AGENDA (timeframes are estimated for planning purposes)

1. Roll Call

2. Board Member Participation by Other Means

3. Public Participation 9:00 – 9:15 a.m.

4. Minutes of the April Ad Hoc Rules Committee Meeting

*5. Rules for Adoption 9:20 – 9:30 a.m.
   a. Part 1 (Public Schools Evaluation, Recognition and Supervision) (Linda Tomlinson) (pp.4-60)
   b. Part 252 (Driver Education) (Tim Imler) (pp.61-78)

6. Committee Agenda Planning/Additional Items

7. Adjourn

* Items listed with an asterisk (*) will be discussed in committee and action may be taken in the plenary session.
Chairman Ruiz called the meeting to order at 3:30 p.m. Dean Clark was unable to attend and no members were participating by other means.

3. PUBLIC PARTICIPATION
   No one had signed up for public participation.

4. APPROVAL OF MINUTES
   Vinni Hall moved approval of the minutes of the March 20, 2008, meeting and David Fields 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. Mr. Reisberg indicated that two rulemakings were being presented for initial review.

   PART 100 (Requirements for Accounting, Budgeting, Financial Reporting, and Auditing)
   Division Administrator Deb Vespa was present to answer any questions the Board members might have. Mr. Reisberg pointed out that the amendments represented technical updating based on a new tax that would serve as a revenue source for school districts. Brenda Holmes complimented Ms. Vespa on her work, and all the Board members concurred. There were no questions regarding the rulemaking.

   PART 375 (Student Records)
   Mr. Reisberg explained that this set of amendments was related to a discussion held at the previous month’s Board meeting regarding creation of a system of longitudinal data on students. He pointed to the need to include students’ identification numbers from the Student Information System (SIS) on their transcripts in order to permit linking their secondary and postsecondary
educational experiences. He also acknowledged the need to call this addition to districts’ attention frequently over the coming months.

Joyce Karon mentioned a discussion that had occurred at a meeting of the Illinois Board of Higher Education regarding the ramifications of the Family Educational Rights and Privacy Act (FERPA) and expressed her appreciation for staff’s ability to disentangle the complicated issues involved. Mr. Reisberg reminded the Board that, under FERPA, a primary exception to the general ban on disclosing students’ personal information is for schools that a student intends to or will enroll in. He also noted that the U.S. Department of Education had recently issued proposed regulations under FERPA and that those were available for public comment. These were expected to expand further the ability of state education agencies to use student data for purposes of research, given federal requirements for this kind of reporting. It was also reported that the Chicago Public Schools had made significant progress in recording all their students in the Student Information System.

Andrea Brown wished to understand how individual program reports would begin to correlate to the maintenance of student-specific data within the SIS. Connie Wise was asked to comment, and she noted that at this point there is limited program-specific information in the system but expanding the availability of that information could be considered for the future. Superintendent Koch noted the desirability of being able to use SIS data to track the effectiveness of the particular programs in which students participate, and various possibilities were discussed.

6. RULES FOR ADOPTION
Two sets of amendments were being presented for adoption. Mr. Reisberg indicated that Division Administrators Linda Jamali and Marica Cullen were present to answer any questions on these. Both these items had undergone initial review at the January meeting, and no public comment had been received on either set, so no changes were being recommended in the proposed versions.

PART 60 (The “Grow Your Own” Teacher Education Initiative)
With respect to the hard-to-staff schools in which teaching service would lead to loan forgiveness, Vinni Hall enquired whether a list would be posted. David Fields asked about the criteria for identifying a school as hard to staff, and reference was made to the definition found in the law and the rules, which relies on ranking districts according to their rates of attrition among staff. There were no other questions.

PART 575 (School Technology Program)
No discussion was needed of this amendment, as Board members had no questions related to it.

