Ad Hoc Rules Committee of the Whole  
Thursday, March 20, 2008  

8:30 a.m.  

Board Room, 4th Floor  
Public Conference Call Number: 1-866-297-6391 (listen only)  
Confirmation #: 2 0 9 5 7 2 1 8  

AGENDA (timeframes are estimated for planning purposes)  

1. Roll Call  

2. Board Member Participation by Other Means  

3. Public Participation  

4. Minutes of the February Ad Hoc Rules Committee Meeting  

*5. Rules for Initial Review  
   a. Part 25 (Certification) (Linda Jamali, Patrick Murphy & Mark Williams) 8:40–9:50 a.m. (pp. 5-93)  
   b. Part 180 (Health/Life Safety Code for Public Schools) (Deb Vespa) 8:50 – 9:00 a.m. (pp. 94-99)  
   c. Part 235 (Early Childhood Block Grant) (Kay Henderson) 9:00 – 9:10 a.m. (pp. 100-107)  
   d. Part 305 (School Food Service) (Chris Schmitt) 9:10 – 9:20 a.m. (pp. 108-120)  
   e. Part 401 (Special Education Facilities Under Section 14-7.02 of the School Code) (Beth Hanselman)  

*6. Rules for Adoption  
   a. Part 151 (School Construction Program) (Deb Vespa) 9:30 — 9:40 a.m. (pp. 136-142)  
   b. Part 375 (Student Records) (Darren Reisberg) 9:40 – 9:50 a.m. (pp. 143-155)  
   c. Emergency Amendments to Part 401 (Special Education Facilities (discussed above) Under Section 14-7.02 of the School Code) (pp. 156-168)  

7. Information Item: Less Red Tape Update (Shelley Helton) 9:50 – 10:00 a.m. (pp. 169-183)  

8. Committee Agenda Planning/Additional Items  

9. Adjourn  

* Items listed with an asterisk (*) will be discussed in committee and action may be taken in the plenary session.
Ad Hoc Rules Committee of the Whole
Thursday, February 21, 2008
8:30 a.m.
State Board of Education Office
100 North First Street
Springfield, Illinois

Committee Members Present
Jesse Ruiz
Dean Clark
David Fields
Vinni Hall
Brenda Holmes
Joyce Karon
Chris Ward

Absent
Andrea Brown

Others
Chris Koch
Darren Reisberg
Beth Hanselman
Tim Imler
Frank Hanselman
Shelley Helton
Sally Vogl

Chairman Ruiz called the meeting to order at 8:40 a.m. and noted that no members were participating by other means.

3. PUBLIC PARTICIPATION
Chairman Ruiz indicated that just one individual had signed up for public participation. Paula Pergament, representing the Adler Planetarium in Chicago, thanked the Board for including the museum’s programs in its budget request for Fiscal Year 2009. She expressed appreciation for the Board’s ongoing support of the Planetarium’s work and wished to provide an update on recent initiatives to expand programming to include children of preschool age. A group of 29 teachers from the Chicago Public Schools had participated in a workshop for teaching very young students about the moon and how to use hands-on instructional materials. Ms. Pergament also left for the Board lists of the groups that had visited the Adler Planetarium and all the workshops that had been held for teachers during the 2006-07 school year, as well as a map showing all the communities whose residents had downloaded materials from the museum’s website.

Brenda Holmes thanked Ms. Pergament for the information she had provided and noted the usefulness of the museum’s posted resources for teachers.

4. APPROVAL OF MINUTES: Vinni Hall moved approval of the minutes of the January 17, 2008, meeting and Dean Clark seconded the motion. The motion was adopted unanimously and the minutes were approved as presented.

5. RULES FOR INITIAL REVIEW: Chairman Ruiz turned the meeting over to General Counsel Darren Reisberg for a discussion of the rules on the agenda.

PART 252 (Driver Education)
Mr. Reisberg indicated that there was just one set of rules being presented for initial review and noted that Division Administrator Tim Imler and Shelley Helton of the Rules and Waivers staff were present to answer any questions the Board members might have. He indicated that extensive preliminary review by interested parties had occurred, including in particular the Illinois High School Driver Education Association.

David Fields noted that the changes made by the recent legislation had been much discussed. Brenda Holmes asked Mr. Imler what kinds of comments and questions he had been hearing.
from the field with regard to these changes. Mr. Imler responded by stating that he had been spending a considerable amount of time on driver education and indicated that he and staff member Lisa Willhoit had heard a lot about the impact of the legislative changes on school districts’ efforts to help students receive their drivers’ licenses on their sixteenth birthdays. The extension of the permit time from three months to nine months was quite significant and had meant that districts would need to start some students in the second semester of the freshman year.

Mr. Imler also noted that the portion of the law revising the requirements for behind-the-wheel instruction would not take effect until July 1, 2008. He went on to explain the definition of “enrollment” that had been developed coincide with that used by the Secretary of State. This would prevent the issuance of driving permits far in advance of the date when students were actually participating in driver education. He doubted that this had been the intent behind enactment of the statutory revisions. Accordingly, under the definition used by both agencies, a permit would not be issued more than 30 days before the student begins classroom instruction.

Mr. Imler went on to note that the now-inflexible six-hour requirement for behind-the-wheel instruction would present significant issues for districts and reminded the Board of the relevant waiver requests that had been reviewed the previous day. Districts were continuing to hope for the extra funding that Secretary of State White had indicated would be forthcoming in association with this strengthened requirement.

Darren Reisberg noted that some concerns had been expressed during the external review about the deletion of certain definitions (such as “driving simulators”) from Part 252. He explained that, since the rules can no longer describe methods that can be used as alternatives to behind-the-wheel instruction, ISBE no longer has the authority to define those terms.

Dean Clark wished to clarify whether districts would be precluded from using simulators and other methods such as range driving. Rather, he assumed that they would be free to continue doing so in addition to behind-the-wheel instruction but that there could be no substitution for six hours of the required type of instruction. Tim Imler confirmed this understanding.

In connection with the availability of driving permits to freshmen, Joyce Karon voiced the hope that what is known about child development and adolescent brain function would not be overlooked. She advocated that information on how students learn be brought into discussions with the Secretary of State.

Tim Imler raised an additional challenge districts would be facing related to the future of their public programs. He noted that, if parents want their children to have their licenses at age 16 but districts cannot accommodate them, parents have the choice of sending their students to commercial driving schools instead. He concluded by thanking Ms. Helton for the assistance she had provided in developing this rulemaking.

6. RULES FOR ADOPTION
Mr. Reisberg introduced the three sets of amendments that were being presented for adoption.

PART 51 (Dismissal of Tenured Teachers Under Article 24 and Dismissal of Tenured Teachers and Principals Under Article 34 of the School Code)
Mr. Reisberg reminded the Board that initial review of this amendment had occurred in November and indicated that there had been no public comment and thus no changes in the rules. No questions were raised.

PART 226 (Special Education)
These amendments had also been presented in November. There had been a small number of comments, but no changes had been found to be warranted. Beth Hanselman was available to respond to any questions, but there were none on the part of the Board members.
PART 350 (Secular Textbook Loan)
This last item had also originated in November. In the absence of any public comment, the rules remained unchanged. There were no questions on Part 350.

7. COMMITTEE AGENDA PLANNING/ADDITIONAL ITEMS: Mr. Reisberg mentioned that several new rulemakings would be presented for initial review in March, including a set of assorted amendments to Part 25 (Certification), a technical change in Part 180 (Health/Life Safety Code for Public Schools) for the sake of alignment to a new statutory provision and other rules, and proposed revisions to Part 305 (School Food Service). In connection with Part 305, he noted that the Nutrition Programs Division had sent the draft rules out for preliminary external review after making use of the feedback received during the January discussions and that no major controversy was apparent. The rules ready for adoption in March would include Part 151 (School Construction Program) and Part 375 (Student Records). Finally, a brief update on lessredtape would be provided.

8. ADJOURNMENT: Vinni Hall moved that the meeting be adjourned. David Fields seconded the motion, and the meeting was adjourned at 9:00 a.m.
TO: Illinois State Board of Education

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

Agenda Topic: Action Item: Rules for Initial Review – Part 25 (Certification)

Materials: Recommended Rules

Staff Contact: Linda Jamali, Patrick Murphy, and Mark Williams, Division Administrators

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

Expected Outcomes of Agenda Item
The Board will be asked to adopt a motion authorizing the solicitation of public comment on these proposed amendments.

Background Information
This set of amendments includes changes that are being made for a number of different reasons.

Certificate Renewal
During the 2007 legislative session, Public Act 95-592 established new requirements for the renewal of the school service personnel (SSP) certificate. These will be in effect as of July 1 of this year, leading to the need for rulemaking at this time. Many of the provisions included in the Act are identical or similar to those set forth in Section 21-14 of the School Code for the standard teaching certificate, meaning that the rule for the SSP certificate can closely parallel what is already in place for teachers. In other instances, the new legislation made no provision for aspects of the system that is in place for teachers, and we have prepared similar rules to cover those details. Wherever possible, the new rule avoids lengthy repetition by relying on cross-references to the comparable provision for teachers.

One interesting difference between the two structures is that applications for renewal go directly to the regional superintendents rather than to local professional development committees (LPDCs), even in those districts where LPDCs are still functioning. (For this reason, the rule does provide procedural detail on the application process and the steps in an appeal.) Further:

- 80 continuing professional development units (CPDUs) are required rather than 120;
- no mention is made of continuing education units (CEUs); and
- a number of state licenses and national certifications can be used to fulfill the requirement for continuing professional development in lieu of accumulating CPDUs.
This packet also includes a similar rule (see Section 25.70) on the renewal of the provisional vocational certificate. That certificate is issued under Section 21-10 of the School Code and currently has no professional development requirements associated with it. The Division of Career and Technical Education, in consultation with representatives in the field, has determined that requirements of this type should be imposed, particularly since the holders of these certificates lack the professional preparation that is required for all “full” certificates. Here again, we have generally modeled the process and the requirements on those applicable to the standard certificate, except that applications for renewal will go directly to the regional superintendents.

Several years ago when the new system of renewal requirements was established for the administrative certificate, provisions were needed to govern the professional development obligation for individuals serving on both teaching and administrative certificates concurrently. The addition of requirements for the SSP certificate necessitates the same kind of guidance, and it is no longer appropriate for that to be included only in the rule related to the administrative certificate. Instead, a new Section 25.475 is being included within Subpart F, General Provisions, so that it can be applicable to all affected individuals regardless of the types of certificates held. This addition leads in turn to the need for cross-references within several other provisions; see Sections 25.70(r), 25.275(s), 25.315(h), and 25.800(c).

Review of the material being developed for new Section 25.275 revealed technical errors in existing statements about the payment of registration fees. Accordingly, Sections 25.70, 25.275, 25.315, 25.830, 25.835, and 25.840 have been corrected to call for payment of the fee after the determination has been made that the individual’s certificate will be renewed, rather than concurrently with submission of the application.

Several Sections of the existing rules for teachers’ certificate renewal discuss the “evidence of completion” that teachers must maintain for activities that have providers (workshops, seminars, conferences, and other training events by whatever name). Approved providers are required to furnish standard forms to those who participate in these events as documentation that they attended particular sessions. Teachers are also required to maintain on file the program, agenda, or schedule for each event. In recent years, the standard form has been expanded to capture the necessary information that a program or agenda would provide, including particularly the name of the presenter and the length of the session. In addition, not all providers furnish printed agendas or programs that teachers can keep on file. We have therefore determined that the requirement for a second piece of documentation is unnecessary and should be eliminated. This change affects Sections 25.860, 25.865, and 25.875.

Other Revisions
This set of amendments also includes changes to a number of other unrelated Sections.

Teaching Experience in Early Childhood Education
Four years of teaching experience are required in order for holders of the initial certificate to qualify for a renewable standard certificate. Section 25.11 provides information on the teaching that may be counted as part of the four years, and a problem has been identified in connection with the early childhood certificate. Many early childhood programs that are funded with state grants under Part 235 of our rules (Early Childhood Block Grant) are conducted by entities other than school districts or nonpublic schools, such as community organizations. Those programs are required to employ certified staff, yet that experience does not count toward acquisition of a standard certificate as the rule is currently written. This creates a disincentive for newly certified
individuals to teach in state-funded programs, which is clearly counterproductive. The proposed revisions in Section 25.11(f) would remedy this problem by counting experience gained in positions for which certification is required.

Obsolete Provisions
Three outdated Sections pertaining to the accreditation of educational units are being repealed. Sections 25.130, 25.135, and 25.136 set forth provisions that were intended to cover relatively short periods of time, and all the decisions and follow-up under those rules have now run their course. Thus the text in these Sections is no longer needed.

Support for Teachers Certified through NBPTS
An adjustment is being made to Section 25.444 (Illinois Teaching Excellence Program) to require that individuals who qualify for the annual stipend submit documentation of their eligibility for that payment. The rule (subsection (a)(2)) currently calls for the employer to verify the individual’s employment but does not indicate that the individual must submit this information. This may lead to difficulties if school district administrators are not attentive to the need to supply it. On balance, we believe it is preferable to put the eligible teacher in a position to claim the stipend in order to avoid miscommunications. The other revisions to this Section are for purposes of clarification only, with the goal of distinguishing administrative functions of the agency from actions specifically taken by the State Board.

Certification Testing
A new content-area test for Arabic will become available this fall and thus needs to be added to the list of tests found in Section 25.710. The addition of the Arabic test also affects Appendix E to Part 25, which displays the endorsement structure, since Arabic will now be available as one of the foreign language designations.

In Section 25.720 (Applicability of Testing Requirement and Scores), the validity of test scores is being extended from five years to ten years. This change will acknowledge the many valid reasons why individuals do not always progress quickly from certification testing to the acquisition of a certificate.

This set of amendments was discussed with the State Teacher Certification Board at its meeting on February 29, and the Certification Board has recommended the rules for consideration by the State Board of Education.

Analysis and Implications for Policy, Budget, Legislative Action and Communications
Policy Implications: Please see above.
Budget Implications: None.
Legislative Action: None needed.
Communication: Please see “Next Steps” below.

Pros and Cons of Various Actions
Promulgation of these amendments will permit timely implementation of the new requirements for renewal of the school service personnel certificate, in keeping with Section 5-145 of the Illinois Administrative Procedure Act, as well as allowing ISBE to move forward with the other recommended changes in and clarifications of certification policy outlined above. Failure to initiate this rulemaking would lead to delays in responding to P.A. 95-592 and leave other matters uncorrected or out of date.
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:

Certification (23 Illinois Administrative Code 25),

including publication of the proposed amendments in the Illinois Register.

Next Steps
With the Board's authorization, staff will submit the proposed amendments 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.
PART 25
CERTIFICATION

SUBPART A: DEFINITIONS

Section 25.10 Accredited Institution

SUBPART B: CERTIFICATES

Section 25.11 New Certificates (February 15, 2000)
25.15 Standards for Certain Certificates (Repealed)
25.20 Requirements for the Elementary Certificate (Repealed)
25.25 Requirements for “Full” Certification
25.30 Endorsement in Teacher Leadership
25.35 Acquisition of Subsequent Certificates; Removal of Deficiencies (Repealed)
25.37 Acquisition of Subsequent Teaching Certificates (2004)
25.40 Requirements for the Special Certificate (Repealed)
25.43 Standards for Certification of Special Education Teachers
25.45 Standards for the Standard Special Certificate--Speech and Language Impaired
25.50 General Certificate (Repealed)
25.60 State Special Certificate, Grades 11-12, For Teaching Elective Subjects (Repealed)
25.65 Alternative Certification
25.67 Alternative Route to Teacher Certification
25.70 State Provisional Vocational Certificate
25.75 Part-time Provisional Certificates
25.80 Requirements for the Early Childhood Certificate (Repealed)
25.85 Special Provisions for Endorsement in Foreign Language for Individuals Currently Certified
25.86 Special Provisions for Endorsement in Foreign Language for Individuals Prepared as Teachers But Not Currently Certified
25.90 Transitional Bilingual Certificate and Examination
25.92 Visiting International Teacher Certificate
25.95 Majors, Minors, and Separate Fields for the Illinois High School Certificate (Repealed)
25.99 Endorsing Teaching Certificates (Repealed)
25.100 Endorsing Teaching Certificates (2004)
25.105 Temporary Substitute Teaching Permit

SUBPART C: APPROVING PROGRAMS THAT PREPARE PROFESSIONAL EDUCATORS IN THE STATE OF ILLINOIS

Section
25.110 System of Approval: Levels of Approval (Repealed)
25.115 Recognition of Institutions, Accreditation of Educational Units, and Approval of Programs
25.120 Standards and Criteria for Institutional Recognition and Program Approval (Repealed)
25.125 Accreditation Review of the Educational Unit
25.127 Review of Individual Programs
25.130 Special Provisions for Institutions Subject to Conditions for Continuing Accreditation (Repealed)
25.135 Interim Provisions for Continuing Accreditation and Approval -- July 1, 2000, through Fall Visits of 2001 (Repealed)
25.136 Interim Provisions for Continuing Accreditation -- Institutions Visited from Spring of 2002 through Spring of 2003 (Repealed)
25.137 Interim Provisions for Continuing Accreditation and Approval -- July 1, 1999, through June 30, 2000 (Repealed)
25.140 Requirements for Educational Unit Assessment Systems
25.142 Assessment Requirements for Individual Programs
25.145 Approval of New Programs Within Recognized Institutions
25.147 Approval of Programs for Foreign Language Beginning July 1, 2003
25.150 The Periodic Review Process (Repealed)
25.155 Initial Recognition Procedures
25.160 Notification of Recommendations; Decisions by State Board of Education
STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

25.165 Discontinuation of Programs

SUBPART D: SCHOOL SERVICE PERSONNEL

Section
25.200 Relationship Among Credentials in Subpart D
25.210 Requirements for the Certification of School Social Workers (Repealed)
25.220 Requirements for the Certification of Guidance Personnel (Repealed)
25.230 Requirements for the Certification of School Psychologists (Repealed)
25.240 Standard for School Nurse Endorsement (Repealed)
25.245 Certification of School Nurses (2004)
25.252 Certification of Non-Teaching Speech-Language Pathologists
25.255 Interim Certification of Speech-Language Pathologist Interns
25.275 Renewal of the School Service Personnel Certificate

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

Section
25.300 Relationship Among Credentials in Subpart E
25.310 Definitions (Repealed)
25.311 Administrative Certificate (Repealed)
25.313 Alternative Route to Administrative Certification
25.314 Alternative Route to Administrative Certification for Teacher Leaders
25.315 Renewal of Administrative Certificate
25.320 Application for Approval of Program (Repealed)
25.322 General Supervisory Endorsement (Repealed)
25.330 Standards and Guide for Approved Programs (Repealed)
25.333 General Administrative Endorsement (Repealed)
25.338 Designation as Master Principal
25.344 Chief School Business Official Endorsement (Repealed)
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NOTICE OF PROPOSED AMENDMENTS

25.355 Superintendent Endorsement (Repealed)
25.365 Director of Special Education

SUBPART F: GENERAL PROVISIONS

Section
25.400 Registration of Certificates; Fees
25.405 Military Service
25.410 Revoked Certificates
25.415 Credit in Junior College (Repealed)
25.420 Psychology Accepted as Professional Education (Repealed)
25.425 Individuals Prepared in Out-of-State Institutions
25.427 Three-Year Limitation
25.430 Institutional Approval (Repealed)
25.435 School Service Personnel Certificate -- Waiver of Evaluations (Repealed)
25.437 Equivalency of General Education Requirements (Repealed)
25.440 Master of Arts NCATE (Repealed)
25.442 Illinois Teacher Corps Programs
25.444 Illinois Teaching Excellence Program
25.445 College Credit for High School Mathematics and Language Courses (Repealed)
25.450 Lapsed Certificates
25.455 Substitute Certificates
25.460 Provisional Special and Provisional High School Certificates (Repealed)
25.464 Short-Term Authorization for Positions Otherwise Unfilled
25.465 Credit (Repealed)
25.470 Meaning of Experience on Administrative Certificates (Repealed)
25.475 Renewal Requirements for Holders of Multiple Types of Certificates and Permits No Longer Issued (Repealed)
25.480 Credit for Certification Purposes (Repealed)
25.485 Provisional Recognition of Institutions (Repealed)
25.490 Rules for Certification of Persons Who Have Been Convicted of a Crime
25.493 Part-Time Teaching Interns
25.495 Approval of Out-of-State Institutions and Programs (Repealed)
25.497 Supervisory Endorsements
STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

SUBPART G: THE UTILIZATION OF PARAPROFESSIONALS AND OTHER NONCERTIFIED PERSONNEL

Section
25.510 Paraprofessionals; Teacher Aides
25.520 Other Noncertificated Personnel
25.530 Specialized Instruction by Noncertificated Personnel
25.540 Approved Teacher Aide Programs
25.550 Approval of Educational Interpreters

SUBPART H: CLINICAL EXPERIENCES

Section
25.610 Definitions
25.620 Student Teaching
25.630 Pay for Student Teaching (Repealed)

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section
25.705 Purpose - Severability
25.710 Definitions
25.715 Test Validation
25.717 Test Equivalence
25.720 Applicability of Testing Requirement and Scores
25.725 Applicability of Scores (Repealed)
25.728 Use of Test Results by Institutions of Higher Education
25.730 Registration
25.732 Late Registration
25.733 Emergency Registration
25.735 Frequency and Location of Examination
25.740 Accommodation of Persons with Special Needs
25.745 Special Test Dates
25.750 Conditions of Testing
25.755 Voiding of Scores
25.760 Passing Score
25.765 Individual Test Score Reports
25.770 Re-scoring
25.775 Institution Test Score Reports
25.780 Fees

SUBPART J: RENEWAL OF STANDARD AND MASTER CERTIFICATES

Section
25.800 Professional Development Required
25.805 Continuing Professional Development Options
25.810 State Priorities
25.815 Submission and Review of the Plan (Repealed)
25.820 Review of Approved Plan (Repealed)
25.825 Progress Toward Completion (Repealed)
25.830 Application for Renewal of Certificate(s)
25.832 Validity and Renewal of Master Certificates
25.835 Review of and Recommendation Regarding Application for Renewal
25.840 Action by State Teacher Certification Board; Appeals
25.845 Responsibilities of School Districts
25.848 General Responsibilities of LPDCs
25.850 General Responsibilities of Regional Superintendents
25.855 Approval of Illinois Providers
25.860 Out-of-State Providers
25.865 Awarding of Credit for Activities with Providers
25.870 Continuing Education Units (CEUs)
25.872 Special Provisions for Interactive, Electronically Delivered Continuing Professional Development
25.875 Continuing Professional Development Units (CPDUs)
25.880 “Valid and Exempt” Certificates; Proportionate Reduction; Part-Time Teaching
25.885 Funding; Expenses (Repealed)

SUBPART K: REQUIREMENTS FOR RECEIPT OF THE STANDARD TEACHING CERTIFICATE

Section
25.900 Applicability of Requirements in this Subpart
25.905 Choices Available to Holders of Initial Certificates
25.910 Requirements for Induction and Mentoring
25.915 Requirements for Coursework on the Assessment of One’s Own Performance
STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

25.920 Requirements for Coursework Related to the National Board for Professional Teaching Standards (NBPTS)
25.925 Requirements Related to Advanced Degrees and Related Coursework
25.930 Requirements for Continuing Professional Development Units (CPDUs)
25.935 Additional Activities for Which CPDUs May Be Earned
25.940 Examination
25.942 Requirements for Additional Options
25.945 Procedural Requirements

25.APPENDIX A Statistical Test Equating - Certification Testing System
25.APPENDIX B Certificates Available Effective February 15, 2000
25.APPENDIX C Exchange of Certificates
25.APPENDIX D Criteria for Identification of Teachers as “Highly Qualified” in Various Circumstances
25.APPENDIX E Endorsement Structure Beginning July 1, 2004

AUTHORITY: Implementing Article 21 and Section 14C-8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art. 21, 14C-8, and 2-3.6].


SUBPART B: CERTIFICATES

Section 25.11 New Certificates (February 15, 2000)

Section 21-2 of the School Code [105 ILCS 5/21-2] established a new system of teaching certificates effective February 15, 2000. A complete list of the certificates that were available as of that date is found in Appendix B to this Part.

a) Holders of certain Illinois teaching certificates received, or shall receive, corresponding standard teaching certificates. Certificates subject to exchange are listed in Appendix C to this Part; see also Sections 25.400 and 25.450 of this Part. Out-of-state candidates who qualify for Illinois teaching certificates pursuant to Section 25.425 of this Part and who pass the applicable examinations (see Section 25.720 of this Part) shall receive either initial or standard teaching certificates, and, except as provided in subsection (a)(3) of this Section, those who receive initial certificates shall be subject to the requirements of subsection (c) of this Section in terms of their subsequent receipt of standard teaching certificates. An out-of-state applicant who does not qualify for an initial or standard certificate
may qualify to receive a provisional certificate subject to the provisions of Section 21-10 of the School Code [105 ILCS 5/21-10].

1) *Standard certificates will be issued to candidates who present evidence of at least four years of teaching experience on a valid certificate issued by a state, territory, or possession of the United States.* (Section 21-2(b-5) of the School Code [105 ILCS 5/21-2(b-5)])

2) Initial certificates will be issued to qualified candidates with fewer than four years of teaching experience.

   A) A recipient of an initial certificate pursuant to this subsection (a)(2) shall be eligible to apply for a comparable standard certificate when he or she has accumulated a total of four years’ teaching experience on a valid certificate, including the time taught outside Illinois.

   B) Pursuant to Section 21-2(b-5) of the School Code, the 12 semester hours of graduate-level coursework needed to complete the option discussed in Section 25.905(d) of this Part and the 60 continuing professional development units (CPDUs) needed to complete the option discussed in Section 25.905(e) of this Part shall be reduced in proportion to the amount of teaching time a candidate needs to accumulate in Illinois in order to complete four years of teaching. The number of hours or CPDUs required shall be reduced by one-fourth for each full year of teaching completed outside Illinois.

3) *The requirements of Subpart K of this Part shall not apply to an individual who holds a second-tier certificate from another state.* (Section 21-2(b-5) of the School Code) A “second-tier certificate” is one that is issued after a teacher has:

   A) held a prerequisite teaching certificate that was valid for the same area or areas of assignment, other than an emergency, provisional, or substitute certificate; and

   B) met specified additional requirements for professional development or induction to the profession of teaching.
4) Certificates will be endorsed in accordance with the provisions of Sections 25.100 and 25.425 of this Part.

b) A candidate completing an approved Illinois teacher preparation program may qualify for an initial teaching certificate by passing the applicable examinations (see Section 25.720 set forth in Section 25.22, 25.32, 25.42, or 25.82 of this Part), as applicable.

c) An individual who has completed four years of teaching on an initial certificate (or on another certificate that was issued in conjunction with an initial certificate) may qualify for a comparable standard certificate as set forth in Subpart K of this Part.

1) All endorsements shall be carried forward from an initial to the comparable standard certificate.

2) A holder of an initial certificate who has not completed four years of teaching within four years may renew and register the certificate for additional four-year periods without limitation. (Section 21-14(b) of the School Code [105 ILCS 5/21-14(b)])

3) A candidate who has taught for four years on an initial certificate but has not met the requirements of Subpart K of this Part may not receive another comparable initial teaching certificate. For example, a holder of an initial elementary certificate will not be eligible to receive another initial elementary certificate. However, such an individual may receive a reinstated certificate, valid for one year, during which he or she may complete the option chosen as a means of qualifying for the standard teaching certificate. (Section 21-14(b) of the School Code) No initial certificate-holder may receive a reinstated certificate more than once pursuant to this subsection (c)(3).

4) When an individual completes four years of teaching experience on an initial certificate, that certificate shall become invalid on the following June 30.
d) A holder of an Illinois teaching certificate who has teaching experience on a valid certificate as required by Section 21-11.2 of the School Code [105 ILCS 5/21-11.2] may receive an additional certificate of another type as set forth in Section 25.37 of this Part, unless the additional certificate is to be issued based on comparable out-of-state certification. Once an individual has received a standard teaching certificate, any other subsequently issued early childhood, elementary, secondary, special K-12, or special preschool–age 21 certificate shall also be a standard certificate, with the exception of any master certificate for which the individual also qualifies.

e) “Four years of teaching experience” means the equivalent of four years’ full-time employment, i.e., eight semesters of scheduled full-time teaching, which may, however, be accumulated in any combination of increments. That is, it need not be accumulated through full-time teaching. To permit timely processing of applications for standard certificates, the State Superintendent of Education may accept applications from individuals who are at least midway through their final semester of required teaching experience, provided that each such individual submits a letter that otherwise meets the requirements of subsection (f) of this Section but indicates that:

1) the individual has completed 3 ½ years of teaching plus the required portion of the final semester; and

2) the representative of the employing entity knows of no reason why the individual will not complete four years of teaching experience during the then-current semester.

f) “Evidence of teaching experience” means a letter signed by the chief administrator or other designated official of the employing school district or nonpublic school (or other employing entity, if applicable to the holder of an early childhood certificate) documenting the nature and duration of the candidate’s teaching. A letter signed by an official of the state education agency in another state may be substituted for an employer’s letter when the latter cannot be secured. Early childhood teaching experience shall be understood as contributing to the fulfillment of this requirement if gained in a position for which an early childhood certificate was required pursuant to the rules of the State Board of Education at 23 Ill. Adm. Code 235 (Early Childhood Block Grant). Experience
gained while teaching in a home school shall not be applicable to the fulfillment of this requirement.

g) For purposes of this Section, “valid certificate” means a certificate equivalent to an Illinois master, standard, initial, or provisional early childhood, elementary, secondary, or special certificate.

h) Upon application, a holder of certification issued by the National Board for Professional Teaching Standards (NBPTS) shall be issued a comparable Illinois master certificate. Endorsements comparable to those held by the individual shall appear on the master certificate. The State Board shall make available the list of NBPTS certifications for which Illinois master credentials are available and shall update that list as the NBPTS expands its areas of certification.

