, the district must schedule half-day classes, separate and apart from full-day classes, for those children. If there are fewer than 20 children whose parents request a half-day program, those students may be enrolled in either the morning or afternoon session of a full-day program provided that the following conditions are met.
A) Distinctive curriculum plans for the half-day and full-day kindergarten programs must be developed by the school district, made available to parents to assist the parents in selecting the appropriate program for their child, and maintained in district files.

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

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

i) Career Education

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

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

j) Co-Curricular Activities

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

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

k) Consumer Education and Protection

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

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

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

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

l) Conservation of Natural Resources

Each district shall provide instruction on current problems and needs in the conservation of natural resources, including, but not limited to, air pollution, water pollution, waste reduction and recycling, the effect of excessive use of pesticides, preservation of wilderness areas, forest management, protection of wildlife, and humane care of domestic animals (Section 27-13.1 of the School Code [105 ILCS 5/27-13.1]).

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

n) Health Education
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1) Each school system shall provide a program in compliance with the Critical Health Problems and Comprehensive Health Education Act [105 ILCS 110].

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

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

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

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

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

o) Library Media Programs

Each attendance center shall provide a program of library media services to meet the curricular and instructional needs of the school. No later than the beginning of the 2010-11 school year, each district’s program shall meet the requirements of this subsection (o).

1) General

The program shall include a library media center containing a collection of resources that circulate to students and staff for the purpose of supporting learning activities that require the use of multiple sources of information and other resources such as relevant technologies (e.g., personal computers, LCD projectors, white boards, DVD players). Specifically:
A) The center shall include an organized collection of resources that users can locate, including printed materials, audiovisual resources such as videocassettes, DVDs, and CDs, and electronic resources such as Internet access, on-line resources, and e-books.

B) Resources in the collection shall be available for students and staff to check out.

2) Facilities
There shall be space within each attendance center specifically devoted to a library media center. The designated space shall provide adequate shelving for materials and seating that is appropriate to the needs of the students in the grade levels served. The designated space shall accommodate the needs of students with disabilities.

3) Staff
A library information specialist shall be assigned to each attendance center, with responsibility for instructional activities such as information literacy collaboration with other teachers, technology instruction, and reading motivation. Clerical or paraprofessional staff shall be assigned to assist with the library media program by implementing routine, non-professional library operations and providing technical support. Specifically:

A) There shall be at least one library information specialist employed full-time in each high school.

B) There shall be at least one library information specialist assigned to each attendance center other than a high school. Full- or part-time professional staffing shall be commensurate with the number of students and faculty to be served and their needs related to the program of library media services.

C) The level of clerical or paraprofessional support provided shall be commensurate with the number and ages of the students to be served and their needs related to the program of library media services.
4) **Financial Resources**

- Each district’s annual budget shall include an identifiable allocation for resources and supplies for the program of library media services. Authority for managing expenditures from this allocation shall reside with a library information specialist.

p) **Physical Education**

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

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

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

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

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

6) Pursuant to Section 27-6 of the School Code, a student who presents an appropriate excuse from his or her parent or guardian or from a person licensed under the Medical Practice Act of 1987 shall be excused from participation in physical education. Each school board shall honor excuses signed by persons licensed under the Medical Practice Act of 1987 and shall establish a policy defining the types of parental excuses it
will deem “appropriate” for this purpose, which shall include, but need not be limited to, reliance upon religious prohibitions. A board shall, however, have no authority to honor parental excuses based upon students’ participation in athletic training, activities, or competitions conducted outside the auspices of the school district. For each type of excuse that will be considered “appropriate”, the school board shall identify in its policy any evidence or support it will require. For example, a board may require a signed statement from a member of the clergy corroborating the religious basis of a request.

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

q) Pupil Personnel Services

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

1) Guidance and Counseling Needs;

2) Psychological Needs;

3) Social Work Needs;

4) Health Needs.

r) Social Sciences and History

Each school system shall provide history and social sciences courses that do the following:
1) analyze the principles of representative government, the Constitutions of both the United States and the State of Illinois, the proper use of the flag, and how these concepts have related and currently do relate in actual practice in our world (see Section 27-21 of the School Code [105 ILCS 5/27-21]);

2) include in the teaching of United States history the role and contributions of ethnic groups in the history of this country and the State (Section 27-21 of the School Code);

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

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

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

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

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

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

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

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

Section 1.430 Additional Criteria for Elementary Schools

a) A district shall provide the following coordinated and supervised courses of study. The time allotment, unless specified by the School Code or applicable rules, is the option of the local board of education.