7. COMMITTEE AGENDA PLANNING/ADDITIONAL ITEMS
Darren Reisberg reminded the Board that the amendments to the rules for driver education would be ready for adoption at the May meeting and that the set of amendments to Part 1 that covered multiple subjects, including library media services, might also be ready for adoption at that time. He noted the widely varying perspectives that had been expressed on that portion of the rules indicated that considerable work had gone into developing a draft that would satisfy most of the concerns raised. Andrea Brown requested advance copies of those rules for the Board members prior to completion of the Board packet. Joyce Karon noted that National Louis University was in the process of starting a certification program for library information specialists, and Chairman acknowledged National Library Week.

9. ADJOURNMENT: Vinni Hall moved for adjournment. Brenda Holmes seconded the motion, and the meeting was adjourned at 3:45 p.m.
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 1 (Public Schools Evaluation, Recognition and Supervision)

Materials: Recommended Rules

Staff Contact(s): Chris Schmitt, Division Administrator

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

Expected Outcome(s) of Agenda Item
The Board will be asked to adopt the proposed amendments to Part 1.

Background Information
Several related inquiries that occurred in 2007 brought into focus a need to revise Section 1.420, Media Services. The current language of that rule is vague, stating only that, “Each attendance center shall provide a program of media services to meet the curricular and instructional needs of the school.” As such, the rule does not provide any concrete standards against which compliance can be gauged, nor does it ensure uniform understanding of the characteristics of an adequate program.

As a first step toward developing a clear rule, a survey of regional superintendents was conducted in order to gather information on the status of media services in districts around the state. The variability revealed by their responses, in addition to questions from the field, underscored the need to develop more specific statements of these expectations.

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

The proposed revisions to Section 1.420(o) reflected the committee’s recommendations and incorporated a three-year time horizon for implementation of the new requirements. Several of the rule’s provisions match what is in place in some cases but clearly not in all. The rule calls for a more intensive level of professional staff involvement in high school programs than in those for younger students. It should be noted that the proposed amendments made no
revisions in the requirement (found in Section 1.755) that school staff who provide library and media services must be appropriately qualified. Numerous comments were submitted with respect to these provisions, leading to extensive additional work and discussions around each of the aspects of the proposed rule. Please see the summary and analysis below for a full discussion.

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

**Section 1.100 (Waiver and Modification of State Board Rules and School Code Mandates)**
needs to be revised to reflect changes made recently by P.A. 95-223, which established limits on waivers and modifications of Section 27-6 of the School Code (Courses in Physical Education Required; Special Activities). School districts need to understand how the new legislation will affect the granting of relief from these requirements, particularly with regard to the daily physical education mandate. The text of the proposed amendment was based on information that was available to staff on the specific intent of the bill’s sponsor. Various commenters advocated a stricter interpretation, as explained in the summary and analysis below.

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

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

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

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

1) School districts participating in the federal meals program can verify income for a student with an approved application for free or reduced-price meals only within the federal requirements (i.e., 3 percent or 3,000, or for cause).

2) School districts participating in the federal meals program can verify income within reason for any student without an approved application for free or reduced-price meals (see examples provided in the proposed amendments).
3) School districts not participating in the federal meals program may verify income within reason for all students requesting fee waivers.

**Section 1.310 (Administrative Qualifications and Responsibilities)** is being updated to reflect the recent repeal of Appendix B and its replacement by new Section 1.705. The Section’s title is also being revised so it will capture the Section’s contents more accurately.

**Sections 1.430 and 1.440** set forth specific requirements applicable to elementary schools and high schools, respectively. Legislation enacted in 2007 (P.A. 95-299) requires a change in Section 1.440 in that school boards may now adopt policies so that, under certain specified circumstances, students in Grades 7 and 8 may enroll in high school classes and receive credit toward graduation for completing them. The rule on requirements for graduation thus needs to acknowledge that not all the required coursework will necessarily have been completed in Grades 9 through 12.

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

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

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

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

The proposed new material in **Section 1.510 (Transportation)** responds to Public Act 95-260, which added a new provision to the Vehicle Code requiring school districts to adopt policies to ensure that children are not unintentionally left on school buses. Because Section 1.510 includes a subsection on “Passenger Treatment and Supervision”, it would be incomplete without a reference to this new statutory requirement. It is not necessary for the rule to go into all the detail included in the law but rather only to acknowledge that part of the requirement for supervision of passengers is to obey this law and the employing/contracting district’s policy.