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

Section 25.70 State Provisional Vocational Certificate

A State Provisional Vocational Certificate may be issued in the trade or occupational subject to be taught when recommended by the State Board of Vocational Education.

a) Each applicant for a provisional vocational certificate shall present evidence of having completed 60 semester hours of college coursework from a regionally accredited institution and 2,000 hours of work experience in each area to be taught. The required evidence of this work experience shall be written statements from former supervisors who can be reached for verification or, in cases where supervisors are no longer available to verify the individual’s employment, affidavits by the applicant describing the work experience.

b) Each provisional vocational certificate issued on or after July 1, 2009, shall be valid for five years and shall be renewable contingent upon the certificate-holder’s fulfillment of the applicable requirements set forth in this Section.

c) Each provisional vocational certificate issued on or before June 30, 2009, shall be valid for five years from the date of issue or the date of its most recent registration, whichever is later. When any such certificate is next registered after June 30, 2009, the registration shall be for a five-year period of validity, and
renewal of the certificate after that five-year period shall be contingent upon the certificate-holder’s fulfillment of the applicable requirements of this Section.

d) Each affected certificate-holder shall complete:

1) eight semester hours of college coursework in an undergraduate or graduate-level program related to education, of which no fewer than two semester hours must address advancing the certificate-holder’s knowledge and skills as a teacher in relation to the Illinois Professional Teaching Standards (see 23 Ill. Adm. Code 24.100) and the content-area standards in his or her area of certification, endorsement, or assignment; or

2) one hundred twenty continuing professional development units (“CPDUs”) in accordance with Section 25.875 of this Part; or

3) any combination of the types of activities described in subsections (a)(1) and (2) of this Section, provided that the total effort represents the equivalent of 120 CPDUs, and provided that one semester hour of college credit shall be considered the equivalent of 15 CPDUs.

e) Each professional development activity used to fulfill the requirements of this Section shall be required to address one or more of the purposes identified for the renewal of standard and master certificates in Section 21-14(e)(2) of the School Code [105 ILCS 5/21-14(e)(2)]. At least 20 percent of the units required must address the purpose identified in Section 21-14(e)(2)(E) of the School Code.

f) CPDUs shall be generated for completion of activities in accordance with provisions of Section 25.875 of this Part, provided that the activity described in subsection (h) of that Section shall not be used to generate CPDUs for holders of the provisional vocational certificate and references to Section 21-14 of the School Code [105 ILCS 5/21-14] are not applicable in the case of the provisional vocational certificate.

g) The provisions of Sections 25.855, 25.860, 865, and 25.872 of this Part shall apply to the awarding of CPDUs for activities offered by providers, provided that:

1) the references to Section 21-14 of the School Code are not applicable to the provisional vocational certificate;
2) references to Subpart J of this Part shall be understood as referring to this Section where necessary to the context; and

3) references to continuing education units (CEUs) shall not apply in the case of the provisional vocational certificate.

h) Each provisional vocational certificate shall be maintained as “valid and active” or “valid and exempt” for each semester of its validity. Periods of exemption and proportionate reductions in the requirements for continuing professional development shall be determined as discussed in Section 25.880(a) of this Part. In addition, the number of continuing professional development units needed to renew the certificate shall be reduced by 50 percent for any amount of time during which the certificate-holder has been employed and performing services on a part-time basis, i.e., for less than 50 percent of the school day or school term.

i) Credit earned for any activity that is completed (or for which the certificate-holder receives evidence of completion) on or after April 1 of the final year of a certificate’s validity, if not claimed with respect to that period of validity, may be carried over and claimed in the subsequent period of validity, provided that the activity in question is relevant to the requirements that apply to that period.

j) Each certificate-holder shall:

1) maintain the required form of evidence of completion for each activity throughout the period of validity that follows the renewal of the certificate based on completion of the activities documented; and

2) present the evidence of completion upon request by the regional superintendent or a representative of the State Board of Education or if required as part of an appeal under Section 25.840 of this Part.

k) Each holder of a provisional vocational certificate shall apply for renewal of that certificate as set forth with respect to standard teaching certificates in Section 25.830 of this Part, including the submission of a statement of assurance that conforms to the requirements of subsection (b) of that Section, except that:
1) each application for certificate renewal shall be submitted to the regional superintendent of schools, regardless of whether a local professional development committee is in operation in the employing district; and

2) references to standard certificates in that Section shall be understood to apply to provisional vocational certificates as necessary to the context.

l) Within 14 days after receiving an application for the renewal of a provisional vocational certificate, the regional superintendent shall forward to the State Teacher Certification Board a recommendation for renewal or nonrenewal on a form prescribed by the State Superintendent of Education.

1) The regional superintendent shall transmit a list identifying all the certificate-holders with respect to whom the regional superintendent is recommending renewal of provisional vocational certificates, along with verification that:

A) each certificate-holder has completed professional development or otherwise qualifies for certificate renewal in accordance with this Section; and

B) each certificate-holder has submitted the statement of assurance required in accordance with subsection (k) of this Section.

2) If the recommendation is not to renew the certificates held, or if the application indicates the individual is or may be out of compliance with Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65] with regard to child support payments, the certificate-holder’s copy shall be sent concurrently by certified mail, return receipt requested. Each recommendation for nonrenewal shall include the regional superintendent’s rationale.

m) A certificate-holder with respect to whom a regional superintendent has recommended nonrenewal of the provisional vocational certificate may appeal to the State Teacher Certification Board in accordance with the provisions of Section 25.835(h) of this Part, except that references to the requirements of Section 21-14 of the School Code shall not apply in the case of the provisional vocational certificate.
n) The State Teacher Certification Board shall review regional superintendents’ recommendations regarding the renewal of provisional vocational certificates and notify the affected certificate-holders in writing as to whether their certificates have been renewed or not renewed. This notification shall take place within 90 days after the State Teacher Certification Board receives regional superintendents’ recommendations, subject to the right of appeal set forth in this subsection (i).

1) Within 60 days after receipt of an appeal filed by a certificate-holder challenging a regional superintendent’s recommendation for nonrenewal, the State Teacher Certification Board shall hold an appeal hearing. The Board shall notify the certificate-holder of the date, time, and place of the hearing.

2) The certificate-holder shall submit to the State Teacher Certification Board such additional information as the Certification Board determines is necessary to decide the appeal.

3) The State Teacher Certification Board may request that the certificate-holder appear before it. The certificate-holder shall be given at least ten days’ notice of the date, time, and place of the hearing.

4) In verifying whether the certificate-holder has met the renewal criteria set forth in this Section, the State Teacher Certification Board shall review the recommendation of the regional superintendent of schools and all relevant documentation.

o) The State Teacher Certification Board shall notify the certificate-holder in writing, within seven days after completing its review, as to whether the certificate has been renewed. Upon receipt of notification of renewal, the certificate-holder shall pay the applicable registration fee to the regional superintendent. If the decision is not to renew the certificate, the notice to the certificate-holder shall be transmitted by certified mail, return receipt requested, and shall state the reason for the decision. The decision of the State Teacher Certification Board is final and subject to administrative review as set forth in Section 21-24 of the School Code [105 ILCS 5/21-24].
p) An individual whose certificate is not renewed because of his or her failure to meet the requirements of this Section may apply for a reinstated certificate valid for one year. After the one-year period of validity of the reinstated certificate, the individual shall receive a renewable provisional vocational certificate only if he or she presents evidence of having:

1) completed the balance of the professional development activities that were required for renewal of the certificate previously held; and

2) earned five additional semester hours of credit from a regionally accredited institution of higher learning relevant to the field of certification.

q) The provisions of Section 25.840(d) of this Part shall apply to the renewal of the provisional vocational certificate.

r) An individual who performs services on a provisional vocational certificate and concurrently also on some other type of certificate that is subject to renewal requirements shall be subject to the provisions of Section 25.475 of this Part.

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

SUBPART C: APPROVING PROGRAMS THAT PREPARE PROFESSIONAL EDUCATORS IN THE STATE OF ILLINOIS

Section 25.130 Special Provisions for Institutions Subject to Conditions for Continuing Accreditation (Repealed)

The provisions of this Section shall apply to institutions that are required by the State Board of Education to submit additional information and/or correction of specified weaknesses pursuant to the provisions of Section 25.135(c)(5) of this Part.

a) Based on a review of the additional information submitted by the affected institution, the State Teacher Certification Board shall recommend that the State Board of Education:
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1) grant continuing accreditation of the educational unit and approval of its teacher preparation programs, if the weaknesses cited have been adequately corrected; or

2) assign accreditation of the unit with probation until after the next regularly scheduled review visit, if the unit continues to exhibit weaknesses that limit its capacity for offering high-quality programs that adequately prepare candidates.

b) Following the next scheduled review visit, the State Teacher Certification Board shall recommend to the State Board of Education either:

1) continuing accreditation of the educational unit and approval of its teacher preparation programs, if the review team’s report indicates that the institution meets all the applicable standards; or

2) revocation of the unit’s accreditation and termination of its preparation programs.

e) Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part. Discontinuation of a program pursuant to revocation of the unit’s accreditation shall be subject to the requirements of Section 25.165(b) of this Part.

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

Section 25.135 Interim Provisions for Continuing Accreditation and Approval -- July 1, 2000, through Fall Visits of 2001 (Repealed)

The requirements set forth in this Section shall apply to the continuing accreditation of educational units and the continuing approval of teacher preparation programs subject to Fifth-Year Review on or after July 1, 2000, but before December 31, 2001. In addition to complying with the requirements of this Section, institutions seeking to achieve or retain NCATE accreditation shall submit to NCATE such reports and other documents as that organization may require, according to the timelines established by NCATE. As an alternative to meeting the requirements of this Section, institutions whose Fifth-Year Reviews are scheduled for the fall of 2001 may elect to comply with the requirements of Sections 25.136 and 25.140 of this Part.
a) Institutions Seeking Initial NCATE Accreditation or Not Seeking NCATE Accreditation

1) Not later than 90 days before the scheduled date of the review visit, the institution shall submit to the State Superintendent 30 copies of a written description of the educational unit including:

A) its mission, purposes, or goals, its authority and responsibilities for professional education, and its coordination of the institution’s various teacher preparation programs;

B) identification of the dean, chair, or director who is officially designated to represent the educational unit and is assigned the authority and responsibility for its overall administration and operation, and

C) the written policies and procedures which guide the operations of the educational unit.

2) Not later than 60 days before the scheduled date of the review visit, the institution shall submit to the State Superintendent 30 copies of a narrative showing how the educational unit meets or plans to address each of the standards referred to in Section 25.115(b) of this Part.

3) Not later than 60 days before the scheduled date of the review visit, the institution shall submit to the State Superintendent five copies of:

A) a report containing an analysis of the changes that will be needed in the individual teacher preparation programs in order to meet the applicable content standards established by the State Board of Education, and the status of any changes already made in those programs; and

B) for one program selected by the institution, a sample curriculum portfolio that contains:

i) an overview of the knowledge base, philosophy of preparation, and goals and objectives of the program;
b) Institutions Seeking Continued NCATE Accreditation

1) Not later than 60 days before the scheduled date of the review visit, the institution shall submit to the State Superintendent 30 copies, and to NCATE the number of copies required by NCATE, of a report summarizing:

A) changes and new initiatives for each category of the standards referred to in Section 25.115(b) of this Part; and

B) the unit’s plans for developing and improving its professional education programs during the next five years.

2) Not later than 60 days before the scheduled date of the review visit, the institution shall submit to the State Superintendent five copies of the material specified in subsection (a)(3) of this Section.

e) All Institutions

1) The requirements of subsection (a)(3)(B) of this Section may be met, at the institution’s option, by presenting a portfolio that has already been prepared for review as part of NCATE’s program review process.
A review team shall be empanelled as described in Section 25.125(d) of this Part. The review team shall visit the institution, verify the information provided, prepare a report, provide that report to the institution, make corrections as necessary, and provide its final report to the institution and to the State Superintendent of Education as provided in Section 25.125(e) and (f) of this Part.

Within 30 days after receipt of the final report, the institution shall submit to the State Superintendent either a letter stating agreement with the report’s findings or a rejoinder to those findings.

Staff of the State Board of Education shall convey to the State Teacher Certification Board the institutional report, the review team’s report, the institution’s letter of agreement or rejoinder, and a statement as to whether the status report and program report comply with the applicable requirements of subsection (a) or (b) of this Section, as well as NCATE’s accreditation decision regarding the educational unit if applicable and available.

After consideration of the material submitted, and based upon whether the report of the review team indicates that the unit meets the standards referred to in Section 25.115(b) of this Part or has a time-specific plan for meeting those standards no later than June 30, 2003, the Certification Board shall convey to the State Superintendent its recommendation that the State Board of Education:

A) Continue accreditation of the educational unit and approval of the affected teacher education program(s), thereby authorizing the educational unit to conduct the approved program(s) and to recommend candidates for certification by entitlement; or

B) Require the submission of additional information and/or correction of specified weaknesses within a timeframe not to exceed 18 months before continuing the unit’s accreditation or the approval of the affected program(s).
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d) Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part.

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

Section 25.136 Interim Provisions for Continuing Accreditation — Institutions Visited from Spring of 2002 through Spring of 2003 (Repealed)

The requirements set forth in this Section shall apply to the continuing accreditation of educational units and the continuing approval of preparation programs subject to Fifth Year Review on or after January 1, 2002, but before July 1, 2003. In addition to complying with the requirements of this Section, institutions seeking to achieve or retain NCATE accreditation shall submit to NCATE such reports and other documents as that organization may require, according to the timelines established by NCATE.

a) No later than February 1 (for a spring visit) or September 1 (for a fall visit) of the year before the year when its Fifth-Year Review will be held, the institution shall submit to the State Superintendent of Education ten copies of all the material required pursuant to Section 25.155(b)(1), (2), and (3) of this Part.

b) No later than 60 days prior to the scheduled date of its review visit, the institution shall submit to the State Superintendent ten copies of the institutional report required by Section 25.155(g) of this Part, as well as five copies of:

1) a report containing an analysis of the changes that will be needed in the individual teacher preparation programs in order to meet the applicable content standards established by the State Board of Education, and the status of any changes already made in those programs; and

2) for one program selected by the institution, a sample program report that meets the requirements of Section 25.127(b) of this Part.

e) A panel established by the State Superintendent shall review the description of the unit’s conceptual framework(s) and shall respond as outlined in Section 25.125(b) of this Part.
d) A review team shall be empanelled as described in Section 25.125(d) of this Part and shall conduct an on-site review visit as described in Section 25.125(e) of this Part.

e) The review team shall prepare a draft report during the on-site visit, incorporating an overview of the unit and its conceptual framework(s) and summarizing performance data of candidates and graduates. This draft report shall be provided to the institution within 30 days after the conclusion of the visit for the purpose of allowing the institution 30 days to correct any factual errors. The team chair or co-chairs shall review the institution’s suggested revisions and make appropriate corrections. The final report shall be submitted to the institution within 30 days after the State Board’s receipt of the institution’s suggested corrections.

f) The institution shall submit either a letter of agreement or a rejoinder to the review team’s report as provided in Section 25.125(g) of this Part.

g) Staff of the State Board of Education shall convey to the State Teacher Certification Board the institutional report, the review team’s report, the institution’s letter of agreement or rejoinder, and a statement as to whether the status report complies with the requirements of subsection (b) of this Section and the program report complies with the requirements of subsection (b)(2) of this Section, as well as NCATE’s accreditation decision regarding the educational unit if applicable and available.

h) After consideration of the material submitted, and based upon whether the report of the review team indicates that the unit meets the standards referred to in Section 25.115(b) of this Part, the Certification Board shall convey to the State Board of Education a recommendation in keeping with the requirements of Section 25.125(j) of this Part.

i) Actions following upon the recommendation of the State Teacher Certification Board shall be as described in Section 25.160 of this Part. Discontinuation of a program pursuant to revocation of the unit’s accreditation shall be subject to the requirements of Section 25.165(b) of this Part.

(Source: Repealed at 32 Ill. Reg. _____, effective _____________)
SUBPART D: SCHOOL SERVICE PERSONNEL

Section 25.275  Renewal of the School Service Personnel Certificate

The requirements set forth in this Section apply to renewal of school service personnel (SSP) certificates in accordance with Section 21-25 of the School Code [105 ILCS 5/21-25].

a) Pursuant to Section 21-25 of the School Code, the renewal of school service personnel certificates held by individuals employed and performing services in certain types of public schools is contingent upon certificate-holders’ presentation of evidence of continuing professional development. Renewal of any affected SSP certificate whose period of validity begins on or after July 1, 2008, shall require the certificate-holder’s:

1) possession of one of the State licenses identified in Section 21-25(e) of the School Code, that is:

A) current licensure as either a clinical professional counselor or a professional counselor under the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107];

B) current licensure as either a clinical social worker or a social worker under the Clinical Social Work and Social Work Practice Act [225 ILCS 20]; or

C) current licensure as a speech-language pathologist under the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]; or

2) possession of one of the national certifications identified in Section 21-25(e) of the School Code; or

3) completion of sufficient professional development activities to satisfy the requirements of Section 21-25 of the School Code.

b) An individual who wishes to qualify for certificate renewal based on licensure or national certification as permitted by Section 21-25 of the School Code shall maintain documentation related to the relevant license or certificate, including its
date of issue, period of validity, and issuing body. This information shall be included in the individual’s application for certificate renewal in place of the statement of assurance called for in subsection (k) of this Section.

c) Completion of the certification process conducted by the National Board for Professional Teaching Standards (NBPTS) may be used to fulfill the entire requirement for professional development under subsection (a)(2) of this Section for the renewal cycle during which completion occurs. Evidence of completion of this process shall be the inclusion of the certificate-holder’s name on NBPTS’ composite list of those who have completed the certification process (as distinct from having received certification).

d) Except as provided in subsections (b) and (c) of this Section, each professional development activity used to fulfill the requirements of this Section shall be required to address one or more of the purposes set forth in Section 21-25(e) of the School Code, and three of the four purposes must be addressed. No later than 60 days after the State Board of Education votes to establish or change the list of areas determined by the Board to be critical for all school service personnel (Section 21-25 of the School Code), the State Superintendent of Education shall notify each school district superintendent, each regional superintendent of schools, and any organization that requests this notification. The notice shall include a list of the areas and state the date upon which the list takes effect.

e) CPDUs shall be generated for completion of activities in accordance with the provisions of Section 25.875 of this Part, provided that, as necessary to the context:

1) references to Section 21-14 of the School Code shall be understood to mean the comparable provisions of Section 21-25 of the School Code;

2) references to teachers, teaching, and instruction shall be understood to mean holders of the school service personnel certificate and their performance of services;

3) references to the classroom shall be understood to mean the setting where services are provided;
4) references to classes directly taught by the certificate-holder (Section 25.875(e) and (n) of this Part) shall be understood to mean students directly served by the certificate-holder;

5) references specific to the supervision or preparation of candidates for teaching certificates (Section 25.875(h) and (m) of this Part) shall be understood to mean the supervision or preparation of candidates for the school service personnel certificate;

6) references to content-area standards (Section 25.875(i) of this Part) shall be understood to mean the relevant standards set forth at 23 Ill. Adm. Code 23 (Standards for the School Service Personnel Certificate); and

7) the reference to State priorities (Section 25.875(k) of this Part) shall be understood to mean the critical areas identified by the State Board of Education pursuant to Section 21-25(e)(2) of the School Code.

f) The provisions of Sections 25.855, 25.860, 865, and 25.872 of this Part shall apply to the awarding of CPDUs for activities offered by providers, provided that, as necessary to the context:

1) references to Section 21-14 of the School Code shall be understood to mean the comparable provisions of Section 21-25 of the School Code;

2) references to Subpart J of this Part shall be understood as referring to this Section;

3) references to teachers shall be understood to include holders of the school service personnel certificate; and

4) references to continuing education units (CEUs) shall not apply.

g) Each school service personnel certificate shall be maintained as “valid and active” or “valid and exempt” for each semester of its validity. Periods of exemption and proportionate reductions in the requirements for continuing professional development shall be determined as discussed in Section 25.880(a) of this Part.

In addition:
1) **the number of continuing professional development units needed to renew the certificate shall be reduced by 50 percent for any amount of time during which the certificate-holder has been employed and performing services on a part-time basis, i.e., for less than 50 percent of the school day or school term; and**

2) **a certificate-holder who is employed as a substitute on a part-time basis or a day-to-day basis shall only be required to pay the registration fee in order to renew his or her certificate (Section 21-25(e) of the School Code).**

h) Credit earned for any activity that is completed (or for which the certificate-holder receives evidence of completion) on or after April 1 of the final year of a certificate’s validity, if not claimed with respect to that period of validity, may be carried over and claimed in the subsequent period of validity, provided that the activity in question is relevant to the requirements that apply to that period.

i) Each certificate-holder shall:

   1) **maintain the required form of evidence of completion for each activity throughout the period of validity that follows the renewal of the certificate based on completion of the activities documented; and**

   2) **present the evidence of completion upon request by the regional superintendent or a representative of the State Board of Education or if required as part of an appeal under this Section.**

j) **An Illinois master SSP certificate shall have a ten-year period of validity. When an individual receives an Illinois master SSP certificate, any other SSP certificate held by the same individual shall be renewed as of the date of issuance of the master certificate. Any other SSP certificate shall automatically qualify for renewal at the end of its five-year period of validity, as long as the individual continues to hold the master certificate.**

   1) **When an Illinois certificate-holder successfully renews his or her National Board certification, he or she shall be entitled to renew the Illinois master SSP certificate and any other SSP certificate held if the applicable requirements of this Section have also been met.**
2) The holder of an Illinois master certificate whose certification through the NBPTS is not renewed shall nevertheless be entitled to renew the master certificate when it expires, provided that the applicable requirements of this Section have been met during the master certificate’s period of validity.

k) Each holder of an SSP certificate shall apply for renewal of that certificate as set forth with respect to teaching certificates in Section 25.830 of this Part, including the submission of a statement of assurance that conforms to the requirements of subsection (b) of that Section, except that:

1) each application for certificate renewal shall be submitted to the regional superintendent of schools, regardless of whether a local professional development committee is in operation in the employing district; and

2) references to “standard” certificates in that Section shall be understood to apply to SSP certificates.

l) Within 14 days after receiving an application for the renewal of a school service personnel certificate, the regional superintendent shall forward to the State Teacher Certification Board a recommendation for renewal or nonrenewal on a form prescribed by the State Superintendent of Education.

1) The regional superintendent shall transmit a list identifying all the certificate-holders with respect to whom the regional superintendent is recommending renewal of SSP certificates, along with verification that:

A) each certificate-holder has completed professional development or otherwise qualifies for certificate renewal in accordance with the requirements of Section 21-25 of the School Code and this Section; and

B) each certificate-holder has submitted the statement of assurance required in accordance with subsection (k) of this Section.

2) If the recommendation is not to renew the certificates held, or if the application indicates the individual is or may be out of compliance with
Section 10-65 of the Illinois Administrative Procedure Act with regard to child support payments, the certificate-holder’s copy shall be sent concurrently by certified mail, return receipt requested. Each recommendation for nonrenewal shall include the regional superintendent’s rationale.

m) A certificate-holder with respect to whom a regional superintendent has recommended nonrenewal of the SSP certificate may appeal to the State Teacher Certification Board in accordance with the provisions of Section 25.835(h) of this Part, except that the requirements of Section 21-25 of the School Code shall be understood to apply rather than those established by Section 21-14 of the School Code.

n) The State Teacher Certification Board shall review regional superintendents’ recommendations regarding the renewal of SSP certificates and notify the affected certificate-holders in writing as to whether their certificates have been renewed or not renewed. This notification shall take place within 90 days after the State Teacher Certification Board receives regional superintendents’ recommendations, subject to the right of appeal set forth in this subsection (n).

1) Within 60 days after receipt of an appeal filed by a certificate-holder challenging a regional superintendent’s recommendation for nonrenewal, the State Teacher Certification Board shall hold an appeal hearing. The Board shall notify the certificate-holder of the date, time, and place of the hearing.

2) The certificate-holder shall submit to the State Teacher Certification Board such additional information as the Certification Board determines is necessary to decide the appeal.

3) The State Teacher Certification Board may request that the certificate-holder appear before it. The certificate-holder shall be given at least ten days’ notice of the date, time, and place of the hearing.

4) In verifying whether the certificate-holder has met the renewal criteria set forth in Section 21-25 of the School Code, the State Teacher Certification Board shall review the recommendation of the regional superintendent of schools and all relevant documentation.
The State Teacher Certification Board shall notify the certificate-holder in writing, within seven days after completing its review, as to whether the SSP certificate has been renewed. Upon receipt of notification of renewal, the certificate-holder shall pay the applicable registration fee to the regional superintendent. If the decision is not to renew the certificate, the notice to the certificate-holder shall be transmitted by certified mail, return receipt requested, and shall state the reason for the decision. The decision of the State Teacher Certification Board is final and subject to administrative review as set forth in Section 21-24 of the School Code [105 ILCS 5/21-24].

An individual whose certificate is not renewed because of his or her failure to meet the requirements of Section 21-25 of the School Code and this Section may apply for a reinstated certificate valid for one year. After the one-year period of validity of the reinstated certificate, the individual shall receive a renewable SSP certificate only if he or she presents evidence of having:

1) completed the balance of the professional development activities that were required for renewal of the certificate previously held; and

2) earned five additional semester hours of credit from a regionally accredited institution of higher learning relevant to the field of certification.

The provisions of Section 25.840(d) of this Part shall apply to the renewal of the school service personnel certificate.

If fewer than five years remain in the period of a certificate’s validity as of July 1, 2008, the number of CPDUs required in order to renew the certificate at the conclusion of that period shall be proportionately reduced.

An individual who performs services both on an SSP certificate and concurrently also on some other type of certificate to which renewal requirements apply shall be subject to the provisions of Section 25.475 of this Part.

(Source: Added at 32 Ill. Reg. _____, effective __________)
SUBPART E: REQUIREMENTS FOR THE CERTIFICATION OF ADMINISTRATIVE AND SUPERVISORY STAFF

Section 25.315 Renewal of Administrative Certificate

The requirements set forth in this Section apply to renewal of administrative certificates in accordance with Section 21-7.1 of the School Code [105 ILCS 5/21-7.1].

a) Professional Development Required

Pursuant to Section 21-7.1 of the School Code, renewal of administrative certificates held by public school administrators who are serving in positions requiring administrative certification is contingent upon certificate-holders’ presentation of evidence of continuing professional education. For the purposes of this Section, the terms “continuing professional education” and “continuing professional development” shall be considered synonymous. Renewal of any affected administrative certificate whose period of validity begins on or after July 1, 2003, shall require the certificate-holder’s completion of professional development activities sufficient to satisfy the requirements of Section 21-7.1 of the School Code and presentation, upon request by the regional superintendent or a representative of the State Board of Education or if required as part of an appeal under this Section, of evidence of completion of the activities.

b) Each activity shall be required to address one or more of the following purposes:

1) improving the administrator’s knowledge of instructional practices and administrative procedures;

2) maintaining the basic level of competence required for initial certification; and

3) improving skills and knowledge regarding the improvement of teaching performance in clinical settings and assessment of levels of student performance. (Section 21-7.1 of the School Code)

c) Activities selected to fulfill the requirement for 100 hours of professional development (see Section 21-7.1(c-10) of the School Code) shall be subject to the provisions of this subsection (c).
1) Activities chosen for this purpose may include but need not be limited to:

A) Completion of college/university courses;

B) Participation in state and national conferences of professional organizations or in workshops, seminars, symposia, or other, similar training events;

C) Teaching college/university courses or making presentations at conferences, workshops, seminars, symposia, or other, similar training events;

D) Providing formal mentoring to one or more other administrators;

E) Independent study; and

F) Other activities related to the Illinois School Leader Standards and other applicable standards (see 23 Ill. Adm. Code 29) such as developing or revising school programs, participating in Administrators’ Academy courses, research, and other, similar projects.

2) Continuing professional development hours for the activities chosen pursuant to this subsection (c) shall be credited as follows.

A) Fifteen hours shall be credited for each semester hour of college credit earned.

B) One hour shall be credited for each hour of the administrator’s direct participation in a relevant activity other than college coursework, as verified by a log the administrator shall maintain and present upon request by the regional superintendent or a representative of the State Board of Education, or if required as part of an appeal under this Section, describing what was done with respect to each activity, with dates and amounts of time spent in each case.
d) Required Administrators’ Academy Courses

1) An individual who fails to complete an Administrators’ Academy course in a given year as required by Section 21-7.1(c-10)(B) of the School Code shall be required to complete two courses for each one missed. He or she may make these up at any time during the remainder of the certificate’s validity or while holding a reinstated certificate pursuant to subsection (e)(5) of this Section.

2) Each administrator who completes an Administrators’ Academy course shall receive written, dated verification that indicates the title of the course and the number of hours to be credited toward the applicable requirement.

e) Application for Renewal of Certificate

1) Each application for renewal of an administrative certificate, other than an application of a regional superintendent of schools, shall be submitted to the regional superintendent and shall be accompanied by the appropriate fee and a verification format developed by the State Board of Education certifying that the required number of hours of professional development activities and the required number of Administrators’ Academy courses have been completed. (Section 21-7.1(c-10) of the School Code) A certificate-holder who fails to submit this material so as to ensure its receipt by the regional superintendent no later than April 30 may not be able to preserve his or her right of appeal under subsection (f) of this Section.

2) Based on the available information regarding the individual’s compliance with the requirements for certificate renewal set forth in this Section, the regional superintendent shall, within 30 days after receipt of an individual’s application, forward a recommendation for renewal or non-renewal of the administrative certificate to the State Superintendent of Education and notify the certificate-holder in writing of that recommendation.

3) A certificate-holder who is a regional superintendent of schools shall submit the verification format referred to in subsection (e)(1) of this Section to the State Superintendent of Education along with his or her
application for certificate renewal and shall deposit the applicable fee in
the region’s institute fund.