1) Language Arts, Reading and other Communication Skills
2) Science
3) Mathematics
4) Social Studies
5) Music
6) Art
7) Health Education (see the Critical Health Problems and Comprehensive Health Education Act)
8) Physical Education (see Section 27-6 of the School Code)
9) Career Education--Awareness and Exploration
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10) Safety Education (see Section 27-17 of the School Code)

11) Conservation of Natural Resources (see Section 27-13.1 of the School Code)

12) Instruction, study, and discussion in grades kindergarten through 8 of effective methods for the prevention and avoidance of drug and substance abuse (Section 27-13.2 of the School Code)

b) American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag shall be taught in all public schools. Not less than one hour per week, or the equivalent, shall be devoted to the study of this subject matter in the 7th and 8th grade or the equivalent, and no student shall receive a certificate of graduation without passing an examination on these subjects (Sections 27-3 and 27-4 of the School Code [105 ILCS 5/27-3 and 27-4]).

c) No student shall receive certification of graduation without passing a satisfactory examination upon these subjects. No student shall be graduated from the eighth grade unless he or she has received instruction in the history of the United States and has given evidence of comprehensive knowledge of the subject (Section 27-21 of the School Code, which may include without limitation a written test or the teacher’s evaluation of the student’s work.

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

Section 1.440 Additional Criteria for High Schools

The School Code establishes differing requirements for the coursework that high schools must offer, the courses students must take, and the courses students must pass in order to graduate.

a) Course Offerings. Each district shall provide a comprehensive curriculum that includes at least the following offerings. The time allotment, unless specified by the School Code or applicable rules, is the option of the local school district.

1) Language Arts
2) Science
3) Mathematics
4) History of the United States
5) Foreign Language
6) Music
7) Art
8) Career and Technical Education--Orientation and Preparation
9) Health Education
10) Physical Education
11) Consumer Education
12) Conservation of Natural Resources
13) Driver and Safety Education (see Section 27-23 of the School Code [105 ILCS 5/27-23] and 23 Ill. Adm. Code 252)

b) Required Participation

1) Each student shall be required to take one semester or the equivalent, i.e., at least 18 weeks, of health education during the secondary school experience.

2) Each student shall be required to take physical education daily, except as provided in Section 27-6 of the School Code and Section 1.445 of this Part.

3) Each student shall be required to take consumer education for 50 minutes per day for a period of nine weeks in any of grades 9-12, unless he or she has demonstrated proficiency pursuant to the provisions of Section 27-
12.1 of the School Code [105 ILCS 5/27-12.1] and Section 1.462 of this Part.

4) Each student shall be required to take a course covering *American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag for not less than one hour per week, or the equivalent.* (Sections 27-3 and 27-4 of the School Code [105 ILCS 5/27-3 and 27-4])

c) Specific Requirements for Graduation. A “unit” is the credit accrued for a year’s study or its equivalent. A student may be permitted to retake a course that he or she has already successfully completed (for example, to earn a better grade). However, credit may not be awarded more than once for completion of the same course, and the same course may not be counted more than once toward fulfillment of the State requirements for graduation.

1) Each student shall be required to have accrued at least 16 units in grades 9-12 if graduating from a four-year school or 12 units in grades 10-12 if graduating from a three-year high school. In either case, one unit shall be in American History or American History and Government. (Section 27-22 of the School Code) No student shall receive certification of graduation without passing a satisfactory examination on the subjects discussed in subsection (b)(4) of this Section.

2) Pursuant to Section 27-22 of the School Code, all students, except students with disabilities whose course of study is determined by an individualized education program, must successfully complete certain courses, depending upon the school year in which they enter the 9th grade and subject to the exceptions provided in Section 1.445 of this Part, as a prerequisite to receiving a high school diploma.

3) Credits earned by students prior to entry into Grade 9 as authorized by Section 27-22.10 of the School Code [105 ILCS 5/27-22.10] may be used to fulfill any of the requirements of subsection (c)(2) of this Section.
d) School districts shall have on file in the local district office a description of all course offerings that may comply with the requirements of the law. A course will be accepted as meeting the relevant requirement for graduation if its description shows that its principal instructional activity is the development and application of knowledge and skills related to the applicable requirement.