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

These amendments were presented for the Board’s initial review in October of 2007 and subsequently published in the Illinois Register to elicit public comment. More than 300 responses were received, most of which addressed the proposed requirements for library media programs. Another significant subset dealt with the subject of waivers from the requirement for daily physical education. 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: None needed.
Communication: Please see “Next Steps” below.

Pros and Cons of Various Actions
Adoption of these amendments will permit needed corrections and updates to the rules as explained above, as well as providing for requirements forming the basis for school districts’ accountability for programs of library and media services. If the amendments are not promulgated, the agency will be unable to institute the changes where applicable, and advisable clarifications will not be made.

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

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

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

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.
Summary and Analysis of Public Comment
Part 1 (Public Schools Evaluation, Recognition and Supervision)

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

Comment
One commenter wrote to object to “limits on physical education waivers or the renewal of physical education waivers properly considered and approved by the Illinois State Legislature”.

Analysis
This respondent appears not to have recognized that the proposed revisions to Section 1.100 represent a direct response to legislative action and that ISBE has no discretion with regard to the limitations in question.

Recommendation
No change should be made in response to this comment.

Comment
Approximately 35 individuals objected to the notion that the calculation of six cumulative years of validity for waivers of Section 27-6 of the School Code (physical education) would begin with applications approved after January 1 of this year. All these commenters believed that waivers that were already in force as of that date should be counted as part of the total time available under the changes made to Section 2-3.25g of the School Code in 2007.

These commenters asserted that the intent of the law was to cause districts to think about ways in which daily physical education could be offered on a permanent basis. They considered it “unthinkable” to allow as many as six additional years for districts that already have waivers in place. It was proposed that any district that had a waiver in effect as of January 1, 2008, be restricted to two further renewals (of a maximum of two years each, as now specified in the statute). Further, any district whose waiver was already a renewal should be restricted to just one more two-year renewal period.

As rationale for these suggestions, the respondents pointed to the need to consider the health and well-being of students first and foremost. They understood the natural tension between the mandate for daily physical education and the ability to receive waivers from that mandate. However, they questioned districts’ ability to meet its intent in a more efficient or effective manner, noting that Section 27-6 states that daily physical education is compatible with students’ optimum growth and development. They advocated taking into consideration the fact that public officials had been unaware of the impending obesity crisis when waivers first became available and the emergence of research demonstrating links between a healthy body and a healthy mind. In their view, since the enactment of the “waiver law” in 1995, an entire generation had already been left behind in terms of learning about and practicing a healthy lifestyle. The relationship between inactivity and excess weight was stressed, along with the potential for increased prevalence of diabetes, cardiovascular disease, and colon cancer. Similarly, other commenters indicated that current five-year waivers could cover a large portion of a child’s time in school and stated the belief that the “bastardization” of the mandate was clearly beyond the original legislative intent.
For these reasons, “strict construction” of the provisions of P.A. 95-223 was thought to be called for, so that no more than six additional years of waivers would occur in any district. This was supported by “an unmistakable reading of case law” in which an agency’s action in applying new regulatory provisions retroactively was not condemned outright by the U.S. Supreme Court; rather, an assessment of the relative mischief of the retroactive and prospective approaches was considered. Legislative silence was stated not to be determinative, so that the question of legislative intent would come into play. Several additional court cases on related subjects were cited in support of the potential or necessity for retroactive application of P.A. 95-223.

Both the Chair of the House Elementary and Secondary Education Committee and the Chair of the Senate Education Committee requested that ISBE take a serious look at this proposed rule and indicated that they had voted affirmatively on the bill that became P.A. 95-223 in order to ensure access to daily physical education and a healthy lifestyle for students. They did not believe districts should be allowed to start with a “clean slate” but rather that their current status with regard to waivers of this mandate should influence their ability to receive renewals.