4) Within 30 days after receiving an application, the State Superintendent of
Education shall notify the affected certificate-holder as to whether the
administrative certificate has been renewed or not renewed whose
certificate will not be renewed, including the rationale for nonrenewal.
Upon receipt of notification of renewal, the certificate-holder shall pay the
applicable registration fee to the regional superintendent, except that a
regional superintendent shall deposit his or her own fee in the region’s
institute fund.

5) An individual whose certificate is not renewed because of his or her
failure to complete professional development in accordance with this
Section may apply for a reinstated certificate valid for one year. With
respect to the year of reinstatement, completion of one Administrators’
Academy course and one or more additional professional development
activities meeting the requirements of subsections (b) and (c) of this
Section and totaling no fewer than 20 hours shall be required. After the
one-year period of validity of the reinstated certificate, the individual shall
receive a renewable administrative certificate only if he or she has also
presents evidence of having made up activities missed during the
preceding renewal cycle by completing the requirements of subsection
(e)(5)(A) of this Section, subsection (e)(5)(B) of this Section, or both, as
applicable.

A) The certificate-holder shall complete two Administrators’
Academy courses for each year during which he or she failed to
complete one, if not already made up as discussed in subsection
(d)(1) of this Section.

B) If the certificate-holder failed to complete the applicable number of
professional development activities or hours, he or she shall
complete the balance of that requirement and ten additional hours
of professional development meeting the requirements of
subsections (b) and (c) of this Section.
6) The period of validity of an administrative certificate issued after a year of reinstatement or held after the reinstatement of a teaching certificate shall be adjusted to coincide with the validity of the holder’s teaching certificate.

f) Appeal to State Teacher Certification Board

Within 14 days after receipt of notice from the State Superintendent that his or her administrative certificate will not be renewed based upon failure to complete the requirements of this Section, a certificate-holder may appeal that decision to the State Teacher Certification Board, using a form made available by the State Board of Education.

1) Each appeal shall state the reasons why the State Superintendent’s decision should be reversed and shall be sent by certified mail, return receipt requested.

   A) Appeals shall be addressed to:

      State Teacher Certification Board
      Secretary
      100 North First Street
      Springfield, Illinois  62777

   B) No electronic or facsimile transmissions will be accepted.

   C) Appeals postmarked later than 14 calendar days after receipt of the non-renewal notice will not be processed.

2) In addition to the appeal letter, the certificate-holder shall submit the following material when the appeal is filed:

   A) evidence that he or she has satisfactorily completed the required types and quantity of activities; and

   B) any other relevant documents.
3) The State Teacher Certification Board shall review each appeal regarding renewal of an administrative certificate in order to determine whether the certificate-holder has met the requirements of this Section. The Certification Board may hold an appeal hearing or may make its determination based upon the record of review, which shall consist of:

A) the regional superintendent’s rationale for recommending nonrenewal of the certificate, if applicable;

B) any evidence submitted to the State Superintendent along with the individual’s application for renewal; and

C) the State Superintendent’s rationale for non-renewal of the certificate.

4) If the Certification Board holds an appeal hearing, it may request the certificate-holder to appear before it, in which case no less than ten days’ notice of the date, time, and place of the hearing shall be given to the affected individual.

5) The certificate-holder shall submit to the State Teacher Certification Board such additional information as the Certification Board determines is necessary to decide the appeal.

6) The State Teacher Certification Board shall notify the certificate-holder of its decision regarding certificate renewal by certified mail, return receipt requested, no later than 30 days after reaching a decision. Upon receipt of notification of renewal, the certificate-holder shall pay the applicable registration fee to the regional superintendent, except that a regional superintendent shall deposit his or her own fee in the region’s institute fund.

7) The decision of the State Teacher Certification Board is a final administrative decision and shall be subject to administrative review as set forth in Section 21-24 of the School Code [105 ILCS 5/21-24].
g) Proportionate Reduction; Part-Time Service

The requirements of this Section regarding continuing professional development are subject to reduction in accordance with Section 21-7.1(c-15) of the School Code.

1) The requirements of this Section shall be subject to reduction on the same annual basis as provided in Section 21-7.1(c-15) of the School Code in relation to years when a certificate-holder is not employed in a position requiring administrative certification.

2) The number of hours required under subsection (c) of this Section shall also be reduced by 50 percent with respect to periods of time when a certificate-holder is serving on an administrative certificate only and performing services for less than 50 percent of the school day or school term, unless the individual is one whose continued retirement status is subject to the limitations of Section 16-118 of the Illinois Pension Code. Each such individual shall be subject only to the requirement for completion of one Administrators’ Academy course for each year during which he or she is employed on the administrative certificate, provided that his or her employment does not exceed the limitations of Section 16-118.

3) Further, special provisions shall apply when an individual is performing services on more than one type of certificate. The certificate used by the individual for 50 percent or more of the school day or school term shall govern the continuing professional development required of the individual with respect to that period of time.

A) Example: An individual who performs duties on the administrative certificate for 60 percent of the time and teaches for 40 percent of the time shall be subject only to the requirements of this Section with regard to continuing professional development.

B) Example: An individual who teaches for 60 percent of the time and performs duties on the administrative certificate for 40 percent of the time shall be subject only to the requirements of Subpart J of this Part with regard to continuing professional development.
Example: An individual who performs services for 50 percent of the time on an administrative certificate and 50 percent of the time on a standard or master teaching certificate shall choose either the requirements of this Section or the requirements of Subpart J of this Part to fulfill. Completion of one set of requirements shall suffice for renewal of both types of certificates. An individual who chooses to fulfill the requirements of this Section shall notify the local professional development committee that is responsible for his or her teaching certificate, if any, that he or she will be completing continuing professional development with respect to the administrative certificate.

h) An individual who performs services on an administrative certificate and concurrently also on some other type of certificate to which renewal requirements apply shall be subject to the provisions of Section 25.475 of this Part.

i) Section 21-7.1(c-10) of the School Code provides that those persons holding administrative certificates on June 30, 2003 who are renewing those certificates on or after July 1, 2003 shall be issued new administrative certificates. The certificates that are subject to this provision include:

1) Limited Supervisory (Type 60);

2) All-Grade Supervisory (Type 61);

3) Limited Elementary Supervisory (Type 62);

4) Limited High School Supervisory (Type 63);

5) Life General Supervisory (Type 70); and

6) Life Supervisory (Type 71).

(Source: Amended at 32 Ill. Reg. _____, effective _____________)
Section 25.444 Illinois Teaching Excellence Program

The annual payments and incentives established under Section 21-27 of the School Code [105 ILCS 5/21-27] shall be subject to the requirements of this Section and shall be contingent upon the appropriation of sufficient funds (see subsection (f) of this Section). For purposes of this Section, “outside the regular school term” means during hours when school is not in session or on days when school is not in session and “State Superintendent of Education” means the State Superintendent or a designee. When permitted or required by the State Superintendent, documentation called for in this Section may be submitted via electronic means.

a) An individual who holds an Illinois master certificate pursuant to Section 21-2(d) or Section 21-25(d) of the School Code [105 ILCS 5/21-25(d)] shall be eligible for an annual payment as called for in Section 21-27(1) of the School Code for each year during which:

1) he or she is employed by a school district or other public entity providing early childhood, elementary, or secondary education, including special education, in a position whose functions are specifically authorized by a teaching certificate and include the provision of instruction to students or a school counseling position; and

2) he or she works for no less than the equivalent of half the school year, as verified by the employer at or near the conclusion of the school year using a format specified by the State Superintendent Board of Education, which shall be submitted by the individual as documentation of eligibility for the payment.

b) In addition to the payment received pursuant to subsection (a) of this Section, an individual who holds an Illinois master certificate pursuant to Section 21-2(d) of the School Code shall be eligible for an annual incentive payment under Section 21-27(2) of the School Code for each year during which:

1) he or she is employed by a school district or other public entity providing early childhood, elementary, or secondary education, including special education, in a position whose functions are specifically authorized by a teaching certificate and include the provision of instruction to students;
2) he or she works for no less than the equivalent of half the school year, as verified by the employer at or near the conclusion of the school year using a format specified by the State Superintendent Board of Education; and

3) he or she agrees in writing, using a format prescribed by the State Board of Education, to provide at least 60 hours of mentoring to classroom teachers that conforms to the requirements of Section 21-27(2) of the School Code and consists of:

   A) high-quality professional development for new and experienced teachers; and/or

   B) assistance to candidates for certification by the National Board for Professional Teaching Standards in completing that certification process. (Section 21-27(2) of the School Code)

c) Requirements for Professional Development and Assistance to NBPTS Candidates

1) As verification of his or her eligibility for the applicable incentive payment, the holder of the master certificate who provides professional development to new or experienced teachers under subsection (b) of this Section shall submit to the State Superintendent of Education a written log of the assistance provided, using a format specified by the State Superintendent Board of Education, demonstrating that he or she addressed one or more of the standards set forth in 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers) as relevant to the classroom-based needs of the recipient teachers. Each recipient of professional development shall be identified by name and shall sign the log as verification of the dates and hours of service indicated.

2) As verification of his or her eligibility for the applicable incentive payment, the holder of the master certificate who assists others in preparing for certification by the National Board for Professional Teaching Standards under subsection (b) of this Section shall submit to the State Superintendent of Education a written log of the assistance provided, using a format specified by the State Superintendent Board of Education.
This record shall identify the activities performed and verify that these activities addressed specific requirements candidates must meet for NBPTS certification.

d) In addition to the payment received pursuant to subsection (a) of this Section, an individual who holds an Illinois master certificate pursuant to Section 21-2(d) of the School Code shall be eligible for an annual incentive payment under Section 21-27(3) of the School Code for each year during which:

1) he or she is employed by a school district or other public entity providing early childhood, elementary, or secondary education, including special education, in a position whose functions are specifically authorized by a teaching certificate and include the provision of instruction to students;

2) he or she works for no less than the equivalent of half the school year, as verified by the employer at or near the conclusion of the school year using a format specified by the State Superintendent Board of Education; and

3) he or she agrees in writing, using a format prescribed by the State Board of Education, to provide, outside the regular school term, at least 60 hours of mentoring to classroom teachers in schools on the Academic Early Warning List or in schools in which 50% or more of the students receive free or reduced-price lunches, or both. (Section 21-27(3) of the School Code)

e) Requirements for Mentoring

1) Mentoring provided in accordance with subsection (d) of this Section shall be conducted either:

A) as part of and in conformance with a mentoring program formally established by a school district; or

B) under the terms of a written agreement among the mentor teacher, the building administrator, mentor coordinator, or other responsible official of the school district employing one or more recipient teachers, and those recipients, that describes the goals of the mentoring, the duration of the mentor teacher’s involvement,
and the amount of time expected to be devoted to each recipient teacher.

2) Mentoring may be provided to recipients either individually or in groups, provided that the mentor must address one or more of the areas of teaching practice enumerated in subsection (c)(1) of this Section as relevant to the classroom-based needs of each recipient teacher.

3) An individual who provides mentoring under subsection (d) of this Section shall notify his or her employing district (if different from that of the recipient teacher or teachers) to this effect and, as verification of his or her eligibility for the applicable incentive payment, shall submit to the State Superintendent Board of Education a written log that:

A) meets the requirements of subsection (c)(1) of this Section; and

B) discusses how the mentoring was related to the academic needs of the recipient teachers’ students.

f) Insufficient Appropriations

When the funding available in any fiscal year is inadequate to cover all the payments described in this Section, payments will be prioritized.

1) No annual stipends as described in subsection (a) of this Section shall be paid until all other payments pursuant to subsections (b) and (d) of this Section have been made.

2) The incentive payments described in subsection (d) of this Section shall take precedence over those described in subsection (b) of this Section.

(Source: Amended at 320 Ill. Reg. _____, effective _____________)

Section 25.475 Renewal Requirements for Holders of Multiple Types of Certificates and Permits No Longer Issued (Repealed)

Special provisions shall apply when an individual is performing services on multiple certificates of different types that are subject to renewal requirements, i.e., standard or master teaching
certificates, provisional vocational certificates, school service personnel certificates, and administrative certificates. Completion of one set of requirements shall suffice for renewal of all the affected certificates.

a) When two types of certificates are being used at the same time, the certificate used by the individual for 50 percent or more of the school day or school term shall govern the continuing professional development required of the individual with respect to that period of time.

1) Example: An individual who performs duties on the administrative certificate for 60 percent of the time and teaches for 40 percent of the time on a standard, master, or provisional vocational certificate shall be subject only to the requirements of Section 25.315 of this Part with regard to continuing professional development.

2) Example: An individual who serves on a school service personnel certificate for 60 percent of the time and performs duties on the administrative certificate for 40 percent of the time shall be subject only to the requirements of Section 25.275 of this Part with regard to continuing professional development.

3) Example: An individual who performs services for 50 percent of the time on a provisional vocational certificate and 50 percent of the time on a school service personnel certificate shall choose either the requirements of Section 25.70 or those of Section 25.275 of this Part to fulfill.

b) If an individual is serving on more than two types of certificates at the same time, he or she shall be subject to the requirements that apply to the certificate used for the greatest share of the time. If multiple certificates are used for equivalent shares of an individual’s time, the individual shall choose one set of requirements to fulfill.

c) If a local professional development committee is operating in the district where the individual is employed and the individual holds a standard or master teaching certificate, the individual shall notify the committee as to which set of requirements he or she will meet.
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(Source: Old Section repealed at 25 Ill. Reg. 16031, effective November 28, 2001; new Section adopted at 32 Ill. Reg. ______, effective _____________)

SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section 25.710 Definitions

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

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

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

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

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

"Scaled score" is the person's test score after the mathematical transformation of the number of test items the person answered correctly to a scale of numbers on which the minimum score, the maximum score, and the passing score are set. Through May 31, 2006, for the tests of subject matter knowledge and language proficiency, the minimum scaled score is 0, the maximum score 100, and passing score 70. Beginning in June 2006, for the tests of subject matter knowledge (content-area tests) and language proficiency, the minimum scaled score is 100, the maximum score 300, and the passing score 240. For the assessment of professional teaching, the basic skills test, and any new content-area test first administered after December 31, 2002, the minimum scaled score is 100, the maximum score 300, and the passing score 240.
"Subarea score" is the scaled score for the subset of test items on a subject matter test or content-area test which measures specific content, and the "subarea score" is the scaled score for each subset of test items on the basic skills test which measures specific content in reading comprehension, writing, language arts, and mathematics.

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

- Agriculture
- Art (K-12)
- Art (6-12)
- Assessment of Professional Teaching – Early Childhood
- Assessment of Professional Teaching – Elementary
- Assessment of Professional Teaching – Secondary
- Assessment of Professional Teaching – Special
- Basic Skills
  - Language Arts
  - Mathematics
  - Reading Comprehension
  - Writing
- Biological Science
- Blind and Partially Sighted
- Business/Marketing/Management
- Chemistry
- Chief School Business Official
- Computer Science
- Dance
- Deaf and Hard of Hearing
- Early Childhood
- Educable Mentally Handicapped
- Elementary/Middle Grades (K-9)
- English
- English as a Second Language
- English Language Proficiency
- French
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General Administrative
General Science
General Supervisory (available through June 30, 2003)
German
Guidance
Health
Health Occupations
Hebrew
History
Family and Consumer Sciences
Industrial Technology Education
Italian
Latin
Learning Disabilities
Mathematics
Media
Music (K-12)
Music (6-12)
Physical Education (K-12)
Physical Education (6-12)
Physically Handicapped
Physical Science
Physics
Reading
Russian
School Nurse
School Psychology
School Social Work
Social/Emotional Disorders
Social Science
Spanish
Speech
Speech and Language Impaired
Superintendent
Theatre Arts
Trainable Mentally Handicapped
Transitional Bilingual Education
Arabic
Beginning July 1, 2004, the Illinois Certification Testing System shall consist of the following tests in addition to the content-area tests applicable to certification in special education:

- Agricultural Education
- Assessment of Professional Teaching
  - Early Childhood
  - Elementary
  - Secondary
  - Special
- Basic Skills
- Business, Marketing, and Computer Education
- Chief School Business Official
- Dance
- Director of Special Education (required beginning July 1, 2005)
- Drama/Theatre Arts
- Early Childhood
- Early Childhood Special Education
- Elementary/Middle Grades (K-9)
- English Language Arts
- English Language Proficiency
- English as a New Language
- Family and Consumer Sciences
- Foreign Languages
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Arabic (available in September 2008)
Chinese (Cantonese or Mandarin)
French
German
Hebrew
Italian
Japanese
Korean
Latin
Russian
Spanish

General Administrative
Guidance (through June 30, 2005)
Health Education
Health Careers
Library Information Specialist
Mathematics
Music
Physical Education
Reading Teacher
Reading Specialist
School Counselor (beginning July 1, 2005)
School Nurse
School Psychologist
School Social Worker
Sciences
  Biology
  Chemistry
  Earth and Space Science
  Environmental Science
  Physics
Social Sciences
  Economics
  Geography
  History
  Political Science
  Psychology
  Sociology and Anthropology
"Test items" are specific questions asked on a test that require a person either to select the correct response from those alternative responses provided or to produce a written response.

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

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

Section 25.720 Applicability of Testing Requirement and Scores

a) It is the individual's responsibility to take the appropriate tests. Upon request, the State Board of Education shall assist individuals in identifying appropriate tests.

b) Basic Skills Test

Except as provided in subsections (b)(1) and (3) of this Section, each candidate seeking his or her first Illinois certificate (teaching, administrative, or school
service personnel) shall be required to pass the test of basic skills. Further, Section 21-1a(d) of the School Code requires passage of this test as a prerequisite to enrollment in an Illinois teacher preparation program beginning with the 2002-2003 academic year.

1) A person who has passed the test of basic skills as a condition of admittance to an Illinois preparation program approved pursuant to Subpart C of this Part shall not be required to retake that test.

2) A person who has passed the basic skills test and has been issued an Illinois certificate on the basis of the test shall not be required to retake the basic skills test when seeking any subsequent certificate.

3) A person who holds a valid and comparable out-of-state certificate is not required to take a test of basic skills. (Section 21-1a of the School Code [105 ILCS 5/21-1a]) For purposes of this subsection (b)(3), a “comparable certificate” is one that either:

   A) was issued on or before June 30, 2004; or
   B) was issued on or after July 1, 2004, based on the individual’s passage of a test of basic skills.

4) The provisions of subsection (b)(3) of this Section notwithstanding, any individual who has attempted the Illinois basic skills test without passing it shall be required to pass it in order to qualify for an Illinois certificate.

5) When a person who was not required to take the basic skills test pursuant to subsection (b)(3)(A) of this Section seeks a subsequent Illinois certificate, he or she shall be required to pass the Illinois test of basic skills. However, a person applying for another Illinois certificate based on an additional out-of-state certificate or qualifications shall be treated as an out-of-state applicant and shall be subject to subsection (b)(3) of this Section.
c) Content-Area Tests

1) Except as provided in subsection (c)(2) of this Section, each candidate seeking an Illinois certificate, whether his or her first certificate or a subsequent certificate, shall be required to pass a content-area test. The required content-area test is that which corresponds to the approved program completed or the endorsement for which the applicant otherwise qualifies. Further, Section 21-1a(d) of the School Code requires passage of this test for program completion.

2) A person who holds a valid and comparable out-of-state certificate is not required to take the applicable content-area test if he or she has passed a certification test in another state or territory that is directly related in content to the specific area of certification. (Section 21-1a of the School Code) For purposes of this Section, a test is “directly related in content” if it covered material encompassed by any of the subject areas in which the individual otherwise qualifies for an Illinois endorsement.

3) A person who has passed a test of language proficiency in order to qualify for a transitional bilingual certificate and received that certificate shall not be required to retake that test in order to qualify for a bilingual education credential on another certificate received later. A person who has passed a test of language proficiency as a condition of admission to an Illinois preparation program shall also not be required to retake that test.

d) Assessment of Professional Teaching (APT)

Each candidate seeking his or her first Illinois early childhood, elementary, secondary, or special certificate shall be required to pass the APT relevant to the certificate sought (see Section 25.710 of this Part). A candidate seeking a subsequent teaching certificate of one of these types must also pass the APT relevant to the certificate sought, unless he or she either:

1) has already passed an APT that encompasses the grade levels of the subsequent certificate sought; or

2) already holds another Illinois teaching certificate that encompasses the grade levels of the certificate sought.
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e) Except as provided in subsections (b)(1), (c)(3), and (d)(1) of this Section, for each person seeking an Illinois certificate, no score on a required test may be more than ten years old at the time application is made. The ten-year period shall be calculated from the date the test was taken and passed to the date of receipt of the application by the State Board of Education. Scores more than ten years old will not be accepted as part of an application.

1) The ten-year period discussed in this subsection (e) shall apply to each score that forms part of an application received on or after July 1, 2008.

2) The ten-year period discussed in this subsection (e) shall also apply to each score that forms part of an application that is pending as of June 30, 2008, and to each score that forms part of an application for which an evaluation is still valid as of that date pursuant to Section 25.427 of this Part.

f) Any person may retake any test during any subsequent, regularly scheduled administration of that test, subject only to registration in accordance with the provisions of this Subpart I.

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

SUBPART J: RENEWAL OF STANDARD AND MASTER CERTIFICATES

Section 25.800 Professional Development Required

a) Pursuant to Section 21-2 of the School Code [105 ILCS 5/21-2], renewal of standard and master teaching certificates is contingent upon certificate-holders’ presentation of proof of continuing education or professional development. For the purposes of this Subpart J, the terms “continuing education” and “professional development” shall be considered synonymous.

b) Except as provided in Section 25.880 of this Part and in subsection (d) of this Section, renewal of an individual’s standard or master certificate(s) shall require the certificate-holder’s completion of professional development activities sufficient to satisfy the requirements of Section 21-14 of the School Code [105
ILCS 5/21-14, as modified by Section 21-2(c)(8) of the School Code [105 ILCS 5/21-2(c)(8)] if applicable. Each certificate-holder shall:

1) maintain the required form of evidence of completion for each activity, as specified in Sections 25.805, 25.865, and 25.875 of this Part, throughout the period of validity that follows the renewal of the certificate based on completion of the activities documented; and

2) present the evidence of completion upon request by the regional superintendent or a representative of the State Board of Education or if required as part of an appeal under this Subpart J.

c) A certificate-holder with multiple certificates shall complete professional development activities that address the certificate or certificates that are required for his or her certificated teaching position, if the certificate-holder is employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, or that certificate or those certificates most closely related to his or her teaching position, if the certificate-holder is employed in a charter school [105 ILCS 5/21-14(e)(2)]. An individual who performs services on a teaching certificate and concurrently also on some other type of certificate to which renewal requirements apply shall be subject to the provisions of Section 25.475 of this Part.

d) A speech-language pathologist or audiologist who is licensed under the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110] and has met the continuing professional development requirements of that Act and the rules of the Illinois Department of Professional Regulation at 68 Ill. Adm. Code 1465 shall be deemed to have satisfied the requirements of this Subpart J. (Section 21-14(e)(2) of the School Code)

1) Upon application for certificate renewal, a speech-language pathologist licensed as provided in this subsection (d) shall provide to the regional superintendent of schools a copy of his or her currently valid license and a written assurance that the professional development requirements for that license were met.
2) Upon application for certificate renewal, a speech-language pathologist licensed as provided in this subsection (d) who held a valid and active standard certificate issued before July 1, 2002, shall also be required to demonstrate to the regional superintendent that he or she has completed the prorated portion of continuing professional development that was required for the period of the certificate’s validity prior to that date.

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

**Section 25.830 Application for Renewal of Certificate(s)**

No sooner than September 1 and no later than April 1 of the final year of his or her certificate’s period of validity and using a form or format supplied by the State Board of Education, each certificate-holder shall submit to the responsible LPDC, if any, on a form provided by the State Board of Education, a unified application for the renewal of his or her standard teaching certificate(s). (See Section 25.832 of this Part for additional provisions relating to master certificates.) Any individual for whom no responsible LPDC is in operation, including any individual who is not employed in the public schools at the time of application, shall submit the required materials to the regional superintendent of schools, accompanied by the fee required under Section 21.16(b) of the School Code. Access to these documents shall be limited to the certificate-holder and to those members of local and regional committees and other individuals who are responsible for reviewing them pursuant to this Subpart J. Each individual who has access to these documents and the information contained in them shall maintain the confidentiality of the documents and information at all times.

a) The application shall identify by certificate number all the certificates the person holds, including any certificate that was issued after the beginning of the period covered by the plan and is therefore not yet due to expire.

1) If the standard certificates that are due to expire are renewed, any more recently issued standard certificate shall be renewed at the same time, thereby establishing the same five-year period of validity for all the certificates held.

2) When a master certificate is renewed, any standard certificate(s) held by the same individual shall be renewed at the same time.
3) If the certificates that are due to expire are not renewed, the original period of validity of any more recently issued standard certificate shall continue to apply to that certificate only.

b) The application shall provide a statement of assurance regarding the professional development activities completed, including a list of the activities, the provider offering each, the number of credits earned for each, and the purpose or purposes to which each activity is attributed. (Section 21-14(e)(4) of the School Code [105 ILCS 5/21-14(e)(4)])

c) A certificate-holder who wishes to receive evidence of an LPDC’s receipt of his or her application shall include a receipt for the LPDC’s use.

d) Submission of this application form shall not entitle the certificate-holder to renewal of the certificate. Renewal of the holder's certificate shall be determined by the State Teacher Certification Board.

e) A certificate-holder who does not apply by April 1 may not be able to preserve his or her right of appeal regarding a recommendation for nonrenewal of his or her standard teaching certificate(s).

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

Section 25.835 Review of and Recommendation Regarding Application for Renewal

a) An LPDC shall review each application it receives that conforms with the requirements of Section 25.830 of this Part and, within 30 days after receiving it, shall forward the application to the regional superintendent of schools accompanied by the LPDC’s recommendation regarding certificate renewal, provided on a form supplied by the State Board of Education.

b) If the recommendation is for nonrenewal of the affected certificate(s), notification to this effect shall be provided concurrently to the certificate-holder, including a return receipt and an explanation of the LPDC’s rationale for recommending nonrenewal.

c) Upon receipt of notification by the LPDC that a recommendation has been forwarded to the regional superintendent, the certificate-holder shall pay to the
The certificate-holder may appeal to the responsible RPDRC for consideration of his or her application for renewal if the LPDC does not respond within the time allowed under subsection (a) of this Section.

d) Within 14 days after receiving notice that a recommendation for nonrenewal has been forwarded by an LPDC, the certificate-holder may appeal the recommendation to the RPDRC. Such an appeal shall be transmitted on a form supplied by the State Board of Education, shall include a return receipt, and shall include:

1) the required evidence of completion for the activities upon which the appeal is based; and

2) any other relevant documents.

e) Within 45 days after receiving such an appeal, the RPDRC shall make a recommendation to the regional superintendent in keeping with the requirements of Section 21-14(g)(2) of the School Code [105 ILCS 5/21-14(g)(2)]. The RPDRC shall use a form provided by the State Board of Education for this purpose and shall include the rationale for its recommendation. To assist it in arriving at its recommendation, the RPDRC may require the submission of additional information or may request that the certificate-holder appear before it. The RPDRC shall also forward to the regional superintendent the material received from the certificate-holder under subsection (e) of this Section.

f) Within 14 days after receiving the last recommendation required under subsections (a) through (f) of this Section, the regional superintendent shall forward his or her recommendation to the State Teacher Certification Board along with the information required pursuant to Section 21-14(g)(1) of the School Code [105 ILCS 5/21-14(g)(1)]. Forms supplied by the State Board of Education shall be used for this purpose. A copy of any recommendation for nonrenewal shall be sent to the certificate-holder concurrently. If the recommendation is not to renew the certificate(s) held, or if the application indicates the individual is or may be out of compliance with Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65] with regard to child support payments, the certificate-holder’s
copy shall be sent by certified mail, return receipt requested; and the regional superintendent shall return the registration fee therewith.

1) The regional superintendent shall forward to the Secretary of the State Teacher Certification Board a list that identifies each certificate-holder with respect to whom the regional superintendent is concurring with an LPDC’s recommendation for certificate renewal or is recommending renewal without the involvement of any LPDC. This list shall be prepared on a form supplied by the State Board of Education.

2) If the regional superintendent is recommending certificate renewal despite a local or regional committee’s recommendation for nonrenewal, the regional superintendent shall forward to the Secretary of the State Teacher Certification Board:

   A) the material received from the certificate-holder under subsection (e) of this Section;

   B) the RPDRC’s recommendation and any additional material received by the RPDRC pursuant to subsection (e) (f) of this Section; and

   C) the regional superintendent’s rationale for recommending renewal.

3) If the regional superintendent is recommending nonrenewal (regardless of local and/or regional recommendations) the regional superintendent shall forward to the Secretary of the State Teacher Certification Board:

   A) the LPDC’s recommendation, if any;

   B) the RPDRC’s recommendation, the material called for in subsection (d) (e) of this Section, and the material received pursuant to subsection (e) (f) of this Section, if any; and

   C) the regional superintendent’s rationale for recommending nonrenewal.
Within 14 days after receipt of notice that the regional superintendent has recommended nonrenewal of his or her certificate(s), the certificate-holder may appeal that recommendation to the State Teacher Certification Board, using a form provided by the State Board of Education.

1) The appeal must state the reasons why the recommendation of the regional superintendent should be reversed and must be sent by certified mail, return receipt requested.

A) Appeals shall be addressed to:

State Teacher Certification Board
Secretary
100 North First Street
Springfield, Illinois  62777

B) No electronic or facsimile transmissions will be accepted.

C) Appeals postmarked later than 14 calendar days following receipt of the nonrenewal notice will not be processed.

2) In addition to the appeal form, the certificate-holder may submit the following material when the appeal is filed:

A) evidence that he or she has satisfactorily completed activities sufficient to meet the requirements of Section 21-14 of the School Code, as modified by Section 21-2(c)(8) of the School Code if applicable;

B) any other relevant documents.