1) The course description for a “writing-intensive” course will be accepted for purposes of Section 27-22 of the School Code if:

   A) a goal of the course is to use the writing that students do relative to the subject matter being presented as a vehicle for improving their writing skills;

   B) writing assignments will be an integral part of the course’s content across the time span covered by the course;

   C) the written products students are required to prepare in order to receive credit for the course and the feedback students receive are such that:

      i) students’ writing proficiency is evaluated against expectations that are appropriate to early or late high school and encompass all of the standards applicable to State Goals 3 and 5 (see the State Goals for Learning and the Illinois Learning Standards in Appendix D to this Part); and

      ii) students receive information from the evaluation of their written products that will permit them to improve their writing skills in terms of correct usage; well-organized composition; communication of ideas for a variety of purposes; and locating, organizing, evaluating, and using information.

2) The writing-intensive study provided in at least one writing-intensive course must be designed to address and integrate the elements of the writing process and to refine or apply research skills.

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

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

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

SUBPART E: SUPPORT SERVICES

Section 1.510 Transportation

a) Section 29-3 of the School Code [105 ILCS 5/29-3] requires the school boards of certain school districts to provide free transportation to pupils as delineated in that Section. These school districts may provide free transportation to other students in accordance with the remaining applicable provisions of Article 29 of the School Code [105 ILCS 5/A_phr. 29]. Districts that are not required to provide free transportation may do so at their option.

b) Each district seeking State reimbursement for pupil transportation shall comply with the provisions of Article 29 of the School Code.

c) Each district that is required to provide free transportation has the responsibility of providing sufficient buses for transporting all eligible pupils.

d) Each school district is required to conform to the equipment standards and regulations established by the Department of Transportation.

e) Each local school board that provides transportation shall designate a person under its direct supervision to ensure adherence to all laws and regulations affecting safe pupil transportation.

f) School bus routing is the responsibility of the local school board. School districts shall arrange school bus stops to maximize safety, so that buses will not have to back up, and so that crossing arms will not infringe upon pedestrian crosswalks or cross streets. School buses are not required to enter private property.
g) Local school boards shall institute policies and practices that promote the safety and well-being of school bus passengers, including provisions that support Section 10-22.6(b) of the School Code [105 ILCS 5/10-22.6(b)]. Local school boards shall require that all school bus drivers who transport pupils have been trained as discussed in Section 1.515 of this Part. The requirements set forth in subsections (h) through (n) of this Section shall serve as minimum statewide requirements for operating a school bus. Transportation for students who receive special education and related services shall be as set forth in the State Board’s rules for Special Education (23 Ill. Adm. Code 226). Local school boards may adopt more stringent requirements, at their discretion.

h) Operation of the Bus by the Driver

1) The service door shall be closed at all times when the bus is in motion.

2) Windows shall not be lowered below the stop line painted on the body pillar.

3) The emergency door shall be unlocked but securely latched when operating the school bus.

4) The driver shall not leave the bus while the motor is running.

5) The gasoline tank shall not be filled while there are any persons on the bus or while the motor is running.

6) The school bus signs shall be displayed only when the bus is being used for official school transportation.

7) The required alternately flashing warning lights and stop arm shall be used only when stopping to receive or discharge students.

8) The driver shall not back a bus at the school while students are in the vicinity unless a responsible person is present to guide the bus driver.

9) The driver shall not permit a weapon or explosive of any kind on the bus.

10) The driver shall not smoke when operating a school bus.
i) Passenger Treatment and Supervision

1) All passengers shall be seated when the bus is in motion.

2) Students shall not be asked to leave the bus along the route for breach of discipline, nor shall they be asked to sit anywhere other than on a seat for breach of discipline.

3) The bus driver shall observe the requirements of the district’s policy adopted pursuant to Section 12-816 of the Vehicle Code [625 ILCS 5/12-816] with respect to ensuring that no passenger remains on the bus at the end of a route, a work shift, or the work day.

j) Loading and Unloading

1) When children are picked up and must cross a roadway, the driver shall beckon them to cross the road when it is safe to do so.

2) The driver on a regular route shall not be expected to wait for a tardy student and may proceed on a timely route if the student is not in sight.

3) At school, the bus shall be driven onto the school grounds to discharge pupils or they shall be otherwise discharged so they will not have to cross a street if at all possible. At all discharge points where it is necessary for pupils to cross a roadway, the driver shall direct students to a point at least ten feet in front of the bus on the shoulder of the roadway and shall direct them to remain there until a signal is given by the bus driver for the students to cross.

4) A driver shall not allow a student to get off the bus at any place other than the student’s designated discharge point unless permission is granted by the proper school official.

5) If a loading zone is not visible to traffic approaching from either direction, the district shall notify the Illinois Department of Transportation and request a determination as to the need to erect appropriate signs.

k) Permitted Occupants
1) The manufacturer’s capacity for a bus shall not be exceeded.