Analysis
The first aspect of these comments that should be addressed is the notion that an “entire generation” of students has been deprived of the opportunity to participate in appropriate physical education. Whatever advantages and detriments may have been inherent in the many waivers of this mandate that have been granted since 1995, it should be understood that their magnitude is considerably less than stated by the commenters. In fact, the General Assembly denied the only petitions submitted that failed to specify some amount of time for students’ participation in physical education. On the contrary, most petitions proposed physical education classes anywhere from one to four times per week. In other instances, a limited number of students are affected for a specified period of time, usually to participate in interscholastic sports or other activity, or to enroll in other courses. Thus it is not the case that physical education waivers have generally applied to an entire student body over a protracted period of time.

Further, we note that the standard by which districts may apply for waivers of statutory provisions is not whether the intent of the mandate can be met in a more efficient or effective manner. Rather, under Section 2-3.25g of the School Code, waivers may be requested only in order to stimulate innovation or improve student performance. Thus a debate as to whether or not the intent of Section 27-6 of the School can be met more efficiently or effectively would be beside the point.

While we would agree in principle that students’ well-being should be the first consideration, the question in this instance must be framed in terms of statutory construction. We note that the U.S. Supreme Court case referred to by the commenters dealt with an agency’s retroactive imposition of its own rules, rather than addressing the retroactive application of new statutory provisions. As such, the outcome of that case is not directly relevant to the interpretation of P.A. 95-223.

In order to determine whether this Act should be applied with reference to existing waivers or renewals, ISBE must determine whether that is what the law actually means. Language to that effect, while absent from this Act, has been used in other portions of the statute. In fact, such a provision was included in legislation enacted in 2007, i.e., by the same General Assembly that was responsible for P.A. 95-223. For example, new language in Section 11E-135 on reorganization incentives provides, “The changes to this Section made by this amendatory Act of the 95th General Assembly are intended to be retroactive and applicable to any annexation taking effect on or after July 1, 2004.”
We believe the General Assembly's omission of this kind of specificity from the recent revisions to Section 2-3.25g of the School Code is the most important factor to consider in determining what the law actually means. Our review of the legislative record revealed no statement of anyone's intent that the law should be applied retroactively. Also, individual legislators' subsequent statements about their personal intentions are only somewhat instructive and are not to be equated with legislative intent as that concept exists in legal analysis. Finally, in order to be effective retroactively, the legislation must authorize the retroactive result [Covey v. Hollydale Mobilehome Estates, 1116 F.3d 830, 835 (9th Cir.1997), amended and superseded 125 F.3d 1281 (9th Cir.1997)]. This is clearly not the case in the language of P.A. 95-223.

For all these reasons, we conclude that the new law's provisions do not have retroactive effect and that, under the current language of the law, there is also no authority for ISBE to apply the new limitations retroactively. We believe the proposed rule is correct.

It should be borne in mind that this rulemaking will come under review by the Joint Committee on Administrative Rules (JCAR), which is made up of legislators. One of JCAR's important functions is to verify whether agencies' rules are in keeping with legislative intent. In this case, JCAR's review can be seen as a “safety valve” in the resolution of these questions. If the members of JCAR view the revisions to Section 1.100 as inappropriate, we will certainly receive that information and have an opportunity to adjust the rule as needed.

**Recommendation**
The revisions to Section 1.100 should be adopted as originally proposed. If JCAR's review yields strong evidence of legislative intent regarding the retroactivity of the statute, the rule can be rewritten based on that information.

**Section 1.420 (Basic Standards)**

**Comment**
More than 150 commenters wrote to support the proposed changes related to programs of media services. Numerous writers pointed to the research demonstrating the positive effects of high-quality library media programs on students’ achievement. These individuals believed that library programs, far from being a luxury, should be seen as an integral part of a balanced educational program and that every student benefits from the foundation the school library provides for life-long learning. Many commenters also pointed out that the personnel-related requirements in the proposed amendment are in keeping with Section 1.755 of the rules (Requirements for Library Information Specialists Beginning July 1, 2004), which replaced long-standing Section 1.750, now titled “Standards for Media Services through June 30, 2004”.