Grounds for a recommendation that a certificate not be renewed shall be limited to the certificate-holder’s failure to satisfactorily complete activities sufficient to meet the requirements of Section 21-14 of the School Code, as modified by Section 21-2(c)(8) of the School Code if applicable.

(Source: Amended at 32 Ill. Reg. _____, effective _____________)
Section 25.840 Action by State Teacher Certification Board; Appeals

a) The State Teacher Certification Board shall review each recommendation regarding the renewal of a certificate within the time allotted by Section 21-14(h) of the School Code [105 ILCS 5/21-14(h)] and verify that the certificate-holder has met the renewal criteria set forth in Section 21-14(g)(1) of the School Code [105 ILCS 5/21-14(g)(1)], subject to the certificate-holder’s right of appeal as specified in that Section.

b) Within 60 days after receipt of an appeal filed by a certificate-holder challenging a regional superintendent’s recommendation for nonrenewal, the State Teacher Certification Board shall hold an appeal hearing. The Board shall notify the certificate-holder of the date, time, and place of the hearing.

1) The certificate-holder shall submit to the State Teacher Certification Board such additional information as the Certification Board determines is necessary to decide the appeal.

2) The State Teacher Certification Board may request that the certificate-holder appear before it. (Section 21-14(h)(2) of the School Code [105 ILCS 5/21-14(h)(2)]) The certificate-holder shall be given at least ten days’ notice of the date, time, and place of the hearing.

3) In verifying whether the certificate-holder has met the renewal criteria set forth in Section 21-14(g)(1) of the School Code, the State Teacher Certification Board shall review:

   A) the recommendation of the regional superintendent of schools;

   B) the Regional Professional Development Review Committee’s recommendation, if any;

   C) the Local Professional Development Committee’s recommendation, if any; and

   D) all relevant documentation.
c) The State Teacher Certification Board shall notify the certificate-holder of its decision regarding certificate renewal as set forth in Section 21-14(h)(2) of the School Code [105 ILCS 5/21-14(h)(2)]. Upon receipt of notification of renewal, the certificate-holder shall pay the applicable registration fee to the regional superintendent. If the decision is not to renew the individual’s certificate(s), the notification shall state the reason(s) for that decision.

1) An individual whose certificate is not renewed because of his or her failure to complete professional development in accordance with this Subpart J may apply for a reinstated certificate valid for one year.

2) After the one-year period of validity of the reinstated certificate, the individual shall receive a renewable standard certificate only if he or she presents evidence of having:

A) completed the balance of the professional development activities that were required for renewal of the certificate previously held; and

B) earned five additional semester hours of credit in a recognized institution of higher learning in the field of professional education or in courses related to the holder's contractual teaching duties.

d) The State Teacher Certification Board shall not renew any certificate if the holder has been found to be more than 30 days delinquent in payment of child support or has failed to comply with a subpoena or warrant relating to a paternity or child support proceeding. Any disciplinary action taken against a certificate-holder for failure to make the certification required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65] shall be in accordance with that Section and the rules of the State Board of Education for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475). The decision of the State Board of Education is a final administrative decision and shall be subject to administrative review as set forth in Section 21-24 of the School Code [105 ILCS 5/21-24].

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

Section 25.860 Out-of-State Providers

The requirements for approval of providers not based in Illinois shall be as set forth in this Section unless Section 25.872 of this Part applies.

a) Entities not based in Illinois that offer professional development activities for which the target audience is groups of Illinois teachers shall be subject to the requirements of Section 25.855 of this Part. A certificate-holder may not receive credit with respect to activities offered by such an entity unless it has been approved pursuant to that Section.

b) When an entity not based in Illinois conducts an activity outside Illinois, a certificate-holder may receive CPDUs with respect to that activity, provided that:

1) the certificate-holder documents his or her participation by maintaining on file:
   A) the program, agenda, or other announcement of the event; and
   B) a completion form supplied by the provider to indicate the certificate-holder’s attendance at the event or, if no such form was supplied, a signed statement by the certificate-holder to that effect; and

2) if the certificate-holder’s records are audited pursuant to Section 21-14(e)(4) of the School Code, the completion form program, agenda, or other announcement of the event is found to demonstrate that:
   A) there is an apparent correlation between the content of the training received and one or more of the purposes the recipient must address in his or her continuing professional development; and
   B) the activities were conducted or presented by persons with education and experience in the applicable subject matter area(s).

c) When an entity not based in Illinois conducts an activity outside Illinois, a certificate-holder may receive CEUs with respect to that activity, provided that:
1) the requirements of subsection (b) of this Section are met; and

2) each activity for which CEUs are claimed included an activity such as discussion, critique, or application of what was presented, observed, learned, or demonstrated.

d) When a national or regional activity (e.g., the annual conference of the National Council of Teachers of Mathematics) happens to be held in Illinois, that activity shall not be treated as one for which the target audience is groups of Illinois teachers. That is, provider approval shall not be required and credit shall be available as described in subsections (b) and (c) of this Section.

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

Section 25.865 Awarding of Credit for Activities with Providers

The State Teacher Certification Board and the State Board of Education shall develop the requirements for a standard form that shall be used by approved providers. These forms shall serve two purposes: evaluation of the activity by the certificate-holder and evidence of completion for the certificate-holder with respect to the activity. The State Board of Education shall make available information about the required format and contents of this form so that providers may generate them for their own use, other than providers who are subject to the requirements of Section 25.872 of this Part.

a) This form shall be provided to each participant who completes the activity, who shall maintain it as evidence of completion (see Section 25.875(k) of this Part).

† In the case of a conference, workshop, or other event having more than one session, each session shall be considered an “activity” for purposes of this Subpart J.

2) In the case of a conference, workshop, or other event having more than one session, the certificate-holder shall indicate by marking on the program or agenda which sessions he or she attended.

b) The provider shall complete the standard form to indicate the title, time, date, location, and nature of the event.
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c) The provider shall indicate the number of CEUs issued, if applicable.

d) The number of CPDUs to be credited shall be in keeping with the provisions of Section 25.875(k) of this Part. Time spent on multiple topics at the same event may be combined to generate CPDUs.

e) If the certificate-holder’s records are audited pursuant to Section 21-14(e)(4) of the School Code, CEUs or CPDUs claimed shall be affirmed only when the standard form is presented.

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

Section 25.875 Continuing Professional Development Units (CPDUs)

The number of CPDUs to be awarded for completion of specific activities and the required evidence of completion for each shall be as set forth in this Section.

a) Participation on collaborative planning and professional improvement teams and committees [105 ILCS 5/21-14(e)(3)(E)(i)]

1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of a group whose function is planning for professional development activities that will benefit groups of teachers and/or the school.

2) Credit: Five CPDUs shall be credited per semester in which the individual attends three to five meetings; eight CPDUs shall be credited per semester in which the individual attends six or more meetings.

3) Evidence of Completion: Written description of the purpose and intended product of the team or committee; a record of the team’s meetings demonstrating the member’s attendance; and the plan, activity description, or other product that results from the group’s work.

b) Peer review and coaching [105 ILCS 5/21-14(e)(3)(E)(ii)]

1) Definitions
A) Peer review: A process of one-on-one assistance between pairs of teachers that is formally established by agreement between a school district and its teachers or their exclusive representative, in which the participants establish specific goals for the teacher being reviewed and conduct a program of intervention to assist that teacher with particular aspects of his or her teaching that includes observation and assessment of the teacher’s performance in sessions lasting at least 20 minutes each, discussion of the observations made by the reviewing teacher, and preparation of a written summary by the reviewing teacher.

B) Peer coaching: A process of one-on-one assistance between pairs of teachers, whether by formal arrangement under the auspices of the employing district or by mutual agreement, in which the participants observe each other’s teaching and discuss the observations made.

2) Credit: For peer review, nine CPDUs shall be credited per semester in which there are three to five observations; 11 CPDUs shall be credited per semester in which there are six or more observations. For peer coaching, five CPDUs shall be credited per semester in which there are three to five observations; eight CPDUs shall be credited per semester in which there are six or more observations.

3) Evidence of Completion

A) For peer review: The school’s, district’s, or exclusive representative’s written program description or policy; a record of the certificate-holder’s assignment and observation schedule; and a log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.

B) For peer coaching: A log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.

c) Mentoring in a formal program, including service as a consulting teacher participating in a remediation process formulated under Section 24A-5 of the School Code [105 ILCS 5/24A-5] [105 ILCS 5/21-14(e)(3)(E)(iii)]
1) Definitions

A) For a mentor: A formally established sequence of sessions lasting no less than one quarter of a school year and involving preparation with the recipient teacher prior to observing that teacher in the classroom; observations; and provision of feedback, suggestions, and techniques to the recipient teacher in response to each period of observation.

B) For a consulting teacher: Participation in the remediation process, involving assistance in the development of a remediation plan, provision of advice to the teacher under remediation; and

   i) meetings lasting at least 20 minutes each with the remediating teacher to discuss how to improve teaching skills and successfully complete the remediation plan, to review lesson plans, to conduct demonstrations, or to provide feedback on observations conducted by an administrator; or

   ii) meetings of the same length with an administrator or other personnel to discuss the remediating teacher’s progress or classroom observation; or

   iii) classroom observation of the remediating teacher, including preparation with the remediating teacher prior to the observation and provision of feedback, suggestions, and techniques to the remediating teacher in response to each period of observation.

C) For a recipient or remediating teacher: A formally established sequence of sessions lasting no less than one quarter of a school year and involving consultation with the mentor or consulting teacher in preparation for the lessons to be observed; teaching under observation of the mentor or consulting teacher; and interaction with the mentor or consulting teacher after each such teaching session to reflect upon the teaching and learning, receive
feedback, discuss alternatives and suggestions, and determine how this information will be integrated into the teacher’s future work.

2) Credit

A) For a mentor or for a recipient or remediating teacher: Nine CPDUs shall be credited for a semester in which there are three to five observations; 11 CPDUs shall be credited for a semester in which there are six or more observations.

B) For a consulting teacher: Six CPDUs shall be credited for a semester in which there are three to five meetings; eight CPDUs shall be credited for a semester in which there are six or more meetings; nine CPDUs shall be credited for a semester in which there are three to five meetings and one or more observations; 11 CPDUs shall be credited for a semester in which there are six or more meetings and one or more observations.

3) Evidence of Completion

A) For a mentor or for a recipient or remediating teacher: The school’s, district’s, or institution’s written description of its mentoring program or remediation process, including the required number and length of cycles of interaction; and a log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.

B) For a consulting teacher: The district’s written description of its remediation process; a record of assignment as a consulting teacher; and a log of the observation sessions and other meetings, indicating the time spent, dates, and topics of discussion.

d) Participating in site-based management or decision-making teams, relevant committees, boards, or task forces related to school improvement plans [105 ILCS 5/21-14(e)(3)(E)(iv)]

1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of a group whose function is formulating recommendations
or plans related to budgeting or resource allocation, textbook choice, curriculum modification, scheduling, or other aspects of school operations related to issues noted in the school improvement plan.

2) Credit: Eight CPDUs shall be credited per semester in which the individual attends three to five meetings; 11 CPDUs shall be credited per semester in which the individual attends six or more meetings.

3) Evidence of Completion: A written description of the purpose and intended product of the team or committee; a record of the team’s meetings; and a copy of the product or recommendation developed by the team or committee.

e) Coordinating community resources in schools, if the project is a specific goal of the school improvement plan [105 ILCS 5/21-14(e)(3)(E)(v)]

1) Definition: Working with representatives of community agencies to structure or facilitate their interaction with the school’s or district’s staff or students for the purpose of meeting one or more needs identified in the school improvement plan; must include more than the class(es) directly taught by the certificate-holder.

2) Credit: Four CPDUs shall be credited per semester of service, or two CPDUs per quarter.

3) Evidence of Completion: The excerpt from the school improvement plan highlighting the need(s) being met; a written statement prepared by the certificate-holder indicating the purpose or desired outcome of the external entities’ involvement; and a statement signed by the district administrator or designee responsible for corroborating the individual’s assignment to or performance of this function.

f) Facilitating parent education programs for a school, school district, or regional office of education directly related to student achievement or the school improvement plan [105 ILCS 5/21-14(e)(3)(E)(vi)]
1) Definitions

A) Arranging for or coordinating presentations in the context of a formally established program consisting of two or more sessions and designed to serve parents of the students in a particular school or district by informing or training them in one or more areas related either to their children’s achievement or to another need identified in a school improvement plan.

B) Delivering presentations in the context of a formally established program consisting of two or more sessions and designed to serve parents of the students in a particular school or district by informing or training them in one or more areas related either to their children’s achievement or to another need identified in a school improvement plan (to the extent that such presentations are not part of the instruction routinely delivered as a function of the certificate-holder’s assignment).

2) Credit: For facilitating a program, four CPDUs shall be credited per semester, or two per quarter. For making presentations, eight CPDUs shall be credited per semester, or four per quarter.

3) Evidence of Completion

A) For coordinating: The sponsoring entity’s written description of the parent education program and a statement signed by the administrator or designee responsible for corroborating the individual’s assignment as facilitator or coordinator or indicating that he or she performed these duties.

B) For making presentations: The written program description indicating that the certificate-holder served as a presenter in the program.

g) Participating in business, school, or community partnerships directly related to student achievement or school improvement plans [105 ILCS 5/21-14(e)(3)(E)(vii)]
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1) Definition: Formal or informal exchange of information and resources between a teacher and a business, educational institution, or other entity for the purpose of improving student achievement or responding to a need identified in the school improvement plan.

2) Credit: Five CPDUs shall be credited per semester in which the individual attends three to five meetings; eight CPDUs shall be credited per semester in which the individual attends six or more meetings.

3) Evidence of Completion: A written description of the partnership that states its goals, identifies the need(s) it is designed to meet, and describes the activities conducted by the certificate-holder; and a copy of the relevant portion of the school improvement plan that includes the specific need(s) identified.

h) Supervising a student teacher or teacher education candidate in clinical supervision, provided that the supervision may only be counted once during the course of 5 years [105 ILCS 5/21-14(e)(3)(E)(viii)]

1) Definitions

A) Service (as determined by the teacher preparation institution in conformance with Section 25.620 of this Part) as a supervising teacher for a student teacher or a teaching candidate in clinical supervision who is enrolled in an approved teacher preparation program.

B) Provision of at least 40 hours of supervisory service connected with the pre-student-teaching practicum to one or more candidates who are enrolled in an approved teacher preparation program.

2) Credit: Thirty CPDUs shall be credited for supervising a student teacher or a teaching candidate in clinical supervision; 12 CPDUs shall be credited for supervising one or more candidates in pre-student-teaching clinical experience. Each of these types of supervision may be counted once during the course of five years.
3) Evidence of Completion: The written agreement between the school district and teacher preparation institution naming the certificate-holder as a supervising teacher for candidates of that institution; and, for supervision of candidates in pre-student-teaching clinical experience, a log showing the dates and times of service and the names of the candidates involved.

i) Completing undergraduate or graduate credit earned from a regionally accredited institution in coursework relevant to the certificate area being renewed, including coursework that incorporates induction activities and development of a portfolio of both student and teacher work that provides experience in reflective practices, provided the coursework meets Illinois professional teaching standards or Illinois content-area standards and supports the essential characteristics of quality professional development [105 ILCS 5/21-14(e)(3)(F)(i)]

1) Fifteen CPDUs shall be credited for each semester hour of successfully completed college or university coursework that is related to an individual’s certificate(s) and addresses the standards set forth in Subpart B of this Part relative to the certificate-holder’s field(s) of teaching or assignment.

2) Evidence of Completion: A grade report or official transcript issued by the institution indicating that the certificate-holder has passed the course.

j) Teaching college or university courses in areas relevant to the certificate area being renewed, provided that the teaching may only be counted once during the course of 5 years [105 ILCS 5/21-14(e)(3)(F)(ii)]

1) Definition: Teaching a college-level course in a field that is related to an individual’s certificate(s) and results in the granting of college credit to those enrolled.

2) Credit: Twenty CPDUs shall be awarded for teaching a college course. A course shall be considered “the same” if its description is the same in different course catalogues issued by the same institution or, for a course offered at more than one institution, if the syllabus for the course is substantially the same. A course shall not be considered the same as another course if a student may receive credit for successfully completing
both. In cases where two courses appear similar, the certificate-holder wishing to claim CPDUs for both shall be required to demonstrate how the two differ.

3) Evidence of Completion: A course syllabus, signed contract or agreement, or other documentation prepared by the college or university that identifies the certificate-holder as the teacher of a particular course.

k) Completing non-university credit directly related to student achievement, school improvement plans, or State priorities [105 ILCS 5/21-14(e)(3)(G)(i)]; participating in or presenting at workshops, seminars, conferences, institutes, and symposiums [105 ILCS 5/21-14(e)(3)(G)(ii)]

1) Definitions

A) Attendance at and participation in a conference, workshop, institute, seminar, symposium, or other similar training event that is organized by an entity approved pursuant to Section 25.855 or Section 25.860 of this Part and addresses educational concerns.

B) Making a presentation at a conference, workshop, institute, seminar, symposium, or other similar event whose goal is the improvement of teaching skills and knowledge.

2) Credit: One CPDU shall be credited for each hour of a certificate-holder’s attendance or participation. Eight CPDUs shall be credited for an individual’s first presentation of a given topic; three CPDUs shall be credited for a subsequent presentation of the same topic.

3) Evidence of Completion

A) For attendance: The standard form issued by the provider at the conclusion of the session or event pursuant to Section 25.865 of this Part; the program prepared by the entity sponsoring or conducting the event, indicating the topics covered and the length of time devoted to each.
B) For presentation: The program prepared by the entity sponsoring or conducting the event, identifying the certificate-holder as presenter in a topic area relevant to his or her certification or teaching assignment.

l) Training as external reviewers for quality assurance [105 ILCS 5/21-14(e)(3)(G)(iii)]

1) Definition: Participation in a complete training sequence regarding the quality assurance process used by the State Board of Education pursuant to the Board’s rules for Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1).

2) Credit: Ten CPDUs shall be credited for the first instance of an individual’s participation. Five CPDUs shall be awarded for completion of one additional training sequence within any one period of a certificate’s validity.

3) Evidence of Completion: A certificate issued by the State Board.

m) Training as reviewers of university teacher preparation programs [105 ILCS 5/21-14(e)(3)(G)(iv)]

1) Definition: Participation in a complete training sequence regarding the process used by the State Board of Education in approving teacher preparation programs or accrediting teacher preparation institutions pursuant to Subpart C of this Part.

2) Credit: Ten CPDUs shall be credited for the first instance of an individual’s participation. Five CPDUs shall be awarded for completion of one additional training sequence within any one period of a certificate’s validity.

3) Evidence of Completion: A certificate issued by the State Board.

n) Participating in action research and inquiry projects [105 ILCS 5/21-14(e)(3)(H)(i)]
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1) Definition: Conducting a teacher-developed study at least one quarter of the school year in length that is based upon a written protocol identifying the aspect of education that will be investigated, the approach to be used, and the desired or expected outcome of the project.

2) Credit: Eight CPDUs per semester shall be credited for a project involving the certificate-holder’s own class(es); 11 CPDUs per semester shall be credited for a project involving or affecting classes other than or in addition to the certificate-holder’s own class(es).

3) Evidence of Completion: The written protocol and a written summary of the inquiry and its results that describes what the certificate-holder has learned and identifies the implications of the experience for the individual’s future teaching.

o) Observing programs or teaching in schools, related businesses, or industry that is systematic, purposeful, and relevant to certificate renewal [105 ILCS 5/21-14(e)(3)(H)(ii)]

1) Definition: Engaging in a series of observations, either of teaching performed by others or of work activity directly related to the certificate-holder’s area(s) of certification.

2) Credit: Five CPDUs shall be credited per semester, or 2.5 CPDUs per quarter.

3) Evidence of Completion: A description of the observations prepared by the certificate-holder, including work to be observed, the purpose for which the observations were to be conducted, the frequency and length of the periods of observation, what was learned, and how the information will be used in the individual’s future teaching.

p) Traveling related to one’s teaching assignment, directly related to student achievement or school improvement plans and approved by the responsible LPDC, if any, or, if no LPDC is responsible, by the regional superintendent or his or her designee at least 30 days prior to the travel experience, provided that the traveling shall not include time spent commuting to destinations where the learning experience will occur [105 ILCS 5/21-14(e)(3)(H)(iii)]
1) Definition: Travel lasting no less than three consecutive, full days, that has been approved based on a plan submitted by the certificate-holder. The plan shall identify the activities or aspects of the travel that will contribute to his or her professional development and describe what is to be accomplished through the travel experience. (Approval by the LPDC or the regional superintendent, as applicable, shall be understood to mean that CPDUs will be awarded if the planned travel is completed.)

2) Credit: Twelve CPDUs shall be awarded per year in which the certificate-holder engages in an episode of qualifying travel, except that 15 CPDUs shall be awarded per year in which a certificate-holder who is a teacher of a foreign language engages in an episode of qualifying travel to a destination where the foreign language he or she teaches is commonly spoken in public. If a certificate-holder engages in additional episodes of qualifying travel in a year in which he or she has been awarded the maximum number of CPDUs per year for qualifying travel, he or she may carry over and claim such travel in a subsequent year, provided that the certificate-holder may not exceed the maximum number of CPDUs allowable per year for qualifying travel.

3) Evidence of Completion: The travel itinerary and a written journal prepared by the certificate-holder that summarizes the experience and reflects on how he or she plans to use what was learned in the context of his or her teaching.

q) Participating in study groups related to student achievement or school improvement plans [105 ILCS 5/21-14(e)(3)(H)(iv)]

1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of a group that investigates one or more aspects of education in a series of regular, structured, collaborative interactions with a view to improving the members’ practice or related outcomes among their students.

2) Credit: Six CPDUs shall be credited per semester in which the individual attends three to five meetings; eight CPDUs shall be credited per semester in which the individual attends six or more meetings.
3) Evidence of Completion: A written statement of purpose for the group; a list of the group’s members; and summaries of the meetings showing attendance by the certificate-holder.

r) Serving on a statewide education-related committee, including but not limited to the State Teacher Certification Board, State Board of Education Strategic Agenda Teams, or the State Advisory Council on Education of Children with Disabilities [105 ILCS 5/21-14(e)(3)(H)(v)]

1) Definition: Attendance at and participation in no fewer than two-thirds of the meetings of any such body.

2) Credit: Fifteen CPDUs shall be credited per year of qualifying service, or 7.5 CPDUs per semester.

3) Evidence of Completion: Minutes of the group demonstrating the individual’s attendance during the period for which CPDUs are claimed. If submission of minutes would breach confidentiality, a record of attendance shall be sufficient.

s) Participating in work/learn programs or internships [105 ILCS 5/21-14(e)(3)(H)(vi)]

1) Definition: Participation in a structured program that pairs the certificate-holder with an employer or other entity under whose auspices the certificate-holder can acquire knowledge or skills for use in his or her future teaching or position.

2) Credit: Five CPDUs per semester shall be credited for one through ten contact hours (or 2.5 CPDUs per quarter for five or fewer contact hours); eight CPDUs per semester shall be credited for 11 through 20 contact hours (or four CPDUs per quarter for 5.5 through ten contact hours); and 11 CPDUs per semester shall be credited for 21 or more contact hours (or 5.5 CPDUs per quarter for more than ten contact hours).

3) Evidence of Completion: A signed letter from the employer or other entity verifying the nature of the program or internship and stating the
length and frequency of the certificate-holder’s direct contact with other individuals from whose knowledge or experience he or she was to benefit.

t) Developing a portfolio of student and teacher work [105 ILCS 5/21-14(e)(3)(H)(vii)]

1) Definition: Preparation of at least five portfolio “artifacts” or “entries”, each of which relates to a different assignment and consists of:

A) samples of at least three students’ work that responds to the specified assignment; and

B) a written analysis prepared by the certificate-holder that describes:

i) the assignment to which the work responds and the teacher’s goal(s) for that assignment;

ii) the instructional strategies and materials used and the reasons for their selection;

iii) what the students’ work reveals about whether the teacher’s goal(s) for the assignment were met; and

iv) the successful and less-than-successful elements of the assignment and changes the teacher might make in the assignment or in his or her teaching in order to reach the specified instructional goal(s).

2) Credit: 15 CPDUs.

3) Evidence of Completion: The materials referred to in subsection (t)(1) of this Section.

u) Participating in curriculum development or assessment activities at the school, school district, regional office of education, State, or national level [105 ILCS 5/21-14(e)(3)(I)(i)]
1) Definition: Assisting in the planning, development, or refinement of curriculum or assessments, or in their alignment with applicable standards. The activity must be one sanctioned or structured either by the employing school or district or by a statewide, national, or international educational agency or organization. Requires participation in no fewer than two-thirds of the group’s working sessions.

2) Credit: Eight CPDUs shall be credited per semester in which the individual attends five or fewer meetings (or four CPDUs per quarter for three meetings); 11 CPDUs shall be credited per semester in which the individual attends six or more meetings (or 5.5 CPDUs per quarter for more than three meetings).

3) Evidence of Completion: Membership list and meeting summaries showing the certificate-holder’s presence and participation; and the product of the group’s work, such as a curriculum guide or new assessment.

Participating in team or department leadership in a school or school district [105 ILCS 5/21-14(e)(3)(I)(ii)]

1) Definition: Service in a position of leadership established by a school or district as part of its formal structure and lasting no less than one semester; limited to those activities that relate to instruction in the area of assignment; shall not include tasks unrelated to teaching knowledge, skills, performance, or competence.

2) Credit: Five CPDUs shall be awarded per semester of service.

3) Evidence of Completion: A job description or other document created by the district or the administrator responsible for assigning a leadership role to the incumbent that is specific in terms of the responsibilities to be carried out within particular periods of time relative to the instructional goals of the department, school, or district.

Participating on external or internal school or school district review teams [105 ILCS 5/21-14(e)(3)(I)(iii)]
1) Definitions

A) Participating as an external or internal reviewer in a complete cycle of the quality assurance process used by the State Board of Education pursuant to the Board’s rules for Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1).

B) Participating on a program curriculum review panel convened pursuant to Section 25.127(b)(4) 25.125(e) of this Part with respect to the approval of a teacher preparation program.

C) Participating on a review team convened pursuant to Section 25.125(d) 25.125(e) of this Part with respect to the accreditation of an institution of higher education and its approval to provide teacher preparation programs.

2) Credit: Fifteen CPDUs shall be credited for an external quality review visit, for service on a program curriculum review panel, or for service on an institutional review team, provided that each of these types of activities shall be credited no more than once per semester. Eight CPDUs shall be credited per semester of service on a school’s internal quality review team, or four CPDUs per quarter.

3) Evidence of Completion: Documentation of the individual’s assignment by State Board staff (for an external review team, program curriculum review panel, or institutional review team) or by a school district administrator (for an internal review team); and a statement signed by the team’s chair or convenor verifying the certificate-holder’s participation for the duration of the process.

x) Publishing educational articles, columns, or books relevant to the certificate area being renewed [105 ILCS 5/21-14(e)(3)(l)(iv)]

1) Definition: Writing about educational research, experiences, issues, approaches, systems, or another topic that is related to the effective practice of teaching.
2) Credit: Forty CPDUs shall be credited for writing a book that is technical or research-based; 20 CPDUs shall be credited for writing a book of any other type. Fifteen CPDUs shall be credited for writing one or more chapters of a book or for writing an article published in a refereed journal. Eight CPDUs shall be credited for writing a column published at the statewide level. Five CPDUs shall be credited for writing a column published at the local level. In cases of multiple authorship, the CPDUs earned shall be divided among the authors as they agree, provided that no more than 100 percent of the available CPDUs shall be credited for any item published.

3) Evidence of Completion: A copy of each item published, showing the date, publication, and publisher. In the case of an artistic work or other creative endeavor such as development of a curriculum unit or software package, the copyright shall serve as the evidence of “publication”.

y) Participating in non-strike-related professional association or labor organization service or activities related to professional development [105 ILCS 5/21-14(e)(3)(I)(v)]

1) Definition: Service on local professional development committees, regional professional development review committees (including service by certificate-holders in districts without exclusive representatives), or other bodies constituted by professional associations or labor organizations for specified purposes related to the profession of teaching. Requires formal selection by the organization. Examples include positions on committees planning for or formulating educational or professional policies, standards and structures. Activities related to the operations or functioning of the professional association or labor organization shall not be eligible.

2) Credit: Eight CPDUs shall be credited per semester in which the individual attends three to five meetings; 11 CPDUs shall be credited per semester in which the individual attends six or more meetings.

3) Evidence of Completion: A written description of the position or activity; if the purpose of the activity includes the preparation of a tangible product, a copy of that product.
z) Other
Continuing professional development units shall be available for activities not enumerated in subsections (a) through (y) of this Section based upon written evidence maintained by the certificate-holder that:

1) describes the activity and its purpose, intensity, duration, and outcomes;

2) discusses how the activity related to the improvement of the certificate-holder’s knowledge and skills;

3) identifies which of the activities enumerated in subsections (a) through (y) of this Section the claimed activity most closely resembles (e.g., auditing a college course is most similar to attendance at a workshop or seminar under subsection (k) of this Section); and

4) proposes a number of CPDUs that is commensurate with the value assigned to the activity identified pursuant to subsection (z)(3) of this Section.

(Source: Amended at 32 Ill. Reg. _____, effective ______________)
Section 25. APPENDIX E   Endorsement Structure Beginning July 1, 2004

Section 25.100 of this Part explains the applicability of “designations” where shown as required in the following table. An asterisk next to the name of an endorsement or designation indicates that there is no content-area test for that credential. The relevant provisions of Section 25.100(e) of this Part shall apply in those cases.