2) Only persons authorized by the school district shall be allowed to ride school buses. Except with the permission of school authorities, the driver shall transport no school children with animals. Any animal transported shall be properly confined at all times when it is on a school bus.

l) Accidents

1) In case of an accident or breakdown while the bus is transporting students, the first consideration shall be whether it is safer to evacuate the students or to have them remain on the bus.

2) All accidents shall be reported immediately to the appropriate school officials.

3) A completed copy of the Illinois Department of Transportation’s “Motorist Report of Motor Vehicle Accident Form” (SR-1) shall be forwarded to the regional superintendent immediately after any accident.

4) In case of a death that occurs as a result of a school bus accident, the responsible district official shall immediately notify the regional superintendent by telephone.

m) Railroad Crossings

Each driver of a school bus shall stop at all railroad crossings except where protected by a human flagman or law enforcement officer or marked as having been exempted by the Illinois Commerce Commission pursuant to Section 11-1202 of the Illinois Vehicle Code [625 ILCS 5/11-1202].

1) The driver shall stop between 15 and 50 feet in front of the first rail. While stopped, the driver shall open the service door, listen and look in both directions for any approaching train. When the driver determines that no train is approaching, he or she shall close the door, then proceed completely across the grade crossing without changing gears.

2) A driver who has stopped at a railroad crossing that is protected only by flashing lights and who determines that no train is, in fact, approaching
(i.e., a malfunction is apparent) may proceed despite the warning lights, provided that he or she has complied with the requirements of subsection (m)(1) of this Section.

3) The driver shall not use the alternately flashing warning signals or stop arm at railroad grade crossings.

n) School Bus Crossing Arm

1) A school bus driver shall use the school bus crossing arm whenever the bus stops to allow students to enter or leave the bus. The driver shall allow sufficient space for the full extension of the crossing arm without infringing on other vehicles, other obstacles, the pedestrian crosswalk, or a cross street. However, a driver may omit using the crossing arm at school loading areas where school buses are parked bumper to bumper or when extending the crossing arm would impede pedestrians’ crossing, extend into the adjacent cross street, or collide with another object or vehicle.

2) A school bus driver shall report to the affected school district any instance when the crossing arm cannot be used as required. School districts shall use this information in evaluating school bus routes and pickup and dropoff points. Districts shall retain these records in a manner consistent with their retention policies applicable to other records.

3) A school bus shall not be used if its crossing arm is found to be inoperable during the pre-trip inspection, or if the crossing arm has malfunctioned and has not yet been repaired.

4) If a crossing arm malfunctions while the school bus is carrying students, the driver shall note the stop where the malfunction first occurs and may complete the route if permitted to do so by local board policy.

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

Section 1.515 Training of School Bus Driver Instructors

Initial and refresher training is required of all school bus drivers by Section 6-106.1 of the Illinois Vehicle Code [625 ILCS 5/6-106.1]. Pursuant to Section 3-14.23 of the School Code [105 ILCS 5/3-14.23], regional superintendents of schools are responsible for conducting
training programs for school bus drivers. These programs shall be established by the State Board of Education and approved by the Secretary of State pursuant to the Secretary's rules titled School Bus Driver Permit (92 Ill. Adm. Code 1035).

a) 92 Ill. Adm. Code 1035.30 of the Secretary's rules requires the certification of bus driver instructors by the State Board of Education. The following standards shall apply to this certification.

1) The person must be at least 21 years of age.

2) The person must hold or have held an Illinois School Bus Driver's Permit, hold a current teaching certificate endorsed for driver education, or have the approval of the regional superintendent as having had other direct involvement in school bus transportation.

3) The person must provide a current, valid card as evidence of having completed a course in first aid from the American Red Cross, the American Heart Association, or another national organization that is recognized by the Illinois Department of Public Health.

4) The person must have assisted a certified instructor in conducting an initial school bus driver training course and a refresher course; the person must also have taught each of these types of courses under the observation of a certified instructor and have received a satisfactory evaluation of overall teaching performance.

5) Certification of bus driver instructors shall be renewed annually. Renewal shall be sought by the regional superintendent of the region where services will be provided, with the permission of the individuals in question and using a form supplied by the State Superintendent of Education. Renewal of certification shall be based on the criteria set forth in subsections (a)(1) through (a)(4) of this Section.

b) The State Superintendent shall notify each regional superintendent of the certification status of all affected instructors in his or her region and of any deficiencies preventing the certification of any individual. The regional superintendent shall be responsible for notifying instructors of their status.
c) The regional superintendent shall be responsible for notifying the employers of all bus drivers who complete initial or refresher training courses.

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