Several of these correspondents stated the belief that school library media services would continue to be viewed as a luxury unless they were mandated by ISBE. Others rejected the objections they knew were being expressed that characterized the proposed amendments as an unfunded mandate. It was suggested that many schools would not be affected by the proposed rule change because they already offer this level of service. With respect to economically disadvantaged students’ lack of access to high-quality materials, services, and technology, Jonathan Kozol's book *Savage Inequalities* was referenced. Another commenter stated that many poor districts do support their school libraries while districts with more resources do not. The importance of “leveling the playing field” for all students was emphasized.
Along the same lines, commenters noted, “If librarians are a luxury, then our students are receiving a poverty level education” and, “The only really costly decision would be to abandon this initiative and relegate our children to a less-than-adequate education. Who pays for that in the end?”

School libraries were characterized as teaching libraries, and thus as classrooms, and it was pointed out that districts somehow do find the resources to place certified teachers in all other classrooms. One commenter asked, “Would you remove math teachers from a math class and expect students to learn it on their own? If the answer is no, I urge you to make it mandatory for libraries in schools to have librarians in them.” Some also pointed to the apparent availability of funds to hire head coaches and assistants for sports programs in the same districts where administrators want to be allowed to use only paraprofessionals to staff their libraries. In the words of one, “A school/school district says a lot about the education they provide when they prioritize services.”

Many of the commenters wrote at length about the necessity for up-to-date library media resources and well-trained professionals. Some characterized school libraries as classrooms for which specific requirements should exist just as for other types of classrooms and teachers. The “class of research” was referred to. (“When you see (name) in action, you see that the library is a classroom, a true place of learning.”) Others noted the wealth of resources available on the Internet and the dearth of guidance available to help students become discriminating users of those resources. Students’ need for instruction in using them, but also in evaluating the legitimacy of information from various sources, was highlighted. (“I will assume that you….no longer have the ubiquitous question of why we need libraries when we have Google.”) Several school librarians provided detailed descriptions of their work with students as evidence of the value added to their education by the special skills these professionals apply. A school library volunteer, pointing to the enhanced level of training of the school librarian, stated he wished he and his children had had access to these services when they were in school.

The differing nature of school libraries in comparison to public libraries was discussed as well. While considering local public libraries as valuable supportive partners in public education, several commenters asserted that they could not replace curriculum-centered library media centers. In particular, the school library was described as providing resources directly related to students’ learning and the relevant standards in ways that the public library cannot. Further, the school library might be the only library that many English language learners and students from low-income rural areas could access, providing opportunities to learn about information technology some would never have experienced before. Even students from families with many advantages were stated to benefit, such as one youngster who was described as ‘devouring books like most kids eat hamburgers” and usually reading three or four books at a time.

Much of the value of school libraries was linked to the qualifications and skills of library media specialists. The role of these professionals was emphasized by many commenters, and not only in general terms of “making books and learning come alive”. The library media specialist was referred to as the “linchpin” of the library as a center of learning. Specifically, the specialist was thought essential in assisting teachers who need to differentiate instruction and materials to accommodate multiple learning styles. In addition, the role of the school librarian in teaching students about research was emphasized as something most other teachers are not prepared to do, and research was described as being “under everybody’s radar”. Several teachers wrote about the assistance they received from school librarians as helping them to meet the state standards in multiple ways, including educating students in the effective use of information resources and identifying materials that would enhance the curriculum.
By contrast, several commenters wrote to describe the unfortunate state of library services in schools without qualified library media specialists or where these staff members were overloaded with tasks. They identified a lack of new materials, the absence of research materials, general disorganization in terms of cataloging and shelving, aides “left to sink or swim”, and the absence of any instruction in library skills. “When you lose a certified library media specialist, you lose the library. It takes only a short time without someone who knows...before you no longer have a learning facility.” Further, several academic and public librarians stated that it was easy to tell which students had been served by strong library programs during their public school experience and which had not. In their opinion, those who had “make the transition to higher education much more readily than do other students.” The hope was voiced that ISBE would not substantially change the proposed requirements for essential components of library media programs, because “not many changes made to the rules have the preponderance of research to back up the need for change.”