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<thead>
<tr>
<th>Endorsements Available as of July 1, 2004</th>
<th>Designations</th>
<th>Endorsements Previously Issued</th>
</tr>
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<tbody>
<tr>
<td>Fundamental Learning Areas</td>
<td></td>
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<tr>
<td>English Language Arts</td>
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<tr>
<td></td>
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<td>Journalism</td>
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<td>Language Arts</td>
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<td></td>
<td>Speech</td>
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<tr>
<td>Reading Teacher</td>
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</tr>
<tr>
<td>Reading Specialist</td>
<td>None</td>
<td>Reading</td>
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<tr>
<td>Mathematics</td>
<td>None</td>
<td>Mathematics</td>
</tr>
<tr>
<td>Sciences – Designation or Limited Endorsement under Section 25.100(h)(5) Required</td>
<td>Biology</td>
<td>Biological Science</td>
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<tr>
<td></td>
<td>Chemistry</td>
<td>Botany</td>
</tr>
<tr>
<td></td>
<td>Earth and Space Science</td>
<td>Physiology</td>
</tr>
<tr>
<td></td>
<td>Environmental Science</td>
<td>Zoology</td>
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<tr>
<td></td>
<td>Physics</td>
<td>Chemistry</td>
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<td></td>
<td></td>
<td>Aerospace</td>
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<td>Astronomy</td>
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<td>Earth Science</td>
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<td>Physical Science</td>
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<td>General Science</td>
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<td></td>
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<td>Physics</td>
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<tr>
<th>Endorsements Available as of July 1, 2004</th>
<th>Designations</th>
<th>Endorsements Previously Issued</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Sciences – Designation or Limited Endorsement under Section 25.100(h)(5) Required</td>
<td>Economics, Geography, History, Political Science, Psychology, Sociology and Anthropology</td>
<td>Economics, Geography, History, U.S. History, World History, Political Science, Psychology, Anthropology, Sociology</td>
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<tr>
<td>Physical Education</td>
<td>None</td>
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<td>Health Education</td>
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<td>Health Education</td>
</tr>
<tr>
<td>Dance</td>
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<td>Dance</td>
</tr>
<tr>
<td>Drama/Theatre Arts</td>
<td>None</td>
<td>Theatre and Drama</td>
</tr>
<tr>
<td>Music</td>
<td>None</td>
<td>Music, Instrumental Music, Vocal Music</td>
</tr>
<tr>
<td>Visual Arts</td>
<td>None</td>
<td>Art</td>
</tr>
<tr>
<td>Foreign Languages – Designation Required</td>
<td>Arabic (2008), Chinese (Cantonese or Mandarin), French, German, Hebrew, Italian, Japanese, Korean, Latin, Russian, Spanish</td>
<td>None, None, French, German, Hebrew, Italian, None, None, Russian, Spanish</td>
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### Notice of Proposed Amendments

**Endorsements Available as of July 1, 2004**

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<tr>
<th>Additional Teaching Fields</th>
<th>Designations</th>
<th>Endorsements Previously Issued</th>
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<tbody>
<tr>
<td>Agricultural Education</td>
<td>None</td>
<td>Agricultural Business and Management</td>
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<td>Agriculture</td>
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<td></td>
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<td>Agricultural Power and Machinery</td>
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<td>Horticulture</td>
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<td></td>
<td></td>
<td>Agricultural Resources</td>
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<tr>
<td></td>
<td></td>
<td>Basic Business</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Business Computer Programming</td>
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<tr>
<td></td>
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<td>Business/Marketing/Management</td>
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<td>Information Processing</td>
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<td></td>
<td>Information Processing/Secretarial</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Marketing</td>
</tr>
<tr>
<td>Family and Consumer Sciences – Designation Required</td>
<td>Apparel and Textiles*</td>
<td>Child and Day Care Services</td>
</tr>
<tr>
<td></td>
<td>Living Environments*</td>
<td>Consumer Education and Resource Management</td>
</tr>
<tr>
<td></td>
<td>Nutrition, Wellness, and Hospitality*</td>
<td>Fashion and Clothing Services</td>
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<tr>
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<td></td>
<td>Food and Nutrition Services</td>
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<td></td>
<td></td>
<td>Home Economics</td>
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<td></td>
<td></td>
<td>Institutional and Home Management Services</td>
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<td></td>
<td></td>
<td>Interior Furnishings Services/Living Environments</td>
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<td></td>
<td></td>
<td>Interpersonal, Family Relationships, Parenting</td>
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<tr>
<td>Endorsements Available as of July 1, 2004</td>
<td>Designations</td>
<td>Endorsements Previously Issued</td>
</tr>
<tr>
<td>------------------------------------------</td>
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</tr>
<tr>
<td>Health Careers</td>
<td>None, but licensure in a specific occupation is required</td>
<td>Health Occupations</td>
</tr>
<tr>
<td>Technology Education</td>
<td>None</td>
<td>Industrial Technology Education Construction, Electronics, Graphic Communications, Transportation, Manufacturing, Industrial Technology, Public Service, Drafting/Design, Autobody Repair, Heating, Ventilation, and Air Conditioning</td>
</tr>
<tr>
<td>Technology Specialist</td>
<td>None</td>
<td>Computer Technology Instructional Technology</td>
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<tr>
<td>Library Information Specialist</td>
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<td>Media</td>
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<tr>
<td>Safety and Driver Education*</td>
<td>None</td>
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<td>English as a New Language (ENL) – Designation Optional</td>
<td>Bilingual Education (language-specific)</td>
<td>Bilingual Education English as a Second Language</td>
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<td>Middle-Level</td>
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<td>Middle-Grades</td>
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<td>Elementary</td>
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<tr>
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<td>Self-Contained General Education</td>
</tr>
</tbody>
</table>
**STATE BOARD OF EDUCATION**

**NOTICE OF PROPOSED AMENDMENTS**

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<thead>
<tr>
<th>Endorsements Available as of July 1, 2004</th>
<th>Designations</th>
<th>Endorsements Previously Issued</th>
</tr>
</thead>
<tbody>
<tr>
<td>Early Childhood</td>
<td></td>
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</tr>
<tr>
<td>Early Childhood</td>
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<tr>
<td>Early Childhood Special Education</td>
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<tr>
<td>Administrative</td>
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<tr>
<td>Chief School Business Official</td>
<td>Chief School Business Official</td>
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</tr>
<tr>
<td>Director of Special Education</td>
<td>Director of Special Education</td>
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</tr>
<tr>
<td>General Administrative</td>
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<tr>
<td>Superintendent</td>
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<tr>
<td>School Service Personnel</td>
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<tr>
<td>School Counselor</td>
<td>Guidance</td>
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<td>School Nurse</td>
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<td>School Psychologist</td>
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<td>School Social Worker</td>
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<tr>
<td>Non-Teaching Speech-Language Pathologist</td>
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<tr>
<td>Supervisory</td>
<td>None; see Sections 21-4 and 21-25 of the School Code and Section 25.497 of this Part.</td>
<td>Supervisory</td>
</tr>
</tbody>
</table>

(Source: Amended at 32 Ill. Reg. _____, effective _____________)
ILLINOIS STATE BOARD OF EDUCATION MEETING
March 19-20, 2008

TO: Illinois State Board of Education

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

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

Materials: Recommended Rules

Staff Contact: Deb Vespa, Division Administrator

Purpose of Agenda Item
The purpose of this agenda item is to present the proposed amendment to Part 180 for the Board’s initial review.

Expected Outcomes of Agenda Item
The Board will be asked to adopt a motion authorizing the solicitation of public comment on the proposed amendment.

Background Information
This rulemaking represents technical updating only. It responds to P.A. 95-675, which established the “school facility occupation tax” as a new source of funds, as well as to replacement of the rules in Part 110 (Program Accounting Manual) with new rules in Part 100 (Requirements for Accounting, Budgeting, Financial Reporting, and Auditing).

Section 180.500 of these rules currently cross-references Part 110, which will be repealed in the near future, and thus needs to be revised. Rather than referring to new Part 100 instead, however, it will be more straightforward simply to name the funds that must be insufficient in order for the use of additional fire prevention and safety financing to be permissible. The new school facility occupation fund is one of those that should be included because the funds held in it are to be used only for “school facility purposes”.

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
Promulgation of this amendment is being recommended in light of recent legislation as well as changes in ISBE’s rules. Failure to make this change would result in inconsistency and obsolete references within Part 180.

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:

       Health/Life Safety Code for Public Schools (23 Illinois Administrative Code 180),

   including publication of the proposed amendment in the Illinois Register.

Next Steps
With the Board’s authorization, staff will submit this proposed amendment 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.
Title 23: Education and Cultural Resources
Subtitle A: Education
Chapter I: State Board of Education
Subchapter d: Construction and Building Maintenance

Part 180
Health/Life Safety Code for Public Schools

### Subpart A: General Provisions

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<td>180.20</td>
<td>Severability</td>
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<td>180.30</td>
<td>Definitions</td>
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<td>180.40</td>
<td>Responsibilities of Local School Board</td>
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<td>180.50</td>
<td>Responsibilities of Regional Superintendent</td>
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<td>180.60</td>
<td>Applicability</td>
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<td>Variances and Waivers</td>
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<td>180.80</td>
<td>Vehicular Facilities</td>
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### Subpart B: Required Qualifications

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<td>Approval Procedure</td>
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<tr>
<td>180.110</td>
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<td>180.120</td>
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### Subpart C: Construction and Like Activities

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<th>Section</th>
<th>Description</th>
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<td>Application for Building Permit</td>
</tr>
<tr>
<td>180.210</td>
<td>Issuance of Building Permit</td>
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<tr>
<td>180.220</td>
<td>Inspections During and Upon Completion of Construction</td>
</tr>
<tr>
<td>180.225</td>
<td>Application for Certificate of Occupancy</td>
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<td>180.230</td>
<td>Certificate of Occupancy</td>
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<td>Demolition or Movement of Buildings or Other Structures</td>
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<td>180.250</td>
<td>Sprinkler Systems</td>
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<tr>
<td>180.260</td>
<td>Sprinkler System Requirements and Applicability (Repealed)</td>
</tr>
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<td>180.270</td>
<td>Standards for Sprinkler Systems (Repealed)</td>
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</table>
180.280 Standards for Sprinkler System Plans and Specifications (Repealed)

SUBPART D: INSPECTIONS

Section
180.300 Annual Building and Fire Safety Inspections
180.310 Decennial Inspections
180.320 Safety Survey Report
180.330 Safety Reference Plans
180.340 Local Board Action and Approval of Safety Survey Reports

SUBPART E: ADDRESSING VIOLATIONS

Section
180.400 Violations
180.410 Unsafe Conditions
180.420 Temporary Closing and Condemnation

SUBPART F: FIRE PREVENTION AND SAFETY FINANCING

Section
180.500 Request for Authorization
180.510 Initiation of Work (Repealed)
180.520 Accounting for Fire Prevention and Safety Funds (Repealed)
180.530 Emergencies
180.540 Cost Estimates


ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

SUBPART F: FIRE PREVENTION AND SAFETY FINANCING

Section 180.500 Request for Authorization

a) A school board desiring to use fire prevention and safety funds shall submit to the regional superintendent, using a format prescribed by the State Board of Education, a Request for Authorization ("request"). The request shall consist of a Statement of Facts and Assurances and a Summary of Financing Requirements and shall be accompanied by the following documents, prepared and certified by a licensed design professional:

1) a Schedule of Violations, including a brief description of each violation and the recommended correction; and

2) a Schedule of Recommended Work Items and Estimated Costs.

b) Fire prevention and safety financing shall only be approved if:

1) the district has levied at its maximum authorized rate for its operations and maintenance fund for the most recent year for which tax rates are available; and

2) the district does not have sufficient unrestricted funds (as defined in 23 Ill. Adm. Code 110, Table B) in its operations and maintenance fund (Section 17-2 of the School Code [105 ILCS 5/17-2]), its school facility occupation tax fund (Section 10-20.40 of the School Code [105 ILCS 5/10-20.40], as added by P.A. 95-675), and/or its fire prevention and safety fund (Section 17-2.11 of the School Code [105 ILCS 5/17-2.11]) to pay for the necessary work.

c) If the regional superintendent finds that the request is complete and approvable, he or she shall so certify and forward the request with such certification to the State Superintendent of Education. If the regional superintendent disapproves the request, he or she shall so certify and return the request with such certification to the local board. The regional superintendent shall approve or disapprove each request within three months after its submission by a local board.

d) A board of education whose request is not acted upon within three months may submit the request to the State Superintendent for review.
e) Except under emergency circumstances as provided for in Section 180.530 of this Part, a regional superintendent shall not grant approval to use fire prevention and safety funds for any work which has already been initiated, without the prior express authorization of the State Superintendent. (Section 17-2.11 of the School Code [105 ILCS 5/17-2.11])

f) If the State Superintendent finds that a request is complete and approvable, he or she shall so certify and return the approved request with such certification to the regional superintendent.

g) Upon receipt of an approved request from the State Superintendent, the regional superintendent shall issue an order to implement the request and forward the request and the order to the originating school board.

(Source: Amended at 32 Ill Reg. _____, effective _____________)
TO: Illinois State Board of Education

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

Agenda Topic: Action Item: Rules for Initial Review – Part 235 (Early Childhood Block Grant)

Materials: Recommended Rules

Staff Contact: Kay Henderson, Division Administrator

Purpose of Agenda Item
The purpose of this agenda item is to present the proposed amendment to Part 235 for the Board’s initial review.

Expected Outcomes of Agenda Item
The Board will be asked to adopt a motion authorizing the solicitation of public comment on the proposed amendment.

Background Information
This rulemaking represents a technical correction only. The current rule on the qualifications of teachers in programs that receive state funding under Part 235 requires that each teacher hold either an initial or a standard early childhood certificate. However, there are several additional types of certificates that are valid for service in the early childhood age range but were unintentionally omitted from the rules. Thus the pool of applicants is inadvertently and unnecessarily restricted.

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
Promulgation of this amendment will expand the pool of teachers who are eligible to serve in programs funded under ISBE’s rules. Failure to make this change would result in the continued restriction of eligibility to holders of just the initial and standard early childhood certificates.
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:

   Early Childhood Block Grant (23 Illinois Administrative Code 235),

including publication of the proposed amendment in the Illinois Register.

Next Steps
With the Board’s authorization, staff will submit this proposed amendment to the Administrative Code Division for publication in the Illinois Register to elicit public comment. Additional means such as the Superintendent’s message and the agency’s website will be used to inform interested parties of the opportunity to comment.
ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 235
EARLY CHILDHOOD BLOCK GRANT

SUBPART A: PRESCHOOL EDUCATION AND PREVENTION INITIATIVE PROGRAMS

Section
235.10 Purpose; Eligible Applicants
235.20 Application Procedure and Content for New or Expanding Programs
235.30 Additional Program Components for Preschool Education Proposals
235.40 Additional Program Components for Prevention Initiative Proposals
235.50 Proposal Review and Approval for New or Expanding Programs
235.60 Application Content and Approval for Continuation Programs
235.70 Terms of the Grant

SUBPART B: PRESCHOOL FOR ALL CHILDREN PROGRAM

Section
235.100 Purpose; Eligible Applicants
235.110 Application Procedure and Content for New or Expanding Programs
235.120 Proposal Review and Approval for New or Expanding Programs
235.130 Application Content and Approval for Continuation Programs
235.140 Terms of the Grant

SUBPART C: SOCIAL AND EMOTIONAL CONSULTATION SERVICES

Section
235.200 Implementation and Purpose; Eligible Applicants
235.210 Application Procedure and Content
235.220 Proposal Review and Approval of Proposals

235.APPENDIX A Illinois Early Learning Standards
235.APPENDIX B Illinois Birth to Three Program Standards


SUBPART A: PRESCHOOL EDUCATION AND PREVENTION INITIATIVE PROGRAMS

Section 235.20 Application Procedure and Content for New or Expanding Programs

Each applicant that is proposing a program that has not received funding in the year previous to the current application or is seeking additional funds to expand its currently funded program shall submit to the State Board of Education a proposal that includes the components specified in this Section. For purposes of this Section, an “expanded” program includes one in which the applicant is proposing to serve additional children and their families or to offer initiatives not provided under its currently funded program.

a) Grants for new or expanded programs shall be offered in years in which the level of available funding is such that one or more new or expanded programs can be supported, along with those currently funded programs that seek continuation funding in accordance to Section 235.60 of this Part.

b) When sufficient funding is available, the State Superintendent of Education shall issue one or more Requests for Proposals (RFP) specifying the information that applicants shall include in their proposals, informing applicants of any bidders’ conferences, and requiring that proposals be submitted no later than the date specified in the RFP. The RFP shall provide at least 45 calendar days in which to submit proposals.

c) All proposals submitted in response to an RFP shall include the following components:

   1) A cover page completed on a form supplied by the State Board of Education and signed by the school district superintendent or official
authorized to submit the proposal or, in the case of a joint application, by the superintendent from each of the school districts and each authorized official of other eligible entities participating in the joint proposal.

2) For applicants other than public school districts, a description that includes the following:

   A) the applicant’s mission statement, organizational structure, and goals or policies regarding early childhood programs;
   
   B) the applicant’s existing competencies to provide early childhood education programs, to include a list of any early childhood accreditations that have been achieved; and
   
   C) in the case of a joint application, the goals and objectives of the collaboration and a brief description of each partner’s experience in providing services similar to those to be provided under the Early Childhood Block Grant program.

3) A description of the need for the program, which shall include:

   A) current demographic or descriptive information regarding the community in which the families and children reside (including information on the prevalence of homelessness); and
   
   B) the process that was used to determine the need for the program in the community in relation to other similar services that may be operating in the same geographic area.

4) A description of the population to be served, as defined in Section 235.10(a) of this Part, for each program to be funded under the Early Childhood Block Grant. This description shall include:

   A) how the eligible population will be recruited;
   
   B) the geographic area to be served; and
   
   C) the estimated number of children and/or families to be enrolled.
5) A description of the procedures to be used to screen children and their families to determine their need for services. Results of the screening shall be made available to the program staff and parents of the children screened. All screening procedures shall include:

A) criteria to determine at what point performance on the screening instrument indicates that children are at risk of academic failure as well as to assess other environmental, economic and demographic information that indicates a likelihood that the children would be at risk;

B) screening instruments/activities related to and able to measure the child’s development in at least the following areas (as appropriate for the age of the child): vocabulary, visual-motor integration, language and speech development, English proficiency, fine and gross motor skills, social skills and cognitive development;

C) written parental permission for the screening;

D) parent interview (to be conducted in the parents’ home language, if necessary), including at least the following:

   i) for preschool education programs, a summary of the child’s health history and social development; or

   ii) for prevention initiative programs, information about the parents, such as age, educational achievement and employment history;

E) vision and hearing screening, in accordance with 77 Ill. Adm. Code 685 (Vision Screening) and 675 (Hearing Screening); and

F) where practicable, provision for the inclusion of program teaching staff in the screening process.

6) A description of the parent education and training component that will be provided, to meet at least all of the requirements of Section 2-3.71a of the School Code.
7) A description of how the program will coordinate with other programs, as specified in the RFP, that are in operation in the same area and that are concerned with the education, welfare, health and safety needs of young children.

8) A description of the full-time and part-time professional and nonprofessional staff to be paid by the program, indicating that program administrators, early childhood teachers, counselors, psychologists, psychiatrists and social workers are appropriately qualified.

A) Teachers of children ages 3 to 5 years must hold an initial, initial alternative, standard, master, provisional, provisional alternative, resident teacher, or visiting international teacher early childhood certificate. (See Section 2-3.71(a)(3) of the School Code and 23 Ill. Adm. Code 1.Appendix A.)

B) By July 1, 2014, noncertificated staff employed to assist in instruction provided to children ages 3 to 5 years shall meet the requirements set forth in 23 Ill. Adm. Code 25.510(c).

9) A description of staff development assessment procedures and ongoing professional development activities to be conducted.

10) A description of the required program components, as set forth in either Section 235.30 or 235.40 of this Part.

11) Other information, as specified in the RFP, such as daily schedules (including the number of hours per day and days per week the program will operate), classroom locations, facility information (e.g., owner’s name, terms of lease arrangement, size of classrooms and other areas to be used by the program), if applicable.

12) The plan for ensuring that the program provides either a snack, in the case of a half-day program, or a meal, in the case of a full-day program, for participating children.

13) Budget information, provided on forms supplied by the State Board of Education. The budget shall specify that no more than 5 percent of the
total grant award shall be used for administrative and general expenses not directly attributed to program activities, except that a higher limit not to exceed 10 percent may be negotiated with an applicant that has provided evidence that the excess administrative expenses are beyond its control and that it has exhausted all available and reasonable remedies to comply with the limitation.

14) A description of how the applicant will ensure that no fees will be charged of parents or guardians and their children who are enrolled and participate in Early Childhood Block Grant programs.

15) A plan for evaluating the proposed programs and activities to be included in the Early Childhood Block Grant, which shall correspond to the applicable specifications set forth in the RFP.

16) Such certifications and assurances as the State Board of Education may require.

(Source: Amended at 32 Ill. Reg. _____, effective _____________)
TO: Illinois State Board of Education

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

Agenda Topic: Action Item: Rules for Initial Review – Amendments to Part 305 (School Food Service)

Materials: Recommended Rules

Staff Contact(s): Chris Schmitt

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

Relationship to/Implications for the State Board’s Strategic Plan
Proper nutrition can have a positive impact on student performance. Accordingly, these amendments support the Strategic Plan’s goal of fostering literacy skills and enhancing literacy instruction.

Expected Outcome(s) of Agenda Item
The Board will be asked to adopt a motion authorizing the solicitation of public comment on proposed amendments to Part 305.

Background Information
The rulemaking responds to Section 305.15(f) of the rules governing School Food Service that directed the State Board of Education to initiate a revision to these rules following the release of the report of the School Wellness Policy Task Force recommending statewide nutrition requirements. The report was completed January 1, 2007. The proposed amendments set forth specific beverage and food requirements for grade 5 and below and for grades 6 through 8 that would take effect at the start of the 2009-10 school year.

Before proposing any changes to the current rules, staff in the Nutrition Programs Division held three meetings last fall to elicit reaction to the task force’s requirements from school district personnel, school food service staff, and others who might be affected by the rulemaking. As a result of those meetings, staff last month presented to the State Board their recommendations for amending the requirements currently in the rules to reflect the recommendations of the task force (see Appendices A and B of the proposed amendments).

In addition, staff shared the proposed amendments with task force members, a randomly selected group of school districts, Illinois Association of School Boards (IASB), and chairpersons of the designated areas of the Illinois Association of Regional Superintendents of Schools. Staff received six responses as a result of this review. The main points from the comments are discussed briefly under “Policy Implications” below.
Analysis and Implications for Policy, Budget, Legislative Action and Communications

Policy Implications: The proposed requirements continue to apply only to participants of the federal school meals programs that serve students in grades 8 and below (i.e., the requirements will not apply to high schools). Generally, the proposed requirements differ from the current rules in that:

- separate requirements are presented for elementary and middle school students (i.e., grades 5 and below and grades 6 through 8);
- “school day” for purposes of the requirements’ application is defined as being 30 minutes before the start of classes until 30 minutes following the end of the last class of the day;
- certain items previously allowed will no longer be permitted (e.g., whole milk; smoothies and beverages other than those listed for students in grade 5 and below), while other items will be permitted (e.g., flavored water for middle school students, whole grain products);
- the requirements will affect the sale of à la carte items; and
- the requirements will apply to all food sold anywhere at the school during the school day, excluding foods sold as part of a reimbursable meal.

It is anticipated that proposed changes in two areas of the rules will receive particular notice: requirements based on grade levels and requirements for foods sold in the cafeteria during meal times.

Grade Levels. IASB submitted comments stressing the difficulty that many schools may have in implementing two sets of requirements for different grade levels, especially in those schools where only one grade level is outside of the applicable requirements (i.e., schools with grade 6 or 9 as its highest grade level or those with grade 5 or 8 as its lowest grade level). The task force recommended that the requirements address two grade bands: prekindergarten through grade 5 and grades 6 through 12. While agency staff is proposing that high school grades not be subject to the requirements, it is incorporating requirements in two grade bands. Doing so, acknowledges that older children have nutritional needs that differ from younger students, allowing for higher calorie restrictions, larger portion sizes, and inclusion of other products, such as flavored water.

In evaluating IASB’s concerns, staff considered applying to the state requirements a federal regulatory provision used for the school meals program. Under that provision, schools with one grade level outside of the established grade bands would be allowed to use the requirements applicable to the majority of the students being served. The change, however, is not being recommended for two reasons. First, it will not have a significant impact since less than 6 percent of schools with elementary grades would be affected. Second, the benefits of providing a small number of participating schools this flexibility would be outweighed by the fact that food sold to students in the affected grades could be subject to less stringent requirements than would otherwise be imposed or no requirements at all.

The chart below summarizes the effect of the federal criteria on those schools with one grade level outside of the established grade bands.
<table>
<thead>
<tr>
<th>Grade Configuration</th>
<th>Number of Schools</th>
<th>Requirements to be Applied under Federal Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grade 5 and higher</td>
<td>198</td>
<td>Grades 6 through 8</td>
</tr>
<tr>
<td>Grade 6 and lower</td>
<td>90</td>
<td>Grade 5 and below</td>
</tr>
<tr>
<td>Grade 9 and lower</td>
<td>4</td>
<td>Grades 6 through 8</td>
</tr>
<tr>
<td>Grades 5 and 6</td>
<td>27</td>
<td>Either set of requirements may apply, depending on enrollment in each grade.</td>
</tr>
<tr>
<td>Grade 8 and higher</td>
<td>8</td>
<td>No requirements would apply.</td>
</tr>
</tbody>
</table>

À la carte Entrées. The Board may recall that the current rule exempting from the requirements any food sold in the food service area during meal time resulted from the overwhelmingly negative public comment staff received two years ago about placing restrictions on food sold outside of the reimbursable meal. The change recognized that participating schools needed time to adjust their food sales gradually, particularly à la carte sales that could include salad bars, sandwich stations, additional entrées and the like, by adding more nutritious and healthful options.

The proposed requirement for food, which is nearly identical to the task force’s recommendation, presents four sets of criteria for food sold during meal times and at other times during the school day, both within the cafeteria and elsewhere in the building (see Appendix B of the proposed amendments).

1. If the food item being sold is an entrée that is offered as part of the reimbursable meal on that day, then it cannot exceed the portion size offered in the reimbursable meal. For instance, the federal reimbursable meal served on Monday offers pizza as the entrée. A participating school could sell on that day a single slice of pizza separate from the reimbursable meal that is the same portion size as what is provided in the meal.

2. If the food item being sold is an entrée that is not offered as part of the reimbursable meal on that day, then it must meet certain calorie restrictions. For instance, on Tuesday, the school sold pizza as part of the reimbursable meal but on Wednesday, the school would like to sell pizza as an à la carte item. The pizza could be offered only if the serving sold to students in grade 5 and below did not exceed 400 calories and in grades 6 through 8 did not exceed 450 calories.

3. If the food item being sold is not an entrée, then it could not be sold to students in grade 5 and below and could only be sold to students in grades 6 through 8 if it has 35 percent or less of its calories from fat or eight or fewer grams from fat; 10 percent or less of its calories from saturated fat; and is no more than 200 calories.

4. Specified “nutrient-dense” foods may be sold (expands on current rule; see Section 305.15(a)(2)(A)).

Other comments. Staff received support of the proposed amendments from the American Heart Association, Illinois Department of Human Services, and the Healthy Schools Campaign. Other suggestions from the Illinois Nutrition Education and Training Program and the Midwest Dairy Council that were not incorporated into the proposed amendments included:

- allowing only low-fat or nonfat dairy products;
- requiring that 50 percent of the food and beverages sold in high schools meet the proposed requirements, with a phase-in period to provide time for high schools to fully comply;
• allowing for whole fat cheese and yogurt and other foods that contain nutrients “of concern for children” (i.e., calcium, magnesium, potassium, vitamin E and fiber); and
• having a rule to “encourage” schools to reduce sodium and trans fatty acid content.

**Budget Implications:** The proposed amendments likely will prohibit certain beverages and foods currently offered in the cafeteria during meal time from being sold to students, particularly in schools with grades 6 through 8. School food personnel argued during the last rulemaking that restricting à la carte sales in any way hampers their ability to raise additional funding to support the school meals programs so that these are self-supporting. If the amendments are adopted, then any products sold in vending machines that are located in the cafeteria will be subject to the requirements (currently food sold in vending machines located outside of the cafeteria must comply). All snack-type items and non-entrée items offered for à la carte sales would have to conform to the requirements for fat and total calories. There is no way to accurately estimate, however, the fiscal impact the requirements would have on participating schools’ current sales.

**Legislative Action:** None.

**Communication:** See “Next Steps” below.

**Pros and Cons of Various Actions**
The proposed revisions to the nutrition requirements present an incremental approach to ensuring that the beverage and food items sold to students in participating schools are healthy. The majority of the task force’s recommendations were incorporated into the proposal. By not accepting all of the recommendations, however, the proposed amendments acknowledge the need for further research in certain areas, such as trans fatty acids and sodium; recognize that there may be some operational difficulties for school personnel in complying with more stringent requirements; and acknowledge that participating schools, through their local wellness policies, are better able to determine requirements for foods given to students.

During the external review comments, IASB, the only school organization to respond, again questioned the agency’s authority to promulgate rules regarding nutrition requirements. Other school district organizations and school food personnel may oppose this rulemaking as being overly restrictive and an intrusion of local control.

**Superintendent’s Recommendation**
I recommend that the following motion be adopted:

> The State Board of Education hereby authorizes the solicitation of public comment on the following rulemaking:

> School Food Service (23 Illinois Administrative Code 305),

> 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 Weekly Message and the agency’s website will be used to inform interested parties of the opportunity to submit comments.
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STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER i: FOOD PROGRAMS

PART 305
SCHOOL FOOD SERVICE

Section 305.5 Definitions
Section 305.10 Illinois Free Lunch and Breakfast Programs
Section 305.15 Sale of Foods and Beverages in Participating Schools through School Year 2008-09
Section 305.17 Sale of Foods and Beverages in Participating Schools Beginning with School Year 2009-10
Section 305.20 Student Workers
Section 305.30 Government-Donated Commodities

Section 305.APPENDIX A Restrictions on the Sale of Beverages
Section 305.APPENDIX B Restrictions on the Sale of Food Items


Section 305.5 Definitions

“À la carte entrée” means any combination of foods or a single food item that is offered as a main course and is sold by school food service personnel to students in the food service area during meal time. À la carte entrées do not include any food items sold in a vending machine, by another school organization or club, or by an outside group.
“Eligible student” means a student eligible 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.) in accordance with federal regulations found at 7 CFR 245.3 (2006 2008).

“Food service area” means any area on school premises where reimbursable meals are served and/or eaten.

“Meal period” means the period of time during which breakfast or lunch is regularly served and the time scheduled for the students to eat the meal.

“Participating school” means any public or nonpublic school that participates in the School Breakfast Program or the National School Lunch Program.

“Reimbursable meal” means a meal meeting the definition of a “federal reimbursable meal”, as set forth in regulations governing the School Breakfast Program (7 CFR 220.8 (2006 2008)) or the National School Lunch Program (7 CFR 210.10 (2006 2008)).

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

**Section 305.10 Illinois Free Lunch and Breakfast Programs**

a) In accordance with Section 4 of the School Breakfast and Lunch Program Act [105 ILCS 125/4], every public school shall provide free lunches to students eligible to receive free meals in accordance with 7 CFR 245.3 (2006 2008).

b) Every public school that offers a free breakfast program as defined in 105 ILCS 125/1 shall provide free breakfasts to students eligible to receive free meals in accordance with 7 CFR 245.3 (2006 2008).

c) Every public school at the beginning of each school year must publicly announce the availability of free lunches and, as applicable, free breakfasts. This public notice may be published in a newspaper of general circulation for the school district, made available on the school district’s website, provided in a school newsletter, or included with registration materials. The notice shall at least include the criteria used to determine eligibility for free meals, the process for applying for a free meal, and the name and telephone number of a contact person.
Public and nonpublic schools may claim State reimbursement for each reimbursable meal provided to students eligible to receive free meals in accordance with 7 CFR 245.3 (2006 2008).

An accurate record of the actual number of free breakfasts and lunches served to children each day must be maintained.

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

Section 305.15 Sale of Foods and Beverages in Participating Schools through School Year 2008-09

For the purpose of this Section, “school year” includes any classes or sessions that the participating school may hold during summer 2009.

a) Commencing on the first day of the 2006-07 school year, all participating schools shall adhere to the following requirements for the sale of foods and beverages to students in grade 8 or below before school and during the regular school day.

1) Beverages sold to students shall include only:

   A) flavored or plain whole, reduced fat (2 percent), low-fat (1 percent), or nonfat fluid milk that meets State and local standards for pasteurized fluid milk;

   B) reduced fat and enriched alternative dairy beverages (i.e., rice, nut, or soy milk, or any other alternative dairy beverage approved by the U.S. Department of Agriculture (USDA));

   C) fruit and vegetable drinks containing 50 percent or more fruit or vegetable juice;

   D) water (non-flavored, non-sweetened, and non-carbonated);
E) fruit smoothie (yogurt or ice based) that contains less than 400 calories and no added sugars, and is made from fresh or frozen fruit or fruit drinks that contain at least 50 percent fruit juice; and

F) any beverage exempted from the USDA’s list of Foods of Minimal Nutritional Value (see 7 CFR 210.11(a)(2) and 220.2(i-1) (2006-2008)). The State Board of Education shall notify participating schools of these exemptions in January of each year; updates to the exemption list shall be provided within 10 calendar days after the State Board receives notification of any updates from USDA.

2) Food sold to students outside of food service areas or within food service areas other than during meal periods shall include only:

A) nuts, seeds, nut butters, eggs, cheese packaged for individual sale, fruits or non-fried vegetables, or low-fat yogurt products; or

B) any food item whose:

i) total calories from fat do not exceed 35 percent;

ii) total calories from saturated fat do not exceed 10 percent;

iii) total amount of sugar by weight does not exceed 35 percent; and

iv) calories do not exceed 200.

3) During the 2006-07 school year only, a participating school may apply for an exemption from the requirements of this subsection (a) by submitting its request on a form prescribed by the State Board of Education. If the participating school is part of a public school district, then the school district shall submit the request.

A) A request for an exemption may be submitted for a participating school’s vending machine or school stores in cases in which the participating school can demonstrate that its existing food or beverage contract does not allow the participating school to offer only foods or beverages meeting the requirements.
i) The request shall include a copy of the existing contract with the food service vendor.

ii) The State Superintendent of Education shall approve a request provided that the application and existing contract demonstrate that, under the terms of the contract, the participating school would be unable to offer only foods and beverages meeting the requirements of this subsection (a).

B) A request for an exemption may be submitted for a participating school that includes both grades 8 and below and grades 9 and above in cases in which the participating school’s food service facilities do not allow the participating school to distinguish between food and beverage sales to students in grades 8 and below and to students in grades 9 and above. The State Superintendent of Education shall approve a request provided that the participating school has demonstrated that accommodations (e.g., different schedules, separate food service lines, restricted access to vending machines) cannot be implemented to distinguish between the food and beverage sales to students in grades 8 and below and to students in grades 9 and above.

b) None of the requirements of subsection (a) of this Section shall apply to any food or beverage item sold to students as part of a reimbursable meal or to foods sold within food service areas during meal periods.

c) None of the requirements of subsection (a) of this Section shall apply to any food or beverage item sold to a student who presents a written recommendation for that food or beverage item signed by a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60] to practice medicine in all of its branches.

d) If a participating school serves students in both grades 8 and below and students in grades 9 and above, then the participating school shall ensure that food and beverage sales to students in grades 8 and below meet the requirements of this Section, except as otherwise provided in subsection (a)(3) of this Section.
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e) All revenue from the sale of any food or beverage sold in competition with the School Breakfast Program or National School Lunch Program to students in the food service areas during the meal period shall accrue to the nonprofit school lunch program account.

f) During the month of January 2007, or immediately following the release of the report of the School Wellness Policy Task Force (should it be after January 2007), the State Board of Education shall initiate a revision to the food and beverage standards set forth in this Part that responds to the statewide nutrition standards recommended by the Task Force in accordance with Section 23-3.137 of the School Code [105 ILCS 5/2-3.137] (see P.A. 94-199).

f) Any participating schools in which classes of grades 5 and below are operating shall prohibit the sale to students of all confections, candy and potato chips during meal periods.

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

Section 305.17 Sale of Foods and Beverages in Participating Schools Beginning with School Year 2009-10

For the purposes of this Section, “school year” means the first day of a participating school’s regular school term.

a) All profit from the sale of any beverage or food sold in competition with the School Breakfast Program or National School Lunch Program to students in the food service areas during the meal period shall accrue to the nonprofit school lunch program account.

b) All participating schools shall adhere to the requirements set forth in Appendices A and B to this Part for the sale of beverages and food items to students in grade 8 or below during the school day. “School day” means the period of time that begins 30 minutes before the official starting time of classes and ends 30 minutes after the conclusion of the last class of the day.

1) None of the requirements of Appendices A and B to this Part shall apply to any beverage or food item sold to students as part of a reimbursable meal.
2) None of the requirements of Appendices A and B to this Part shall apply to any beverage or food item sold to a student who presents a written recommendation for that beverage or food item signed by a physician licensed under the Medical Practice Act of 1987 [225 ILCS 60] to practice medicine in all of its branches.

3) A participating school subject to subsection (b) shall ensure that any beverage or food item sold to affected students meets the applicable requirements of Appendices A and B to this Part, regardless of the combination of grades levels that the participating school serves.

4) The State Superintendent shall notify participating schools of any beverages exempted from the U.S. Department of Agriculture’s (USDA) list of Foods of Minimal Nutritional Value (see 7 CFR 210.11(a)(2) and 220.2(1-1) (2008)) within 10 calendar days after the State Superintendent receives notification of any updates from USDA.

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

Section 305. APPENDIX A Restrictions on the Sale of Beverages

The following restrictions apply to beverages sold in participating schools to students in grade 8 or below during the school day.

<table>
<thead>
<tr>
<th>Type</th>
<th>Specifications</th>
<th>Grade Levels</th>
<th>Restrictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Milk (must meet State and local standards for pasteurized fluid milk, and may include lactose-free and reduced lactose milk)</td>
<td>Flavored or plain reduced fat (2 percent), low fat (1 percent) or nonfat (skim or 0 percent).</td>
<td>5 and below</td>
<td>Serving size not to exceed 8 ounces.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6 through 8</td>
<td>Serving size not to exceed 16 ounces.</td>
</tr>
<tr>
<td>Alternative dairy beverages</td>
<td>Rice, soy, or other alternative dairy beverage approved by the U.S. Department of Agriculture (USDA) that is reduced fat (2 percent), low fat (1 percent) or nonfat (skim or 0 percent).</td>
<td>5 and below</td>
<td>Serving size not to exceed 8 ounces.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6 through 8</td>
<td>Serving size not to exceed 16 ounces.</td>
</tr>
</tbody>
</table>
**STATE BOARD OF EDUCATION**

**NOTICE OF PROPOSED AMENDMENTS**

<table>
<thead>
<tr>
<th>Type</th>
<th>Specifications</th>
<th>Grade Levels</th>
<th>Restrictions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fruit and vegetable juices</strong></td>
<td>Noncarbonated, 100 percent fruit or vegetable juice.</td>
<td>5 and below</td>
<td>Serving size not to exceed 4 ounces.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6 through 8</td>
<td>Serving size not to exceed 12 ounces.</td>
</tr>
<tr>
<td><strong>Water, unflavored</strong></td>
<td>Unsweetened and noncarbonated.</td>
<td>5 and below</td>
<td>No restrictions.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6 through 8</td>
<td>No restrictions.</td>
</tr>
<tr>
<td><strong>Water, flavored</strong></td>
<td>None allowed.</td>
<td>5 and below</td>
<td>Serving size not to exceed 25 calories.</td>
</tr>
<tr>
<td></td>
<td>Noncarbonated.</td>
<td>6 through 8</td>
<td>Serving size not to exceed 200 calories.</td>
</tr>
<tr>
<td><strong>Smoothie</strong></td>
<td>Made with low-fat yogurt or other low-fat dairy alternative.</td>
<td>6 through 8</td>
<td>Serving size not to exceed 200 calories.</td>
</tr>
<tr>
<td><strong>All other beverages</strong></td>
<td>None allowed.</td>
<td>5 and below</td>
<td>Serving size not to exceed 12 ounces and 200 calories.</td>
</tr>
<tr>
<td></td>
<td>Noncarbonated, or any beverage exempt from the USDA’s list of Foods of Minimal Nutritional Value.</td>
<td>6 through 8</td>
<td></td>
</tr>
</tbody>
</table>

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

### Section 305. APPENDIX B  Restrictions on the Sale of Food Items

The following restrictions apply to food items sold in participating schools to students in grade 8 or below during the school day.

<table>
<thead>
<tr>
<th>Type</th>
<th>Specifications</th>
<th>Grade Levels</th>
<th>Restrictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>À la carte entrées</td>
<td>Offered as part of the reimbursable meal served on the same day the entrée is sold à la carte.</td>
<td>5 and below</td>
<td>Not to exceed the serving size provided in the reimbursable meal.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6 through 8</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Not offered as part of the reimbursable meal served on the same day the entrée is sold à la carte.</td>
<td>5 and below</td>
<td>Not to exceed 400 calories per serving.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6 through 8</td>
<td>Not to exceed 450 calories.</td>
</tr>
</tbody>
</table>
### Notice of Proposed Amendments

<table>
<thead>
<tr>
<th>Type</th>
<th>Specifications</th>
<th>Grade Levels</th>
<th>Restrictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nutrient-dense foods</td>
<td>All nuts, seeds, nut butters, eggs, fresh fruit and vegetables, 100 percent dried fruits and vegetables, legumes (dried peas and beans), low-fat yogurt, low-fat cheese, and products containing 51 percent or more whole grains.</td>
<td>5 and below</td>
<td>No restrictions.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6 through 8</td>
<td></td>
</tr>
<tr>
<td>All other food items</td>
<td>None allowed.</td>
<td>5 and below</td>
<td>Must meet each of the following:</td>
</tr>
<tr>
<td></td>
<td>Any food that meets the prescribed calorie restrictions.</td>
<td>6 through 8</td>
<td>- 35 percent or less calories from fat or 8 or fewer grams of fat per serving, and</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- 10 percent or less calories from saturated fat per serving, and</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- No more than 200 calories per serving.</td>
</tr>
</tbody>
</table>

(Source: Added at 32 Ill. Reg. _____, effective _____________)
TO: Illinois State Board of Education

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

Agenda Topic: Action Item: Rules for Initial Review and Rules for Adoption – Part 401 (Special Education Facilities Under Section 14-7.02 of the School Code)

Materials: Recommended Rules

Staff Contact: Beth Hanselman

Purpose of Agenda Item
The purposes of this agenda item are to present a set of emergency amendments to Part 401 for adoption and to present a slightly different set of proposed amendments for the Board’s initial review.

Expected Outcomes of Agenda Item
The Board will be asked to adopt one motion adopting the emergency amendments and a second motion authorizing the solicitation of public comment on the proposed amendments.

Background Information
Revisions made to this set of rules in 2007 included a new provision expressly prohibiting the “use of behavioral intervention strategies that would jeopardize the safety or security of students or would rely upon pain as an intentional method of control” (see Section 401.140(a)). It has recently become clear that one of the out-of-state facilities where an Illinois student is placed does use techniques such as the administration of electrical shock as methods of behavioral control. As ISBE staff members have learned more about the philosophy and procedures employed in this facility, concern has grown that the Illinois student who is currently placed there may be subjected to such forms of treatment despite our clear regulatory prohibition against them. (Note we have no indication that this has occurred to date.)

Of further concern are the potential secondary effects on students who, although not subjected to such aversive techniques, may witness their application to other students in their environment. We therefore believe that ISBE should be able to disapprove a program immediately when such techniques are used and that, beginning with the upcoming annual approval cycle, programs that rely on these techniques should no longer be eligible for approval.

To establish these policies, Part 401 needs to be revised in two respects.

• First, under the existing rules on changing facilities’ approval status during a year for which approval has been granted, immediate withdrawal of that approval is not available
in response to the use of intentionally painful techniques. That is, Section 401.30 generally calls for nonapproval only after a program has first been assigned a status of either “Approved with Administrative Review” or “Pending Further Review”. Exceptions are made to permit immediate nonapproval “if any issues of noncompliance that present imminent danger to the students exist or if the State Superintendent verifies that the provider has unilaterally and intentionally ceased providing appropriate education pursuant to a school district’s contracts and one or more students’ IEPs.” As can be seen, neither of these exceptions clearly covers these troublesome behavioral intervention strategies, necessitating the addition of a third exception under which nonapproval will be immediate.

- Second, the existing rule setting forth general requirements (Section 401.210) should be amplified to state unequivocally that providers must have policies in place prohibiting the use of techniques that rely on the intentional infliction of pain. To correspond to that addition, the Section 401.10(a)(10), which calls for providers to describe their behavioral interventions, will now need to reference Section 401.210 instead of 401.140.

We have consulted with the Illinois school district that is responsible for the one student mentioned above and determined that another suitable placement can be implemented if the current program becomes ineligible to serve that student. It should also be noted that the provider would be afforded an opportunity for a hearing as set forth in Section 401.30(c)(3) if the program’s status were quickly changed to “Nonapproved” under this emergency rule. Finally, it should be pointed out that decisions about new and continuing program approval for the 2008-09 school year will be made over the next several months. Thus there is insufficient time available for promulgating these changes via ordinary rulemaking if they are to be in effect when those determinations are made.

A separate proposed version of amendments to Part 401 is also being presented for initial review. The only difference between this version and the emergency amendments is the inclusion of Section 401.270, Student Records. We should take this opportunity to make technical corrections in that Section so that it will correctly cross-reference material in the rules for special education now that the comprehensive revisions to those rules are in place. These minor changes cannot be made via emergency rulemaking, requiring publication of a separate proposed version to include them.

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 emergency amendments will permit staff to move forward quickly to retract the approval of an out-of-state facility that is known to use aversive behavioral intervention techniques that are prohibited for Illinois students under Part 401. Without these amendments in place, the lengthier procedural sequence set forth in the current rules would apply and the clear-cut basis for denying approval for next year would also be lacking.
**Superintendent’s Recommendation**
The Superintendent recommends that the State Board of Education adopt the following motions:

**Motion #1**
The State Board of Education hereby adopts the emergency rulemaking for:


**Motion #2**
The State Board of Education hereby authorizes the solicitation of public comment on the proposed rulemaking for:

Nonpublic Special Education Facilities Under Section 14-7.02 of the School Code (23 Ill. Adm. Code 401),

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

**Next Steps**
With the Board’s authorization, staff will file the emergency amendments with the Administrative Code Division so they can take effect and also submit the proposed amendments 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 effectiveness of the emergency amendments and the opportunity to comment on the proposed version.
### ILLINOIS REGISTER

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TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER I: STATE BOARD OF EDUCATION  
SUBCHAPTER I: NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS

PART 401
SPECIAL EDUCATION FACILITIES UNDER SECTION 14-7.02 OF THE SCHOOL CODE

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<tr>
<td>401.280</td>
<td>Fiscal Provisions</td>
</tr>
</tbody>
</table>
ARTICLE 401

SUBPART A: APPROVAL OF PROGRAMS

Section 401.10 Application for Eligibility

Each provider seeking to become eligible to contract with Illinois public school districts to serve students with disabilities under Section 14-7.02 of the School Code [105 ILCS 5/14-7.02] shall be subject to the program approval process described in this Section. Approval shall be specific to individual programs offered by a provider, and the same type of program conducted at two separate facilities shall be treated as two separate programs for purposes of approval. A program not approved in accordance with the requirements of this Part shall not be used by school districts to serve students with disabilities under Section 14-7.02 of the School Code.

a) An application for initial approval of educational programs and/or residential programs, presented on forms supplied by the State Superintendent of Education and containing all the items enumerated in this subsection (a), shall be submitted to the State Superintendent. Each application shall include:

1) An accurate, written description of each program for which approval is requested, which shall indicate the categories and ages of students with disabilities for whom it is specifically intended, the data that will be collected on the outcomes achieved by those students, which must reflect the students’ learning goals as described in their respective IEPs, and the maximum number of students the program is intended to accommodate.

2) A written plan for the administration and organization of the programs, including but not limited to:

A) The stated purpose and scope of the facility and its programs;
B) A plan for the allocation of space solely for program purposes; and

C) An organizational chart that reflects the provider’s governance, administrative, and educational structures.

3) The provider’s proposed calendar for the program for which approval is sought, setting forth an operating schedule reflecting at least 176 days of operation, for at least five hours per school day during the regular school year and, with respect to a summer session, if any is to be offered, at least 120 hours of operation if the facility is located in Illinois or, if the facility is located in another state, the number of hours approved by the responsible authority in that state.

4) A copy of the State Fire Marshal's most recent inspection report for the facility, which shall be no more than 24 months old at the time of application and shall indicate no violations, or, as applicable:

A) for an Illinois facility that is subject to the provisions of 23 Ill. Adm. Code 180 (Health/Life Safety Code for Public Schools), the report of the regional superintendent’s most recent inspection conducted pursuant to Section 3-14.21 of the School Code [105 ILCS 5/3-14.21]; or

B) for an out-of-state facility, equivalent, current documentation of compliance with applicable state fire codes, or if there is no state fire code the applicable local fire code, clearly identifying the issuing authority.

5) Assurances, signed by the facility's chief administrator, conveying such information as the State Superintendent of Education may require regarding the facility's compliance with other applicable federal, state, and local laws, ordinances, and regulations (such as public health and safety codes, building codes, and licensure requirements).

6) If the facility is located in Illinois and offers a residential component, evidence of the facility's current licensure or approval by the responsible agency of Illinois government, if applicable.
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7) If the facility is located outside Illinois, evidence of the facility's current licensure, certification, or approval to operate its educational and/or residential programs in the state where it is located, including a copy of the standards or criteria used by the responsible agency in that state.

8) For instructional programs, summary information about all professional staff positions, and copies of the relevant credentials of persons employed in those positions, which demonstrate that the facility has sufficient staff available who are qualified pursuant to the requirements of Section 401.240 of this Part in order to operate the program.

9) For instructional programs, summaries of related services provided by the facility's professional staff or available to the provider under contract, demonstrating that the provider has sufficient related services available to operate the program.

10) For programs serving students for whom behavioral interventions may be appropriate, a description of the provider’s formalized approach to the use of these interventions, subject to the limitation stated in Section 401.210(b) 401.140(a) of this Part.

b) If the application is complete and the facility is located in Illinois or within 50 miles of Illinois, State Board staff shall conduct an on-site review and evaluate the facility and the programs offered for the purpose of verifying the accuracy of the application, evaluating their conformance with the other requirements of this Part, and recommending approval or disapproval of the programs.

1) An out-of-state program conducted more than 50 miles outside of Illinois shall be approved without a site visit from an Illinois representative if:

A) the educational program is an approved special education program in the state where the facility is located and this approval was granted in light of the information gathered during a site visit by a representative of the responsible agency;

B) the residential component, if any, is licensed by the responsible agency in the state where the facility is located; and
C) the application provides evidence that the requirements of Section 410.140 of this Part will be met.

2) An out-of-state program conducted more than 50 miles outside of Illinois that was approved in the state where the facility is located without a site visit by the responsible agency shall be visited by a representative of the Illinois State Board of Education in order to verify the accuracy of the application and determine whether the requirements of this Part have been met so that Illinois approval can be granted.

c) A program determined to comply with the requirements of this Part shall be designated as "Approved" and shall be available to Illinois public school districts to serve students with disabilities under Section 14-7.02 of the School Code beginning on the day the application is approved, provided that the other requirements of Section 401.110 of this Part have also been met. The provider operating the facility shall be notified in writing of the date of program approval.

1) Initial approval shall end on the last day of the program's approved calendar for the school year in question, unless approval is changed pursuant to Section 401.30 of this Part.

2) A program shall serve only the specific student populations described in the approved application.

d) The nonapproval of an initial application shall include a notice of the specific deficiencies that caused the nonapproval and the opportunity for the provider to request a hearing pursuant to the Illinois Administrative Procedure Act [5 ILCS 100] and the State Board's rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475).

e) An application for renewal of approval, consisting of all the components set forth in subsection (a) of this Section, must be submitted for any subsequent period in which a provider seeks to contract with Illinois public school districts to serve students with disabilities in the facility under Section 14-7.02 of the School Code. The submission deadline shall be the April 15 prior to the beginning of the school year in question. If April 15 is not a business day, the deadline shall fall on the next business day. The approval process for any such subsequent period may also involve on-site reviews, at the sole discretion of the State Superintendent of Education.
1) The denial of an application for renewal of approval shall cause the program approval status to change to "nonapproved" subject to the procedures set forth in Section 401.30(c) of this Part.

2) Renewed approval granted for the 2006-2007 school year or later shall generally be valid for two school years, ending on the last day of the program's approved calendar for the second school year, unless approval is changed pursuant to Section 401.30 of this Part. However, the State Superintendent of Education shall approve approximately half the renewal applicants for the 2006-2007 school year for one year only, in order to stagger the two-year renewal process for subsequent periods.

A) Applications shall be selected at random, provided that, once one program offered by a particular provider has been selected, all that provider's programs will be placed on the same renewal schedule.

B) The first renewal of approval for a new program offered by a provider that already operates other approved programs shall be granted for the number of years that will place it on the cycle already established for that provider.

3) A program shall not be eligible for two-year renewed approval if it was not approved for the immediately preceding year, or if it was approved "pending further review" at any time during the immediately preceding period of approval. Applications for approval of such programs shall be treated as for initial approval.

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

Section 401.30 Changes in Approval Status

Programs approved to serve students with disabilities under Section 14-7.02 of the School Code, whether located in Illinois or out of state, shall be evaluated periodically by the State Board of Education. Such evaluation may take place for any reason, with or without prior notice to the provider, and at the sole discretion of the State Board of Education and may or may not involve an on-site review. Such evaluation shall result in either retention of approved status or assignment of one of the following.
a) A status of "Approved with Administrative Review" shall be assigned when an instance of noncompliance by an approved program is first identified during a school year and the State Superintendent determines that such noncompliance does not substantially affect the safety of, or provision of appropriate education to, the students enrolled. The provider shall have 60 calendar days to remedy the noncompliance.

1) No more than 30 calendar days after notification that it is approved with administrative review, an affected provider shall file with the State Superintendent of Education a progress report describing actions taken to correct the instances of noncompliance identified.

2) If the State Superintendent determines that the provider has corrected the instances of noncompliance within the time allotted, the program's "Approved" status shall be restored.

3) If the State Superintendent determines that the provider has failed to correct the instances of noncompliance within the time allotted, the provider shall not accept any new students from public school districts into the affected programs, nor shall it be approved for any programs for the next school year unless the noncompliance has been resolved.

b) A status of "Pending Further Review" shall be assigned whenever a program is determined to be in noncompliance with one or more requirements of this Part that may substantially affect the safety of or provision of appropriate education to students but that does not constitute imminent danger, or exhibits recurrent instances of minor noncompliance. The provider shall have 30 calendar days to remedy the noncompliance.

1) No more than seven calendar days after receipt of notification from the State Superintendent of Education that program approval status is pending further review, an affected provider shall submit a written report to the State Superintendent describing its plans for correcting the noncompliance identified and the actions taken to correct it.

2) If the provider demonstrates that it has corrected the instances of noncompliance within the time allotted, its "Approved" status shall be restored.
3) If the provider fails to demonstrate that it has corrected the instances of noncompliance within the time allotted, its status shall be changed to "Nonapproved."

4) A provider that is subject to the requirements of this Part shall not accept any new students from public school districts into any program whose status is "Pending Further Review" and public school districts shall not make new placements into such programs. Upon notification of the designation of "Pending Further Review" status, a public school district shall identify alternative arrangements for its students in the program, for implementation in the event that the State Superintendent of Education notifies the district that the violations are not remedied. Notification of "Pending Further Review" status shall not be used as a basis for removing students from the program by the public school district.

c) A status of "Nonapproved" shall be assigned to a program or programs previously assigned a status of "Approved with Administrative Review" or "Pending Further Review" when the nonpublic facility or any of its programs exhibits substantial and/or recurrent instances of noncompliance, showing that the provider is consistently unable to meet the approval requirements of this Part. A program may be determined "Nonapproved" without previously having been assigned a status of "Approved with Administrative Review" or "Pending Further Review," if use of a behavioral intervention strategy relying upon pain as an intentional method of control is utilized by any program operated at the facility, if any other instances of noncompliance that present imminent danger to the students exist, or if the State Superintendent verifies that the provider has unilaterally and intentionally ceased providing appropriate education pursuant to a school district's contracts and one or more students' IEPs.

1) A status of "Nonapproved" voids the provider's eligibility to contract with Illinois public school districts to serve students and receive funds under Section 14-7.02 of the School Code in the nonapproved programs for the remainder of that school year.

2) Providers shall be given ten business days' notice by the State Superintendent before nonapproval becomes effective, unless imminent danger to students precludes such notice. The State Superintendent shall also give ten business days' notice to affected school districts to enable
them to implement other arrangements prior to the effective date of nonapproval, as required.

3) The provider of any previously approved program placed on nonapproved status shall be afforded an opportunity for a hearing pursuant to the Illinois Administrative Procedure Act and the State Board's rules for Contested Cases and Other Formal Hearings. Unless the State Superintendent identifies that the reasons for nonapproved status are a danger to student health or safety, a request for a hearing shall stay the effect of the change in status and the program shall remain approved pending the hearing.

d) Any provider whose license or approval to operate a residential program is revoked shall immediately have its residential programs nonapproved and will be ineligible to provide residential services to students under Section 14-7.02 of the School Code.

e) Any out-of-state provider whose license or approval to operate a program is revoked by the responsible authority in the state where its facility is located shall immediately have its affected programs nonapproved and will be ineligible to contract with Illinois public school districts to serve students under Section 14-7.02 of the School Code.

f) Nonapproval of a program during a school year shall be cause for termination of all the provider’s contracts with Illinois school districts for that program, and the provider shall be ineligible to contract with Illinois public school districts for the nonapproved program for the remainder of the school year in question.

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

SUBPART C: OPERATIONAL REQUIREMENTS

Section 401.210 General Requirements

a) Every provider with one or more facilities or programs subject to this Part shall maintain the written program descriptions and the educational administration and organization plans described in Section 401.10 of this Part, as well as the current, approved application for each affected program, and shall make these available to the public schools, parents and guardians of students, and other interested individuals and organizations upon request.
b) Every provider subject to this Part shall maintain a written policy indicating that the use of behavioral intervention strategies that rely upon pain as an intentional method of control will not be applied to any student.

c) Every provider subject to this Part shall maintain copies of this Part and the State Board's rules for Special Education (23 Ill. Adm. Code 226) and make these available to staff and parents or guardians of students enrolled, so that these parties may be aware of rules that pertain to the education of students with disabilities served under Section 14-7.02 of the School Code.

d) Every provider subject to this Part shall maintain a separate and current roster of students served in that provider's facility and programs pursuant to Section 14-7.02 of the School Code.

e) Every provider subject to this Part shall maintain records of and report changes in its administration, staff, instructional programs, and physical facilities, as required pursuant to Section 401.20 of this Part.

f) All facilities, programs, and records required, established, or maintained pursuant to this Part shall be made available by the provider at any time, with or without prior notification, for inspection and evaluation by official representatives of the State Board of Education.

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

Section 401.270 Student Records

a) A separate student record file shall be maintained for each student served under Section 14-7.02 of the School Code. Such files shall be maintained in a central location on the premises of the facility. Each student's file shall contain the information listed below, or the information shall be made readily accessible for inspection.