Not only librarians but also other commenters outlined the longitudinal relationship that library media specialists can have with students. They stated that, although individual enrichment activities that enhance the curriculum are important in their own right, the librarian also has a unique instructional and mentoring role because of the multiple years of contact that occur while students attend all the grades in a school. From the point of view of one superintendent, the question of cost versus benefit is “no contest” because of the “tremendous value added”. Along the same lines, “only those with limited understanding of today’s educational landscape could possibly decry it.” It was noted that the school library prepares students for the rigors of academic life and the information needs of adult life generally. Quoting Thomas Jefferson’s statement that, “Information is the currency of democracy,” one correspondent called this point even more relevant than ever before.

Several suggestions were received for strengthening the proposed requirements even further, such as by stating a maximum number of teachers to be served by each library media specialist, by requiring a minimum number of assistants, or by developing a formula for quantifying adequate space and materials. It was suggested that “schools must be required to adopt an information literacy curriculum to integrate within all subject areas.”

Districts’ concern for a scarcity of qualified personnel was also acknowledged. It was noted, however, that there had been a significant recent increase in the number of approved programs for the required credential, as well as efforts to offer the relevant coursework at extension campuses and on line. Institutions of higher education and the Illinois School Library Media Association were stated to be working diligently toward increasing the availability of qualified professionals. As one means of promoting the attainment of this goal, it was suggested that a mechanism be developed so that strands of coursework at various institutions could be pre-approved as leading to the endorsement, thereby taking the guesswork out of evaluating applications when they are submitted to ISBE.

One commenter, after listing several interactions she had had with students in a recent week, pointed to the schools’ mission of exposing youth to innumerable ideas, stirring their curiosity, and giving them the means to satisfy that thirst for information. She concluded by stating, “Schools should be about expanding the imagination of our students so their big ideas can someday solve our big problems. All these things are what a library program does.”

Some ten public library boards of directors adopted resolutions commending ISBE for requiring access for all students to library media programs staffed by certified library information
specialists. One commenter expressed dismay at the State Superintendent’s encouragement for districts to identify the difficulties they would have in implementing the rule if adopted as proposed.

Summing up all these points of view was perhaps the most succinct comment submitted: “Excellent!!!! I hope this passes.”

**Analysis**

As many of these commenters indicated, the benefits of strong school library media programs are clearly demonstrated by research, both in Illinois and from other states. Indeed, it was the strength of this evidence that led to inclusion of the main aspects of this proposed rulemaking as a way of making the long-standing but vague requirement more specific. Unfortunately, however, we now know that that very vagueness has led to wide variations in the choices districts have made as far as library facilities, collections, and staffing are concerned. The volume of public comment objecting to this proposal and identifying difficulties in complying with it if adopted (N=135) has shown that, for many districts, it will simply not be feasible to move so far in this direction any time in the near future. The discussion below will outline the issues involved more specifically.

Two points mentioned above should be addressed before moving on to individual opposing comments.

Some proponents of strong library media programs apparently misunderstood the Superintendent’s invitation to district representatives to comment on this proposal. Our goal, rather than encouraging opposition to the rule, was to encourage districts to provide specific feedback as to other alternatives they believed should be accepted as adequate means of meeting students’ needs for these services. That is, if the proposal represents an unattainable ideal for the scope of the school’s library media center and services, we were hoping to learn from districts unable to implement that ideal how other approaches could be used to achieve most of the same goals and how district personnel could demonstrate that such approaches were effective.

Finally, the suggestion for developing strands of coursework that would be pre-approved for use in adding the library media specialist endorsement to existing teaching certificates has been explored by relevant divisions at ISBE and is about to be implemented. Staff members have begun informing institutions of higher education of the opportunity to submit coursework descriptions so that specific groups of courses can be identified as leading to this endorsement.