1) Documentation of the date of the student's most recent enrollment in the program in question under Section 14-7.02 of the School Code.

2) Copies of the most recent reports that address the domains covered in the student's most recent case study evaluation, documentation of the IEP
Team’s determination of the domains that would be included (see 23 Ill. Adm. Code 226.75 and 226.110 226.120), and a copy of the most recent eligibility determination.


4) The student’s current IEP developed for the placement in accordance with 23 Ill. Adm. Code 226, Subpart C (The Individualized Education Program (IEP)).

5) Reports of review procedures conducted with respect to the student's progress as specified in Section 401.230(b) of this Part, including copies of all progress reports provided to parents and the sending school district.

b) All material in the student record file shall be signed as required, dated, and placed in chronological order for the purpose of inspection and evaluation by representatives of the State Board of Education and the public school district of the student's residence.

c) The record of a student enrolled in a program at a facility subject to this Part pursuant to Section 14-7.02 of the School Code shall be the property of the student's public school district of residence and shall be subject to the policies and procedures established by that school district to govern school student records and to the provisions of the Illinois School Student Records Act [105 ILCS 10] regarding confidentiality of such records.

d) When a student is no longer served in a facility under this Part for any reason, and regardless of any monetary amount due to the provider from the public school district that placed the student, all the student's records shall be returned or provided to the district within 30 calendar days, and staff of the facility shall maintain a record of having returned them. The records to be returned include, but are not limited to:

1) The temporary public school records that were provided by the district at the time of the student's placement.

2) Other records of an academic or instructional nature that have accumulated during the student's enrollment at the nonpublic facility, including:
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A) Records of behavior management plans; and

B) Records of all psychological and social work and any therapeutic tests related to goals and objectives included in the student's IEP.

3) A transcript of any academic credits earned while the student was served at the facility.

4) Records of the student's attendance while served at the facility.

(Source: Amended at 32 Ill. Reg. _____, effective ______________)
TO: Illinois State Board of Education

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

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

Materials: Recommended Rules

Staff Contact: Deb Vespa, Division Administrator

Purpose of Agenda Item
The purpose of this agenda item is to present the proposed amendments to Part 151 for adoption.

Expected Outcomes of Agenda Item
The Board will be asked to adopt the proposed amendments.

Background Information
This rulemaking responds to P.A. 95-416, which amended the School Construction Law to require that applicants for school construction grants for projects that are new as of July 1, 2008, demonstrate in one of several ways that the projects meet “green” building standards. While the Capital Development Board is the agency with direct responsibility for the development of those standards, the new law does also affect ISBE’s rules in Part 151 that describe the required contents of applications. Thus a new item is being added to the list of contents in Section 151.30 to acknowledge this new requirement.

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

These amendments were presented for the Board’s initial review in December 2007 and subsequently published in the Illinois Register to elicit public comment. None was received, and the version being presented for adoption is identical to that originally proposed.

Analysis and Implications for Policy, Budget, Legislative Action and Communications
Policy Implications: Please see above.
Budget Implications: None.
Legislative Action: None needed.
Communication: Please see “Next Steps” below.
**Pros and Cons of Various Actions**
These amendments are technical in nature and are intended to provide clarity and ensure districts’ awareness of all applicable requirements. Failure to make these changes would not alter districts’ obligation to comply with the School Construction Law.

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

The State Board of Education hereby adopts the proposed rulemaking for:

School Construction Program (23 Illinois Administrative Code 151).

Further, the Board authorizes the State Superintendent of Education to make such technical and nonsubstantive changes as the State Superintendent may deem necessary in response to suggestions or objections of the Joint Committee on Administrative Rules.

**Next Steps**
Notice of the adopted amendments will be submitted to the Joint Committee on Administrative Rules to initiate JCAR’s review. When that process is complete, the rules will be filed with the Secretary of State and disseminated as appropriate.
PART 151

SCHOOL CONSTRUCTION PROGRAM

SUBPART A: SCHOOL CONSTRUCTION PROJECT GRANTS

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

SUBPART B: SCHOOL MAINTENANCE PROJECT GRANTS

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

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

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SUBPART A: SCHOOL CONSTRUCTION PROJECT GRANTS

Section 151.30 Application for School Construction Project Grant Entitlement

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

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

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

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

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

1) A narrative description of the present educational program of the district and anticipated changes in the educational program over the next five years, including:

   A) the number of schools currently operated by the district;

   B) the configuration of the district’s schools by grade level;

   C) the basis upon which students are assigned to the district’s schools; and

   D) the nature and estimated impact of any changes in these factors over the next five years.

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

   A) a copy of the district’s basic financial statements (i.e., Statement of Revenues Received/Revenues, Expenditures Disbursed/Expenditures, Other Financing Sources (Uses), and Changes in Fund Balances) from the district’s Annual Financial Report for the fiscal year ending June 30 immediately preceding the fiscal year in which the application or update is submitted;

   B) a copy of Part III (Budget Summary) and Part IV (Summary of Cash Transactions) from the School District Budget Form for the fiscal year in which the application or update is submitted; and

   C) a statement showing the amount of the district’s unused bonding power as determined under Article 19 of the School Code [105 ILCS 5/Art. 19].
3) A description of the district’s maintenance plan and schedule, including but not limited to:

A) the maximum authorized operations and maintenance tax rate of the district;

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

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

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

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

4) Facility inventory information, including:

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

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

   i) the facility type;

   ii) the ownership class;

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

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

   v) the enrollment capacity as determined pursuant to the standards specified in Section 151.50(d) of this Part;
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vi) the type of school housed in the building or building addition;

vii) the number of students currently housed in the facility;

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

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

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

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

(Source: Amended at 32 Ill. Reg. _____, effective ______________)
TO: Illinois State Board of Education

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

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

Materials: Recommended Rules

Staff Contact: Darren Reisberg, General Counsel

Purpose of Agenda Item
The purpose of this agenda item is to present the proposed amendments to Part 375 for adoption.

Expected Outcomes of Agenda Item
The Board will be asked to adopt a motion adopting the proposed amendments.

Background Information
This rulemaking responds to P.A. 95-232, which added provisions to the School Code governing school districts’ collection, use, release, and destruction of students’ biometric information (defined as including items such as fingerprints, hand geometry, retinal scans, and the like). Districts that intend to collect these kinds of information must adopt policies requiring:

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

Of particular interest is the 30-day timeframe established for the destruction of these records, which does not correspond to the 60-day advance notice school districts are required to provide to their respective local records commissions under the Local Records Act. In order to give effect to the new provisions of the School Code added by P.A. 95-232, we determined that it would be necessary to interpret the recent legislation as exempting records of this type from the Local Records Act. Similarly, in order to respect the requirement for destruction of the records within 30 days after their use is discontinued, the rules were drafted to preclude the transfer of this type of information along with students’ other records. We have understood the law’s foremost objective as the protection of students’ privacy and therefore believe this is the correct approach.
The other revisions included are being made to conform to current style considerations and wording requirements.

These amendments were presented for the Board’s initial review in December 2007 and subsequently published in the Illinois Register to elicit public comment. Two identical letters were received, and the issues raised are discussed in the Summary and Analysis of Public Comment below.

**Analysis and Implications for Policy, Budget, Legislative Action and Communications**

Policy Implications: Please see above.

Budget Implications: None.

Legislative Action: Clarification of the intended relationship among the statutes discussed above would be beneficial. The ISBE staff has initiated contact with the sponsor of last year’s legislation to discuss the need for an amendment for this purpose.

Communication: Please see “Next Steps” below.

**Pros and Cons of Various Actions**

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

**Superintendent’s Recommendation**

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

The State Board of Education hereby adopts the proposed rulemaking for:

   Student Records (23 Illinois Administrative Code 375).

Further, the Board authorizes the State Superintendent of Education to make such technical and nonsubstantive changes as the State Superintendent may deem necessary in response to suggestions or objections of the Joint Committee on Administrative Rules.

**Next Steps**

Notice of the adopted amendments will be submitted to the Joint Committee on Administrative Rules to initiate JCAR’s review. When that process is complete, the rules will be filed with the Secretary of State and disseminated as appropriate.
Comment
The chairpersons of the Downstate Local Records Commission and the Local Records Commission of Cook County both took issue with ISBE’s decision to implement the provisions of P.A. 95-232 as overriding the requirements of the Local Records Act. Citing the Act, they noted that “no public record shall be disposed of by any officer or agency unless the written approval of the appropriate Local Records Commission is first obtained”. Further, they expressed the belief that it would be possible to draft a revised rule that would meet all the requirements of both sets of statutory provisions, specifically by developing a “rolling disposition” form.

Analysis
ISBE staff attorneys have conducted more detailed discussions with a representative of the Local Records Unit within the State Archives to determine how these conflicting statements might be reconciled.

While there might, indeed, be scope for formalizing an adequate annual notice procedure and pre-arranging a routine schedule for the destruction of information collected from students who are graduating, this mechanism would still not permit a quick response when parents withdraw their children from a particular school or request that their children’s biometric information no longer be used. These events are, by their nature, not predictable to school personnel, placing schools in the untenable position of abiding either by the short timeline in the new law or the requirement for lengthy advance notification to and authorization by the Local Records Commission.

In the course of the ongoing discussions, there have also been concerns raised that, far from being destroyed promptly, records of biometric information might need to be maintained for considerably longer periods of time, particularly to be available for review during audits. We believe this suggestion arises from a misunderstanding regarding the utility of biometric information.

A school food service transaction in which a student is charged for a meal on the basis of a fingerprint can help illustrate this point. Various fingerprints are maintained in an electronic file as belonging to particular students. When a student purchases food items and his or her finger is scanned, the fingerprint is matched with one in the system and the charge is then placed on the student’s lunch account file. If that transaction is later audited, it will be possible to determine whether the charge was made to the lunch account of the student who was on record as belonging to that fingerprint, but having the fingerprint on file will not demonstrate whether the fingerprint used at the time of the charge actually belongs to the student to whom the charge was attributed. For this reason we disagree that long-term retention of biometric information is advisable, particularly given the very explicit provisions of P.A. 95-232.

We should acknowledge that this matter is further complicated by the absence of any information in the record that would indicate specifically whether the legislature intended for the new statutory language to be subordinated in some way to the existing provisions of the Local Records Act. Since we do not see any way in which all these conflicting requirements can be met, we believe the best course of action is to adopt the rule as presented and await its review.
by JCAR. If JCAR does not believe ISBE has authority for the interpretation expressed in the rule, the matter can be reconsidered in light of that information.

**Recommendation**
No change should be made in this rule as originally presented. While the rulemaking process is being completed, ISBE should continue to seek the enactment of legislation that will clarify the relationship between the two statutes.
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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER k: SCHOOL RECORDS

PART 375
STUDENT RECORDS

Section
375.10 Definitions
375.20 Rights of Students
375.30 Notification
375.40 Maintenance
375.50 Cost for Copies of Records
375.60 Emergency Release of Information
375.70 Release of Information
375.75 Public and Nonpublic Schools: Transmission of Records for Transfer Students
375.80 Directory Information
375.90 Challenge Procedures
375.100 Implementation
375.110 Enforcement

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


Section 375.10 Definitions

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

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

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

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

Attendance record;

Accident reports and health record;

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

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

May also consist of:

Honors and awards received; and

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

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

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

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

Scores received on the State assessment tests administered in the elementary grade levels (i.e., kindergarten through grade 8) (see 105 ILCS 5/2-3.64(a));
The completed home language survey form (see 23 Ill. Adm. Code 228.15);

Information regarding serious infractions (i.e., those involving drugs, weapons, or bodily harm to another) that resulted in expulsion, suspension or the imposition of punishment or sanction;

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

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

May also consist of:

Family background information;

Intelligence test scores, group and individual;

Aptitude test scores;

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

Elementary and secondary achievement level test results;

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

Honors and awards received;

Teacher anecdotal records;

Other disciplinary information;
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Special education files, including the report of the multidisciplinary staffing on which placement or nonplacement was based, and all records and tape recordings relating to special education placement hearings and appeals;

Any verified reports or information from non-educational persons, agencies or organizations; and

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

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

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

Section 375.30 Notification

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

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

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

d) The Such notification shall consist of:

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

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

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

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

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

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

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

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

10) Any policies of the school relating to school student records that which are
not included in the Act or this Part, including any policy related to the
collection of biometric information as permitted under Section 10-20.40 or
34-18.34 of the School Code.
e) The principal of each school or the person with like responsibilities or his or her designate shall take all action necessary to assure that school personnel are informed of the provisions of the Act and this Part, either orally or in writing [105 ILCS 10/3].

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

Section 375.40 Maintenance

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

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

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

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

c) Upon graduation, transfer or permanent withdrawal of a student from a school, the school shall notify the parents and the student of the destruction schedule for the student permanent record and the student temporary record and of the right to request a copy of such records at any time prior to their destruction. Notification shall consist of the following: date of notification, parent name of parent, name of records custodian, name of student, and the scheduled destruction date of temporary and permanent records. Biometric information collected pursuant to the district’s policy, if any, shall not be subject to the retention requirements applicable to the remainder of students’ temporary records under Section 4(f) of the Act, and its destruction shall not be subject to authorization by the appropriate Local Records Commission under Section 7 of the Local Records Act [50 ILCS
205/7]. Instead, the destruction of students’ biometric information shall conform to the requirements of Section 10-20.40 or 34-34.18 of the School Code, as applicable.

d) Upon graduation or permanent withdrawal of a handicapped student, as defined in Article 14 of the School Code [105 ILCS 5/Art.14] and 23 Ill. Adm. Code 226: Subpart A (Special Education), psychological evaluations, special education files and other information contained in the student temporary record which may be of continued assistance to the student may, after five years, be transferred to the custody of the parent or to the student if the student has succeeded to the rights of the parents. The school shall explain to the student and the parent the future usefulness of these records.

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

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

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

Section 375.70 Release of Information

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

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

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

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

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

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

1) To inspect and copy the such records;

2) To challenge the contents of the such records; and

3) To limit any such consent to designated records or designated portions of information within the records.

e) Release of information by school personnel shall conform to the requirements of Sections 10-22.3c and 34-18.6a of the School Code [105 ILCS 5/10-22.3c and 34-18.6a] and Section 5(a) of the Act.

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

Section 375.110 Enforcement

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

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

(Source: Amended at 32 Ill. Reg. _____, effective _____________)
TO: Illinois State Board of Education

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

Agenda Topic: Action Item: Rules for Initial Review and Rules for Adoption – Part 401 (Special Education Facilities Under Section 14-7.02 of the School Code)

Materials: Recommended Rules

Staff Contact: Beth Hanselman

Purpose of Agenda Item
The purposes of this agenda item are to present a set of emergency amendments to Part 401 for adoption and to present a slightly different set of proposed amendments for the Board’s initial review.

Expected Outcomes of Agenda Item
The Board will be asked to adopt one motion adopting the emergency amendments and a second motion authorizing the solicitation of public comment on the proposed amendments.

Background Information
Revisions made to this set of rules in 2007 included a new provision expressly prohibiting the “use of behavioral intervention strategies that would jeopardize the safety or security of students or would rely upon pain as an intentional method of control” (see Section 401.140(a)). It has recently become clear that one of the out-of-state facilities where an Illinois student is placed does use techniques such as the administration of electrical shock as methods of behavioral control. As ISBE staff members have learned more about the philosophy and procedures employed in this facility, concern has grown that the Illinois student who is currently placed there may be subjected to such forms of treatment despite our clear regulatory prohibition against them. (Note we have no indication that this has occurred to date.)

Of further concern are the potential secondary effects on students who, although not subjected to such aversive techniques, may witness their application to other students in their environment. We therefore believe that ISBE should be able to disapprove a program immediately when such techniques are used and that, beginning with the upcoming annual approval cycle, programs that rely on these techniques should no longer be eligible for approval.

To establish these policies, Part 401 needs to be revised in two respects.

- First, under the existing rules on changing facilities’ approval status during a year for which approval has been granted, immediate withdrawal of that approval is not available
in response to the use of intentionally painful techniques. That is, Section 401.30 generally calls for nonapproval only after a program has first been assigned a status of either “Approved with Administrative Review” or “Pending Further Review”. Exceptions are made to permit immediate nonapproval “if any issues of noncompliance that present imminent danger to the students exist or if the State Superintendent verifies that the provider has unilaterally and intentionally ceased providing appropriate education pursuant to a school district’s contracts and one or more students’ IEPs.” As can be seen, neither of these exceptions clearly covers these troublesome behavioral intervention strategies, necessitating the addition of a third exception under which nonapproval will be immediate.

- Second, the existing rule setting forth general requirements (Section 401.210) should be amplified to state unequivocally that providers must have policies in place prohibiting the use of techniques that rely on the intentional infliction of pain. To correspond to that addition, the Section 401.10(a)(10), which calls for providers to describe their behavioral interventions, will now need to reference Section 401.210 instead of 401.140.

We have consulted with the Illinois school district that is responsible for the one student mentioned above and determined that another suitable placement can be implemented if the current program becomes ineligible to serve that student. It should also be noted that the provider would be afforded an opportunity for a hearing as set forth in Section 401.30(c)(3) if the program’s status were quickly changed to “Nonapproved” under this emergency rule. Finally, it should be pointed out that decisions about new and continuing program approval for the 2008-09 school year will be made over the next several months. Thus there is insufficient time available for promulgating these changes via ordinary rulemaking if they are to be in effect when those determinations are made.

A separate proposed version of amendments to Part 401 is also being presented for initial review. The only difference between this version and the emergency amendments is the inclusion of Section 401.270, Student Records. We should take this opportunity to make technical corrections in that Section so that it will correctly cross-reference material in the rules for special education now that the comprehensive revisions to those rules are in place. These minor changes cannot be made via emergency rulemaking, requiring publication of a separate proposed version to include them.

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 emergency amendments will permit staff to move forward quickly to retract the approval of an out-of-state facility that is known to use aversive behavioral intervention techniques that are prohibited for Illinois students under Part 401. Without these amendments in place, the lengthier procedural sequence set forth in the current rules would apply and the clear-cut basis for denying approval for next year would also be lacking.
Superintendent's Recommendation
The Superintendent recommends that the State Board of Education adopt the following motions:

Motion #1
The State Board of Education hereby adopts the emergency rulemaking for:


Motion #2
The State Board of Education hereby authorizes the solicitation of public comment on the proposed rulemaking for:

Nonpublic Special Education Facilities Under Section 14-7.02 of the School Code (23 Ill. Adm. Code 401),

including publication of the proposed amendments in the Illinois Register.

Next Steps
With the Board’s authorization, staff will file the emergency amendments with the Administrative Code Division so they can take effect and also submit the proposed amendments 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 effectiveness of the emergency amendments and the opportunity to comment on the proposed version.
ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER l: NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS

PART 401
SPECIAL EDUCATION FACILITIES UNDER SECTION 14-7.02 OF THE SCHOOL CODE

SUBPART A: APPROVAL OF PROGRAMS

Section
401.5 Definitions
401.10 Application for Eligibility

EMERGENCY
401.20 Notification Requirements
401.30 Changes in Approval Status

EMERGENCY

SUBPART B: PLACEMENT AND EDUCATION OF STUDENTS

Section
401.110 Use by School Districts
401.120 Placement Procedures
401.130 Operating Schedule
401.140 Provision of Educational Program
401.145 Administration of State Assessment
401.150 Classroom Records

SUBPART C: OPERATIONAL REQUIREMENTS

Section
401.210 General Requirements

EMERGENCY
401.220 Health and Safety Requirements
401.230 Student Progress Reports and Reviews
401.240 Staffing Requirements
401.250 Staff Training
401.260 Staff Records
401.270 Student Records
401.280 Fiscal Provisions

AUTHORITY: Implementing and authorized by Sections 14-7.02 and 14-8.01 of the School Code [105 ILCS 5/14-7.02 and 14-8.01].


SUBPART A: APPROVAL OF PROGRAMS

Section 401.10 Application for Eligibility

Each provider seeking to become eligible to contract with Illinois public school districts to serve students with disabilities under Section 14-7.02 of the School Code [105 ILCS 5/14-7.02] shall be subject to the program approval process described in this Section. Approval shall be specific to individual programs offered by a provider, and the same type of program conducted at two separate facilities shall be treated as two separate programs for purposes of approval. A program not approved in accordance with the requirements of this Part shall not be used by school districts to serve students with disabilities under Section 14-7.02 of the School Code.

a) An application for initial approval of educational programs and/or residential programs, presented on forms supplied by the State Superintendent of Education and containing all the items enumerated in this subsection (a), shall be submitted to the State Superintendent. Each application shall include:

1) An accurate, written description of each program for which approval is requested, which shall indicate the categories and ages of students with disabilities for whom it is specifically intended, the data that will be collected on the outcomes achieved by those students, which must reflect the students’ learning goals as described in their respective IEPs, and the maximum number of students the program is intended to accommodate.

2) A written plan for the administration and organization of the programs, including but not limited to:
A) The stated purpose and scope of the facility and its programs;

B) A plan for the allocation of space solely for program purposes; and

C) An organizational chart that reflects the provider’s governance, administrative, and educational structures.

3) The provider’s proposed calendar for the program for which approval is sought, setting forth an operating schedule reflecting at least 176 days of operation, for at least five hours per school day during the regular school year and, with respect to a summer session, if any is to be offered, at least 120 hours of operation if the facility is located in Illinois or, if the facility is located in another state, the number of hours approved by the responsible authority in that state.

4) A copy of the State Fire Marshal's most recent inspection report for the facility, which shall be no more than 24 months old at the time of application and shall indicate no violations, or, as applicable:

A) for an Illinois facility that is subject to the provisions of 23 Ill. Adm. Code 180 (Health/Life Safety Code for Public Schools), the report of the regional superintendent’s most recent inspection conducted pursuant to Section 3-14.21 of the School Code [105 ILCS 5/3-14.21]; or

B) for an out-of-state facility, equivalent, current documentation of compliance with applicable state fire codes, or if there is no state fire code the applicable local fire code, clearly identifying the issuing authority.

5) Assurances, signed by the facility’s chief administrator, conveying such information as the State Superintendent of Education may require regarding the facility’s compliance with other applicable federal, state, and local laws, ordinances, and regulations (such as public health and safety codes, building codes, and licensure requirements).
6) If the facility is located in Illinois and offers a residential component, evidence of the facility's current licensure or approval by the responsible agency of Illinois government, if applicable.

7) If the facility is located outside Illinois, evidence of the facility's current licensure, certification, or approval to operate its educational and/or residential programs in the state where it is located, including a copy of the standards or criteria used by the responsible agency in that state.

8) For instructional programs, summary information about all professional staff positions, and copies of the relevant credentials of persons employed in those positions, which demonstrate that the facility has sufficient staff available who are qualified pursuant to the requirements of Section 401.240 of this Part in order to operate the program.

9) For instructional programs, summaries of related services provided by the facility's professional staff or available to the provider under contract, demonstrating that the provider has sufficient related services available to operate the program.

10) For programs serving students for whom behavioral interventions may be appropriate, a description of the provider’s formalized approach to the use of these interventions, subject to the limitation stated in Section 401.210(b) 401.140(a) of this Part.

b) If the application is complete and the facility is located in Illinois or within 50 miles of Illinois, State Board staff shall conduct an on-site review and evaluate the facility and the programs offered for the purpose of verifying the accuracy of the application, evaluating their conformance with the other requirements of this Part, and recommending approval or disapproval of the programs.

1) An out-of-state program conducted more than 50 miles outside of Illinois shall be approved without a site visit from an Illinois representative if:

A) the educational program is an approved special education program in the state where the facility is located and this approval was granted in light of the information gathered during a site visit by a representative of the responsible agency;
STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENTS

B) the residential component, if any, is licensed by the responsible agency in the state where the facility is located; and

C) the application provides evidence that the requirements of Section 410.140 of this Part will be met.

2) An out-of-state program conducted more than 50 miles outside of Illinois that was approved in the state where the facility is located without a site visit by the responsible agency shall be visited by a representative of the Illinois State Board of Education in order to verify the accuracy of the application and determine whether the requirements of this Part have been met so that Illinois approval can be granted.

c) A program determined to comply with the requirements of this Part shall be designated as "Approved" and shall be available to Illinois public school districts to serve students with disabilities under Section 14-7.02 of the School Code beginning on the day the application is approved, provided that the other requirements of Section 401.110 of this Part have also been met. The provider operating the facility shall be notified in writing of the date of program approval.

1) Initial approval shall end on the last day of the program's approved calendar for the school year in question, unless approval is changed pursuant to Section 401.30 of this Part.

2) A program shall serve only the specific student populations described in the approved application.

d) The nonapproval of an initial application shall include a notice of the specific deficiencies that caused the nonapproval and the opportunity for the provider to request a hearing pursuant to the Illinois Administrative Procedure Act [5 ILCS 100] and the State Board's rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475).

e) An application for renewal of approval, consisting of all the components set forth in subsection (a) of this Section, must be submitted for any subsequent period in which a provider seeks to contract with Illinois public school districts to serve students with disabilities in the facility under Section 14-7.02 of the School Code. The submission deadline shall be the April 15 prior to the beginning of the school year in question. If April 15 is not a business day, the deadline shall fall on the
The approval process for any such subsequent period may also involve on-site reviews, at the sole discretion of the State Superintendent of Education.

1) The denial of an application for renewal of approval shall cause the program approval status to change to "nonapproved" subject to the procedures set forth in Section 401.30(c) of this Part.

2) Renewed approval granted for the 2006-2007 school year or later shall generally be valid for two school years, ending on the last day of the program's approved calendar for the second school year, unless approval is changed pursuant to Section 401.30 of this Part. However, the State Superintendent of Education shall approve approximately half the renewal applicants for the 2006-2007 school year for one year only, in order to stagger the two-year renewal process for subsequent periods.

A) Applications shall be selected at random, provided that, once one program offered by a particular provider has been selected, all that provider’s programs will be placed on the same renewal schedule.

B) The first renewal of approval for a new program offered by a provider that already operates other approved programs shall be granted for the number of years that will place it on the cycle already established for that provider.

3) A program shall not be eligible for two-year renewed approval if it was not approved for the immediately preceding year, or if it was approved “pending further review” at any time during the immediately preceding period of approval. Applications for approval of such programs shall be treated as for initial approval.

(Source: Emergency amendment at 32 Ill. Reg. _____, effective _____________, for a maximum of 150 days)

Section 401.30 Changes in Approval Status

Programs approved to serve students with disabilities under Section 14-7.02 of the School Code, whether located in Illinois or out of state, shall be evaluated periodically by the State Board of
Education. Such evaluation may take place for any reason, with or without prior notice to the provider, and at the sole discretion of the State Board of Education and may or may not involve an on-site review. Such evaluation shall result in either retention of approved status or assignment of one of the following.

a) A status of "Approved with Administrative Review" shall be assigned when an instance of noncompliance by an approved program is first identified during a school year and the State Superintendent determines that such noncompliance does not substantially affect the safety of, or provision of appropriate education to, the students enrolled. The provider shall have 60 calendar days to remedy the noncompliance.
   1) No more than 30 calendar days after notification that it is approved with administrative review, an affected provider shall file with the State Superintendent of Education a progress report describing actions taken to correct the instances of noncompliance identified.
   2) If the State Superintendent determines that the provider has corrected the instances of noncompliance within the time allotted, the program's "Approved" status shall be restored.
   3) If the State Superintendent determines that the provider has failed to correct the instances of noncompliance within the time allotted, the provider shall not accept any new students from public school districts into the affected programs, nor shall it be approved for any programs for the next school year unless the noncompliance has been resolved.

b) A status of "Pending Further Review" shall be assigned whenever a program is determined to be in noncompliance with one or more requirements of this Part that may substantially affect the safety of or provision of appropriate education to students but that does not constitute imminent danger, or exhibits recurrent instances of minor noncompliance. The provider shall have 30 calendar days to remedy the noncompliance.
   1) No more than seven calendar days after receipt of notification from the State Superintendent of Education that program approval status is pending further review, an affected provider shall submit a written report to the State Superintendent describing its plans for correcting the noncompliance identified and the actions taken to correct it.
2) If the provider demonstrates that it has corrected the instances of noncompliance within the time allotted, its "Approved" status shall be restored.

3) If the provider fails to demonstrate that it has corrected the instances of noncompliance within the time allotted, its status shall be changed to "Nonapproved."

4) A provider that is subject to the requirements of this Part shall not accept any new students from public school districts into any program whose status is "Pending Further Review" and public school districts shall not make new placements into such programs. Upon notification of the designation of "Pending Further Review" status, a public school district shall identify alternative arrangements for its students in the program, for implementation in the event that the State Superintendent of Education notifies the district that the violations are not remedied. Notification of "Pending Further Review" status shall not be used as a basis for removing students from the program by the public school district.

c) A status of "Nonapproved" shall be assigned to a program or programs previously assigned a status of "Approved with Administrative Review" or "Pending Further Review" when the nonpublic facility or any of its programs exhibits substantial and/or recurrent instances of noncompliance, showing that the provider is consistently unable to meet the approval requirements of this Part. A program may be determined "Nonapproved" without previously having been assigned a status of "Approved with Administrative Review" or "Pending Further Review," if use of a behavioral intervention strategy relying upon pain as an intentional method of control is utilized by any program operated at the facility, if any other instances of noncompliance that present imminent danger to the students exist, or if the State Superintendent verifies that the provider has unilaterally and intentionally ceased providing appropriate education pursuant to a school district's contracts and one or more students' IEPs.

1) A status of "Nonapproved" voids the provider's eligibility to contract with Illinois public school districts to serve students and receive funds under Section 14-7.02 of the School Code in the nonapproved programs for the remainder of that school year.
2) Providers shall be given ten business days' notice by the State Superintendent before nonapproval becomes effective, unless imminent danger to students precludes such notice. The State Superintendent shall also give ten business days' notice to affected school districts to enable them to implement other arrangements prior to the effective date of nonapproval, as required.

3) The provider of any previously approved program placed on nonapproved status shall be afforded an opportunity for a hearing pursuant to the Illinois Administrative Procedure Act and the State Board's rules for Contested Cases and Other Formal Hearings. Unless the State Superintendent identifies that the reasons for nonapproved status are a danger to student health or safety, a request for a hearing shall stay the effect of the change in status and the program shall remain approved pending the hearing.

d) Any provider whose license or approval to operate a residential program is revoked shall immediately have its residential programs nonapproved and will be ineligible to provide residential services to students under Section 14-7.02 of the School Code.

e) Any out-of-state provider whose license or approval to operate a program is revoked by the responsible authority in the state where its facility is located shall immediately have its affected programs nonapproved and will be ineligible to contract with Illinois public school districts to serve students under Section 14-7.02 of the School Code.

f) Nonapproval of a program during a school year shall be cause for termination of all the provider's contracts with Illinois school districts for that program, and the provider shall be ineligible to contract with Illinois public school districts for the nonapproved program for the remainder of the school year in question.

(Source: Emergency amendment at 32 Ill. Reg. _____, effective _____________, for a maximum of 150 days)
Section 401.210 General Requirements

EMERGENCY

a) Every provider with one or more facilities or programs subject to this Part shall maintain the written program descriptions and the educational administration and organization plans described in Section 401.10 of this Part, as well as the current, approved application for each affected program, and shall make these available to the public schools, parents and guardians of students, and other interested individuals and organizations upon request.

b) Every provider subject to this Part shall maintain a written policy indicating that the use of behavioral intervention strategies that rely upon pain as an intentional method of control will not be applied to any student.

c) Every provider subject to this Part shall maintain copies of this Part and the State Board's rules for Special Education (23 Ill. Adm. Code 226) and make these available to staff and parents or guardians of students enrolled, so that these parties may be aware of rules that pertain to the education of students with disabilities served under Section 14-7.02 of the School Code.

d) Every provider subject to this Part shall maintain a separate and current roster of students served in that provider’s facility and programs pursuant to Section 14-7.02 of the School Code.

e) Every provider subject to this Part shall maintain records of and report changes in its administration, staff, instructional programs, and physical facilities, as required pursuant to Section 401.20 of this Part.

f) All facilities, programs, and records required, established, or maintained pursuant to this Part shall be made available by the provider at any time, with or without prior notification, for inspection and evaluation by official representatives of the State Board of Education.

(Source: Emergency amendment at 32 Ill. Reg. _____, effective _____________, for a maximum of 150 days)
ILLINOIS STATE BOARD OF EDUCATION MEETING
March 19, 2008

TO: Ad Hoc Rules Committee of the Whole

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

Agenda Topic: Less Red Tape Update and Status of Rules Review

Materials: Summary of New Submissions and Responses
Status Report: Comprehensive Rules Review and Less Red Tape Initiative

Staff Contact(s): Shelley Helton

Purpose of Agenda Item
The purpose of this agenda item is to update Board members about the status of Less Red Tape submissions and to provide a summary of Less Red Tape activity. Also included is the status of the agency’s comprehensive review of its administrative rules as required under Section 1A-4(F) of the School Code.

Relationship to/Implications for the State Board’s Strategic Plan
The purpose of the Less Red Tape initiative and rules review is to free school districts from a number of unnecessary administrative burdens. As such, district officials and school staff will be able to focus more time and resources on achieving the objectives set forth in the Strategic Plan.

Expected Outcome(s) of Agenda Item
This item is informational only.

Background Information
In October 2004, the agency created an email account system so that its constituents could submit ideas for streamlining agency rules and processes. As of March 5, 2008, the agency had received a total of 507 submissions (not including spam emails) concerning more than 92 different subjects from superintendents, school staff, regional offices of education, higher education staff, and individuals.

Included with this executive summary is a database of the 13 new submissions received since the November 2007 report and the responses provided for those issues that have been resolved.

Analysis and Implications for Policy, Budget, Legislative Action and Communications
All 13 submissions received since the November 2007 report have been resolved.

A summary of the status of lessredtape inquiries by submission and issues is provided below for calendar years 2007 and 2008.
An update of action taken as a result of issues raised in the submissions is summarized in the accompanying document titled “Status Report: Comprehensive Rules Review and Less Red Tape Initiative”.

**Superintendent’s Recommendation**

No recommendation is being made at this time.

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<thead>
<tr>
<th>Status</th>
<th>2007 (51 Total Submissions)</th>
<th>2008 (7 submissions to date)</th>
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<tbody>
<tr>
<td></td>
<td>Submissions</td>
<td>Issues</td>
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<tr>
<td>Resolved (all issues resolved)</td>
<td>51</td>
<td>51</td>
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<tr>
<td>Internal Response</td>
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<tr>
<td>Number</td>
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<tr>
<td>661</td>
<td>Technology</td>
<td>The same ISBE newsletter that provided this link discussed the new SIP and TIP plans at the IIRC NIU web site. Why do we have to put information into our Tech Plans that is already on file on the same web site? Re-entering this information is redundant. There should be a link to all information that we submit to the ISBE. We should never have to enter anything that is already on file at ISBE. With modern technology, can't this be accomplished?</td>
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<tr>
<td>662</td>
<td>Historic Building</td>
<td>Dear Mr. Rod Blagojevich, my name is [identifying information deleted] from [identifying information deleted], IL and I am on an important mission. Our town is very historic and has several old buildings. One of these buildings is the old town hall. This place is very special to our town because it served many different purposes. At one point in time, it was a school that taught the great minds that lead our town to its beginning. This building was first built in 1907 and is falling apart. Windows are breaking, bricks are cracking and no one can fix them. I would hate to see this historic building torn down on its 100th anniversary. So Mr. Blagojevich, we ask with the most respect and dignity that this town deserves to provide us with a grant so that this amazing and historic building can be fixed up and preserved for future generations.</td>
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<tr>
<td>663</td>
<td>IWAS</td>
<td>I recommend that all IWAS reporting and approving be in a standardized format. Thank you.</td>
</tr>
<tr>
<td>664</td>
<td>Immunizations</td>
<td>Since the physical exam requirement was moved from 5th grade to 6th, the hepatitis B requirement should be removed from 5th grade. It makes no sense for school nurses to require a vaccine (or confirmation of one) when we will not be getting a physical exam form turned in. The Hep B requirement should just be moved to Kindergarten since children are immunized as infants.</td>
</tr>
<tr>
<td>665</td>
<td>Residency</td>
<td>I am contemplating a move from [identifying information deleted] district [identifying information deleted] to nearby [identifying information deleted] District [identifying information deleted]. The home we are building is in [identifying information deleted] but in [identifying information deleted] schools. I have heard from several different people that my child will be allowed to stay in the [identifying information deleted] school district as long as I provide [identifying information deleted] school district staff with whom you have spoken are correct. Your daughter may complete the current school year in that district, regardless of whether you move during that time. Since she will no longer be a resident of the [identifying information deleted] school district next year, she would be unable to enroll in that district on a tuition-free basis.</td>
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my own transportation. However, the district office is telling me that is incorrect; that I will be allowed to keep my child in the school only for the remainder of the year and then have to enroll my child in [identifying information deleted]. Is this correct? I have heard that a few years ago Illinois passed a law that allowed children to stay in districts of their choice but parents would be responsible for the transportation. Please clarify. Thanks!

Section 10-20.12a of the School Code (copied below) requires that a school district charge tuition of a student who wishes to enroll in the district but who is not a resident. The law also allows a student who moves during the course of the school year to remain in his or her original district for the remainder of the school year. However, at the start of the next school year, the student would enroll in the school district in which he or she is a resident. If the student sought to remain in the nonresident district, then that district would charge tuition in accordance to the formula in Section 10-20.12a.

I hope this clarifies the situation. Please let me know if I can be of further assistance.

105 ILCS 5/10-20.12a

Sec. 10-20.12a. Tuition for non-resident pupils. To charge non-resident pupils who attend the schools of the district tuition in an amount not exceeding 110% of the per capita cost of maintaining the schools of the district for the preceding school year.

Such per capita cost shall be computed by dividing the total cost of conducting and maintaining the schools of the district by the average daily attendance, including tuition pupils. Depreciation on the buildings and equipment of the schools of the district, and the amount of annual depreciation on such buildings and equipment shall be dependent upon the useful life of such property.

The tuition charged shall in no case exceed 110% of the per capita cost of conducting and maintaining the schools of the district attended, as determined with reference to the most recent audit prepared under Section 3-7 which is available at the commencement of the current school year.

Non-resident pupils attending the schools of the district for less than the school term shall have their tuition apportioned, however pupils who become non-resident during a school term shall not be charged tuition for the remainder of the school term in which they became non-resident pupils.

Unless otherwise agreed to by the parties involved and where the educational services are not otherwise provided for, educational services for an Illinois student under the age of 21 in a residential program designed to correct alcohol or other drug dependencies shall be provided by the district in which the facility is located and financed as follows. The cost of educational services shall be paid by the district in which the student resides in an amount equal to the cost of providing educational services in a treatment facility. Payments shall be made by the district of the student's
Cell phones

My 17 yo. Daughter’s phone was confiscated at school today at [identifying information deleted] High. The Dean [identifying information deleted] claims it is policy to force the parents of the kid whose phone was taken to come to the school to get the phone. We are the farthest family from the school in [identifying information deleted] (even though [identifying information deleted] is just about a mile away) so in effect this is a punishment on the parents. A terrible policy!! We will not pick up her phone since it is not our issue so in effect this is theft of property. [identifying information deleted] has chosen to steal my daughter’s phone. Unfortunately she is under contract for the phone bill for another year.

My Daughter turns 18 yo next month and I will be recommending she file legal charges against the school for their stealing her phone and if that does not work I will recommend she retain a lawyer. All due to a terrible policy!!

Certification

I am middle and high school certified and have been told I need to take another teaching test because I am trying to get the special education endorsement to go with my many endorsements I already hold. My question is why do I need more testing outside of the special education testing.....in getting conflicting opinions.....let me know please.....this is silly at least when we are getting tested to death now.....my name is [identifying information deleted] what testing is really needed for just the endorsement for special education so I can teach this....if we need special education teachers like we say we do.......we are still throwing more roadblocks for them.....im trying to register for the testing I need and they want three or four sets of late fees so I can take some of this stuff in jan....my funding agency doesn’t understand why either....

You did not ask for any clarification or assistance in your email. As you probably are aware, establishment of policies concerning cell phone use at school and for discipline generally are the responsibility of the school district rather than the Illinois State Board of Education. Section 10-20.28(b) of the School Code authorizes a school board to establish “appropriate rules and disciplinary procedures governing the use or possession of cellular radio telecommunication devices by a student while in a school or on school property, during the regular school hours, or at any other time”. If you believe that the procedures established by your school board are inappropriate, then I urge you to work with your school administration or school board members to amend the procedures.

I consulted an evaluator about your questions relating to the requirements for a special education endorsement. The first step, of course, is to submit an application for endorsement of the issued certificate with the appropriate fee to your Regional Office of Education.

For a special education endorsement on an existing certificate, the course requirements are: (1) Survey of the Exceptional Child, (2) LBSI Characteristics, (3) LBSI Methods, and (4) Psychological Assessment of the Exceptional Child. Upon completion of these courses, an individual would be eligible for an approval that would be non-renewable and valid for three calendar years. Once the LBSI test (#155) is passed, this individual would then be eligible for an endorsement in special education.

You also had questions about the testing requirements for teacher certification. Testing is required by law and is outlined in Article 21 of the School Code (105 ILCS 5/Art. 21). Legislation and promulgation of administrative rules by the Illinois State Board of Education (ISBE) provide additional requirements and information regarding the specific tests required of teacher certification candidates as well as when the tests must be taken and who must take the tests.

Further explanations regarding testing requirements and requirements for certification are available on the ISBE website at www.isbe.net/certification.
| 668 | Certification | Please clarify the rules for moving to Illinois to teach, from an outside state, if you have a National Board Certification. Also, please state somewhere whether this state follows the NASTDEC compact with California (I am from there)  
I have National Board, I want to move there, and I think I may have to fill out several forms and I don't understand this at all.  
Do I get automatic certification upon recognition of National Board status? | Individuals holding National Board certification may apply for an Illinois master certificate by completing the Illinois State Board of Education’s Form 73-03E (see [http://www.isbe.net/certification/pdf/73-03E_master_certificate.pdf](http://www.isbe.net/certification/pdf/73-03E_master_certificate.pdf)) and supplying proof of National Board certification. There are no fees for applying, and no transcript or tests are required. The exact endorsement listed on the National Board certificate will be listed on the Illinois master certificate.  
The interstate agreement of the National Association of State Directors of Teacher Education and Certification (NASDTEC) does not have any bearing on the Illinois master certificate or National Board certification.  
I hope this information is helpful to you as you consider your move to Illinois. |
| 669 | Certificate Renewal | Create a simple, clear link that takes us to where we enter CPDU's. I am so frustrated with the entire website. It is cumbersome and ridiculous. SIMPLE....is better. | I am not sure if you have been using the Educator's Certification System (ECS). ECS is a web-based system that allows educators and district administrators access to certification data from the Illinois State Board of Education's Teacher Certification Information System (TCIS).  
The ECS web site consists of two portals, or doorways, to certification data. District administrators can view certification data that is considered public information; that is issued educator credentials; and enter professional development activities. ECS also allows educators to create private accounts and have access to all of their TCIS data, apply for certificates and endorsements, register and renew their certificates, and apply for No Child Left Behind Housse highly qualified status. ECS accepts only credit cards as payment for application services.  
The following steps should take you to where you can record your CPDUs.  
1 – Log In to your account: [https://sec1.isbe.net/ecs/](https://sec1.isbe.net/ecs/)  
2 – On the left of the page click on “Professional Development”  
3 – On the left of the next page which loads click on “Activities”  
4 – In the center of the next screen click on the link for “Enter/Review Professional Development”  
5 – The next screen loads and you can review the activities already entered, and you can enter new activities by clicking on “Enter/Review Professional Development Activity”  
This site is designed to be in a wizard format. Since it serves many functions, it is necessary to click on a few different links to get where you need to go. It is designed to meet the needs of many different types of educators throughout the state of Illinois. We continue to work to make the system as easy to use for everyone as possible. We welcome your suggestions and will |
<table>
<thead>
<tr>
<th>670</th>
<th>Teacher Discipline</th>
</tr>
</thead>
<tbody>
<tr>
<td>I have lived in [identifying information deleted] for 3 1/2 years (the smallest town I have ever lived in) and it is my impression that these local good ole boy school boards make their rules as they see fit. They elect their friends on the board so they can hire less qualified family members or friends. They allow their teachers to have multiple DUI's, marijuana use and it doesn't affect their tenure. They don't mandate pre-employment drug testing or rehab for those that have been busted while on the job. Who do I contact to get some laws on the books that will stop this free reign of mismanagement in these small town school districts? No one here shows up for any of the school board meetings. Recently a teacher got busted for his third dui and marijuana possession. He resigned his coaching job, but continues to teach PE. Bigger towns would never allow this! I have a 15 year old son in this guys PE class and I don't know what to tell him regarding this corruption!</td>
<td></td>
</tr>
</tbody>
</table>

The State Board of Education would like you to know that staff take educator misconduct very seriously. At this time, both the State Superintendent and the relevant Regional Superintendent have the power to initiate action against an educator's certificate. If you have specific information about certain educators, then you should provide that information in writing to the attention of the State Superintendent and the Regional Superintendent for your area so that an appropriate investigation can be conducted. You may address correspondence to State Superintendent Christopher A. Koch at 100 North First Street, Springfield, Illinois 62777. Regional Superintendent R. Matthew Donkin (Franklin and Williamson counties) may be reached at 202 West Main, Benton, Illinois 62812.

Our Board has approved a draft legislative proposal to streamline the educator misconduct process. A summary of that proposal will go to the State Board of Education for consideration at its meeting tomorrow (see http://www.isbe.net/board/meetings/feb08/gov_relations.pdf). If you would like to work on this or additional legislation to address your concerns, then you should contact your legislators.

You also mentioned pre-employment drug testing, which is not required under Illinois law. Each school district determines whether to require applicants and/or employees to submit to drug testing. The School Code requires applicants for employment with a school district to submit to a fingerprint-based background check of criminal history. (See 105 ILCS 5/10-21.9 at http://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=010500050HArt%2F+10&ActID=1005&ChapAct=105%26nbsp%3BILCS%26nbsp%3B105%26nbsp%3BILCS%26nbsp%3B10-21.9&ChapterID=17&ChapterName=SCHOOLS&SectionID=48899&SeqStart=52800000&SeqEnd=74000000&ActName=School+Code).

Finally, as to your general concerns about the school board, only the Regional Superintendent has the authority to remove board members for willful failure to perform duties (see 105 ILCS 5/3-15.5; http://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=010500050HArt%2E+3&ActID=1005&ChapAct=105%26nbsp%3BILCS%26nbsp%3B105%26nbsp%3B10-3-15.5&ChapterID=17&ChapterName=SCHOOLS&SectionID=48753&SeqStart=29700000&SeqEnd=36200000&ActName=School+Code). Therefore we are copying the regional superintendent on this response.
| 671 | Boundaries | How are school district boundaries decided? We have homes/children closer to our school building but they get bussed to the town of their schools consolidation; it seems like such a competitive world with district fighting over their budgets just to stay open-couldn't the state divide it equally per student population and let the smaller schools still survive. Since it seems that the smaller schools are the ones with less gang violence and drop out problems. In the whole state of Iowa you can attend the school of your choice but you must get your child to the school or an in-district bus stop. It seems to be better for everyone since the teachers seek better ways of teaching in order to keep their job and keep their school full of students. The boundaries seem so out of date also since the populations have changed since they were established. We have so much over lapping of services, it seems the taxpayers are passing double for the same service.

The boundaries of a school district would have been determined at the time that a school district was established. Under current law, school district boundaries can be changed by consolidation between districts, the dissolution of a district and its annexation into one or more other districts, or the detachment of property from one district and its annexation into one or more other districts. The state of Illinois and the Illinois State Board of Education are unable to redraw school district boundaries by their own authority. Any changes to school district boundaries must be initiated by petition at the local level. Illinois does not have an open enrollment policy similar to what you describe for Iowa. All school districts within Illinois have set boundary lines; students attend the school district within whose boundaries their residence is located. A student may attend a school district other than the school district of residence in the instance of an intergovernmental agreement between the sending and receiving districts, with the sending district paying tuition to the receiving district. Parents may send their children to a school district other than the school district of residence with the approval of the school board of the receiving district and the payment of tuition by the parents.

I hope this helps in your understanding of school district boundaries and enrollment options. Please let us know if we can be of further assistance.

| 672 | Copyright | I am writing to request permission to include "Data-based Decision-making: Three State-level Educational Leadership Initiatives" as a resource housed and shared on an “eToolkit” website developed by the U.S. Department of Education, Office of Educational Technology. SRI International, an independent, nonprofit research institute, has been contracted by the U.S. Department of Education to support the development and implementation of this eToolkit website.

The purpose of the eToolkit is to house a set of web-based tools and supports that are designed to encourage Principals and Technology Officers to engage in a systemic, community-wide approach to K12 enterprise technology planning. Tools and activities on the site will include an Interactive School 2.0 Map, a Bandwidth Planner, and a Personal Reflection Tool and Resource Organizer. No fee will be associated with any of these tools and activities.

We request your permission to house and share the FULL CITATION AND TEXT of "Data-based Decision-making: Three upon agency review of the document by Van E. Cooley, Jianping Shen, Deborah S. Miller, Peter N. Winograd, John Mark Rainey, Wenhui Yuan, and Lisa Ryan (ERIC #EJ750643), it has been verified that the Illinois State Board of Education (ISBE) is neither an author, publisher, nor contributor to that report. Generally speaking, since ISBE is neither an author, publisher nor contributor to the above-referenced document, it has no copyright authority under federal copyright law (U.S. Copyright Act, Title 17, United States Code) to grant your request. You may wish to contact the U.S. Department of Education for clarification in this regard. If I may be of further assistance, please let me know.

I hope this information is useful.
| 673 | Certificate Renewal | Hello. I am currently working as an administrator. I have my Type 75 (received it in August of 2007), although it is not registered on the ISBE site. I also know that my Certificate Initial Elementary Teaching renewal date is July 1, 2008. How do I get my Type 75 recognized by ISBE and renew my teaching certificate? | Staff in the Division of Educator Preparation and Recertification confirm that you hold an Initial Elementary (Type 03) teaching certificate that was issued on March 3, 2005, and is registered and valid through June 30, 2008. An initial teaching certificate can be renewed if the certificate holder has four years of teaching experience accumulated after the certificate’s issuance. If you have four years of teaching experience, then you should submit an application for a Standard teaching certificate. If you will not have four years of teaching experience by June 30, 2008, you should submit a Certificate Registration form for your Initial teaching certificate (the renewal fee is $20, which will cover four years of registration fees for the Initial or a new Standard certificate, when you obtain it). Further information about the requirements for moving from an Initial certificate to a Standard certificate can be found at [http://www.isbe.net/certification/html/new_teacher.htm](http://www.isbe.net/certification/html/new_teacher.htm).

We can not confirm that you hold an administrative, Type 75, certificate. We do not have any record that you submitted an application, with the required fee, or of the notification from an institution that you completed an approved administrative program. We do have a record showing you passed the content-area test for principals. If you have completed an approved administrative program at an Illinois institution, then you should submit an application for an administrative certificate. You can work in a nonpublic school (or a charter school) without an administrative certificate, but you cannot work as an administrator in an Illinois public school without the certificate. I do not see any record that you have been employed in an Illinois public school up to this point in time. More information about the process is accessible at [http://www.isbe.net/certification/requirements/administrative.htm](http://www.isbe.net/certification/requirements/administrative.htm).

I hope this information is helpful as you move towards receipt of a Standard and/or Administrative certificate. Please don’t hesitate to contact us if you have further questions. |
Illinois State Board of Education

STATUS REPORT:

COMPREHENSIVE RULES REVIEW
AND
LESS RED TAPE INITIATIVE

March 19, 2008

Rod R. Blagojevich, Governor

Illinois State Board of Education

Jesse H. Ruiz, Chairman • Dr. Christopher J. Ward, Vice Chair • Dr. Vinni M. Hall, Secretary
Dr. Andrea S. Brown • Dean E. Clark • Dr. David L. Fields • Brenda J. Holmes • Joyce E. Karon

Christopher A. Koch, Ed.D., State Superintendent of Education
MEMORANDUM

To: Illinois State Board of Education Members

From: Darren Reisberg, General Counsel

Re: Report on Comprehensive Rules Review and Less Red Tape Initiative

In accordance with P.A. 93-1036, effective September 14, 2004, the agency began a comprehensive review and overhaul of its rules immediately following the appointment of the new Illinois State Board of Education. The purpose of this review was to identify how the rules could be made less cumbersome for districts and teachers. This process has included a thorough review of how the State Board of Education interacts with its constituents – through administrative rules, forms and procedures, and statutory provisions.

Each of the State Board of Education’s divisions has worked with legal staff and the agency’s rules coordinator to determine whether there are rules that can be eliminated, updated or modified to reduce burdens on the agency’s constituents. The comprehensive rules review has also performed the critical function of updating the State Board’s administrative rules to reflect agency operations.

As part of that overhaul, the State Board of Education launched a “Less Red Tape (LRT) Campaign”, accessible at lessredtape@isbe.net. Ideas generated through the LRT email and the comprehensive rules review were consolidated into an agency legislative initiative. The agency worked closely with constituent organizations to draft, modify and advance the resulting legislation, P.A. 94-875, effective July 1, 2006.

This report includes the action that has occurred since the last report in November 2007 and is organized as follows.

- **Section 1** describes the progress of the comprehensive review of the State Board of Education’s rules.
- **Section 2** includes a summary of changes to agency processes and procedures that have resulted from lessredtape@isbe.net.
- **Section 3** includes a description of the legislative initiatives resulting from the rules review and LRTs.

I greatly appreciate the ongoing support of the State Board of Education for the agency’s efforts to reduce and eliminate unnecessary administrative burdens on the educational community.
SECTION 1 – UPDATE ON COMPREHENSIVE RULES REVIEW

Only one set of rules remains under review (description provided below). Rules upon which action has been completed or those where revisions were not necessary are no longer included in the listing. New Parts or amendments to existing Parts that have resulted from legislative action also are not discussed in this report.

The State Board of Education has more than 50 separate Parts. As a result of the comprehensive review, 24 Parts of rules were amended and 19 Parts were repealed. Of the repealed Parts, the content of eight sets of rules was incorporated into other existing Parts in an effort to avoid duplication and enable constituents to find information with similar topics in one location.

Progressing
PART 254 – VOCATIONAL EDUCATION

Staff in the divisions of Rules and Waivers, Legal, and Career and Technical Education are in the process of updating Part 254. The Vocational Education rules are outdated and can be substantially streamlined to reflect current program requirements and administration. The new rules will be titled “Career and Technical Education”.
(Initial board review not yet scheduled.)
The lessredtape@isbe.net email account has generated numerous suggestions for commonsense changes to the agency’s policies and procedures. The descriptions of the items that were completed as of the last update presented to the Board in November 2007 have been removed. Action on items that were still in progress at that time and those that are new are described below.

<table>
<thead>
<tr>
<th>Lessredtape Suggestion</th>
<th>Agency Response</th>
<th>Status</th>
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<tbody>
<tr>
<td><strong>Data Systems</strong></td>
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<tr>
<td>Improve IWAS to:</td>
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</tr>
<tr>
<td>1. List due dates.</td>
<td>Enhancements to IWAS for due date listings and maintenance, document status, and IWAS-based load balancing are about 50 percent complete. Other pressing issues and priorities have pushed back the initial mid-December 2007 anticipated completion date.</td>
<td>Progressing. Expected completion time is March/April, with at least one or two systems being implemented to use the new capability.</td>
</tr>
<tr>
<td>2. Include the Public School Update (form 60-63).</td>
<td>This form is used by each school district to update information about the district and its schools (e.g., names of district and schools, addresses, telephone numbers, superintendent, principals). The new Entity/CDS System will be the central repository for identifying data of entities to which our applications apply. It will provide a way to automatically update information (name, administrator, address, etc.) for each entity without that entity having to contact the user of each application. Once this system is in place, school districts and schools will be able to update the information on-line via IWAS.</td>
<td>Progressing; no date for completion has been established. The internal administrative portion of the new system is now complete and is in production internally. Staff plan on meeting with the Entity Committee in the near future to discuss the requirements for on-line maintenance of district information.</td>
</tr>
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</table>
| 3. Add additional programs to the Electronic Grants Management System (e-GMS). | For FY 2009, the following programs will be added to the system:  
  - Career and Technical Education Improvement (CTEI)  
  - Perkins – Career and Technical Education (federal)  
  - Perkins – Grant to Department of Human Services  
  - Career and Technical Education – Work Experience and Career Exploration Program  
  - Prevention Initiative (continuing application) | In production for FY 2009. |
SECTION 3 – DESCRIPTION OF PROPOSED LEGISLATION (RESULTING FROM THE RULES REVIEW AND THE LESS RED TAPE INITIATIVE)

Rules Review: Eleven parts of rules were repealed in October 2005 because the programs that they governed had not been funded for several years and future funding was unlikely. Governmental Relations staff prepared an amendment to HB 2004 to repeal these programs, but the amendment did not move forward. Staff will continue to push for repeal of these sections in the 2008 spring session.

Below are the statutory sections responding to the rules review that were included in the amendment.

- 105 ILCS 5/1C-2, Professional Development Block Grant (repealed Part 160)
- 105 ILCS 5/2-3.59 and 2-3.60, Staff Development Plans (repealed Part 30)
- 105 ILCS 5/2-3.61, Summer School (repealed Part 230)
- 105 ILCS 5/2-3.65, Comprehensive Arts Program (repealed Part 250)
- 105 ILCS 5/2-3.93, Alcohol and Drug Education Initiative (repealed Part 225)
- 105 ILCS 5/2-3.94, Scientific Literacy (repealed Part 220)
- 105 ILCS 5/2-3.117, School Technology Program (repealed Part 575)
- 105 ILCS 5/2-3.124, Liability Insurance (repealed Part 56)
- 105 ILCS 5/13B-40 through 13B-40.35, Alternative Learning Opportunities Program Gants (Part 240, Subpart B)

LRTs: Legally mandated school holidays is the only issue brought to the agency’s attention through Less Red Tape to be addressed in legislation this session. SB 2414, which addresses both school holidays and parent-teacher conference days, has been introduced and has been referred to the Senate Rules Committee. A description of each issue addressed in that bill is provided below.

School Holidays: Under the bill, Section 24-2 of the School Code would be amended to provide school districts and others eligible to apply for waivers and modifications with the flexibility to determine locally whether to hold school on a legally mandated school holiday or use the day for another purpose (i.e., teachers’ institutes, parent-teacher conferences or staff development). Entities exercising this authority would be required to hold a public hearing, including providing notice of the hearing to the public and educators, and provide instruction to students about the significance of the holiday, either on the holiday if students are in session or on the day immediately preceding or following the holiday if students are not present. Entities now must seek approval from the State Board of Education for a modification of Section 24-2 if they wish to use legally mandated holidays for a purposes other than nonattendance days.

Parent-Teacher Conferences: While not a subject of an LRT submission, the scheduling of parent-teacher conferences locally under certain circumstances without having to go through the waiver process would provide school districts with needed flexibility. The circumstances that would be codified by the bill in Section 18-8.05 of the School Code either have been allowed by agency policy or have been the frequent subject of waiver applications. Under these circumstances, the time devoted to parent-teacher conferences would count as an actual pupil attendance day for the purposes of meeting the requirements for a legal school calendar under Section 10-19 of the School Code when a district:
- Holds at least two hours of parent-teacher conferences in the evening following at least five clock-hours of student attendance plus holds at least three clock-hours the next day; or
- Holds multiple evening sessions following at least five clock-hours of student attendance, provided that the total time used for parent-teacher conferences is equal to five clock-hours.