**Comment**

Various general comments touched more on the context of this rulemaking than on its specific content. For example, it was stated by numerous correspondents that ISBE had no authority for requirements regarding school libraries or their staff and no right to propose these requirements “unilaterally” or as “back-door legislation”. Instead, the commenters believed only the legislative process could be used as a means of establishing such requirements. ISBE’s relationship with districts was described as dysfunctional, and the 2004 *State of the State* address by Governor Blagojevich, in which the Governor had strongly criticized the agency for its burdensome rules, was recalled. On the other hand, some commenters apparently had concluded that the rules had been proposed at the behest of the Governor and found it ironic that more stringent rules would be considered acceptable if on a subject he had identified.
Other commenters spoke to the question of authority by emphasizing the role of locally elected school boards, stating that the rules would erode the control of local boards who know the needs of their students. Several school boards sent letters or resolutions to this effect. It was advocated that ISBE simply stay out of the issue altogether, as the local board should determine what programs to offer. The current rule was considered adequate, leaving the specifics of programs and services up to local discretion (“If it ain’t broke, don’t fix it”). Many improvements that local boards would like to make were stated to be put on hold because of legislative mandates that use up funding. ISBE was urged to withdraw or substantially revise the proposed amendment.

**Analysis**

We believe these comments overlook the authority that ISBE clearly does have to regulate the provision of public education. This is conveyed both in broad, general terms by Section 2-3.6 of the School Code and with specific reference to school libraries in Section 2-3.25 of the School Code (Standards for Schools). Without such authority, in fact, the language already existing in Section 1.420(o) and in Section 1.755 could not have been adopted. Further, the decision-making role of local boards of education is circumscribed in many areas by the requirements of state law and administrative rules, of which the present requirements are but one example.

As stated above, the background of this rulemaking lies in the recognition that one of the existing statements about these requirements is very imprecise. The proposed changes did not originate with a request on the part of the Governor’s Office or with a determination on the part of the agency to begin regulating a previously unregulated area. More will be said below about specific problems associated with the proposed language, including recommendations for significant changes in the proposal as an acknowledgment of those problems. However, a lack of regulatory authority is not among the reasons why the proposed rule should be revised.

**Comment**

Several commenters took issue with the composition of the advisory committee that had been convened to assist in preparing the proposed rule. Some considered that only the school librarians’ “special interest” had been represented, while another wondered why districts had not been surveyed if ISBE had been interested in establishing research-based requirements. Another commenter believed ISBE staff had asserted that regional superintendents had advocated the rule changes and disagreed that this was the case.

**Analysis**

The original advisory committee did include a strong representation by school librarians and other individuals with expertise in library media services, although district and regional office perspectives were also sought. Because of the lack of specificity in the current language of the rule, the goal was to develop a proposal that would capture the essential components of a high-quality library media program. To that end, considerable research was involved. Prior to forming the committee, a survey of local districts’ programs was conducted through the regional offices of education. That survey unfortunately did not fully identify the very minimal degree to which some districts’ staffing configurations evidently correspond to the standards set forth in Section 1.755.

It is also not the case that ISBE staff attributed the initiation of this rulemaking to requests or suggestions by the regional superintendents. Rather, this amendment arose in response to the understandable lack of consistency with which regional superintendents were interpreting and applying Section 1.420(o). Questions that were raised in the field having to do with some of these interpretations led us to acknowledge that the current language of the rule is not
adequate. Under the Illinois Administrative Procedure Act, each rule is to state the standards by which an agency exercises its authority “as precisely and clearly as practicable under the conditions to inform fully those persons affected”. At this time Section 1.420(o) does not meet this requirement, and recognition of its inadequacy was the underlying impetus for the amendment.

Comment
In contrast to the research cited as the basis for this rulemaking, several commenters stated that school libraries were no longer as important as previously, expressing the opinion that electronic technology had made them obsolete. These correspondents indicated that the library had been transformed into a computer lab featuring mobile carts for laptops and books. In other descriptions, the school library was seen as “a classroom that happens to check out books”, or “optional”. ISBE was urged to bear in mind that one size does not fit all, i.e., that not all schools need the same type or size of library space and the same types and quantities of materials. The agency was urged not to mandate any one particular “pedagogical model”, by which a centralized collection was meant as opposed to classroom-based collections. The emerging potential of electronic or “virtual” libraries was mentioned as permitting the specialist to provide more instruction in classroom settings and computer laboratories.

Analysis
As illustrated by the discussion of favorable comments above, we do not agree that school libraries should be considered a thing of the past or that their function is generally limited to checking out books. However, we acknowledge that this opinion is probably natural in circumstances where no resources are devoted to a fuller program in which professionally trained staff guide students in their use of materials in the course of research and teach them to evaluate various sources of information. The availability of technological means for locating information should not be confused with the teaching that qualified library media specialists can bring to bear on students’ learning.

Comment
Much of the substantive comment on the proposal had to do primarily with its financial implications, chiefly those connected with the provision of designated space and qualified staff. Many correspondents objected to it as an unfunded mandate. Some indicated it would leave districts no option but to increase property taxes, while others stated that the employment of certified library media specialists would require terminating other teachers who had done good work, meaning that districts and their taxpayers would “get more for less”. It was acknowledged by some that of course this had not been ISBE’s intent. Others were less circumspect, indicating that ISBE should proceed with “this insanity” if the agency’s goal was to push more districts into deficit spending, for example, or that ISBE should stop pushing unfunded mandates onto districts. Representatives of small districts referred to the necessity for cutting all types of expenditures just to keep their schools open, indicating that they were “just barely getting by” as things stand now. One indicated that “having a library is not worth losing the school”. Similarly, “What reading or math initiatives will be cut to support this unfunded mandate? How does this support NCLB?” Exemptions for districts in financial watch or warning status were suggested. Some also indicated that integrating technology into each classroom was the alternative they had chosen. The uncertainty of state aid payments was also mentioned as one further reason for avoiding any additional expenditures.

As a way of acknowledging these fiscal constraints, two comprehensive submissions displayed alternative language to each proposed provision that included flexibility by using phrases such as “if available”, “it is recommended”, and “if one is employed by the district"
Analysis
Because the purpose of each rule is to state what is required, the approach mentioned immediately above cannot be taken exactly as presented. However, there are other ways to provide some of the same flexibility. As will be seen from the following summary of the more specific problems identified in the proposed rule, there is clearly a need to revise the proposal in several significant respects. In acknowledgment of that need, ISBE staff convened a second advisory group on this subject made up only of school district representatives, who were requested to help identify additional effective ways to provide library media services that could be described in rule as permissible alternatives to the elements already proposed. Following that consultation, still further feedback was solicited from all the members of both groups.

The following portions of this discussion are organized around the four essential elements set forth in the proposed amendment and reflect information and suggestions developed during the follow-up work with district superintendents and others. Because the subsections of the rule are all interrelated, one unified recommendation will be presented at the conclusion of the entire discussion, rather than the more typical displays of individual recommended changes.

Comment
Several commenters considered subsection (o)(4), which called for an identifiable allocation for resources and supplies for the program of library media services and for the library media specialist to exercise control over the use of these financial resources, to be an inappropriate usurpation of the district superintendent’s authority and role in administering the budget and controlling expenditures. Others described existing approaches to the sharing of this decision-making among administrators and teachers and questioned the wisdom of giving sole authority to a library media specialist instead.

On a related note, the requirement for a specific allocation was considered unnecessarily prescriptive and redundant in light of the fact that districts already must contribute local funding if they wish to receive grant funds through the State Library. It was also pointed out that the school library might be organized within a larger department and thus its allocation would not be “identifiable” in that it would be part of a broader budget line.

Analysis
This is the simplest of the four proposed components to address. We acknowledge the validity of these concerns and agree that this provision should be rewritten to be in keeping with administrators’ span of authority.

Comment
Several commenters indicated that their schools had classroom-based collections only, simply because there was no space available for centralized collections. In cases like these, either costly renovations would be required or a classroom would have to be closed if a separate library were required. Thus this requirement would be almost impossible for those districts to observe. Similar comments were received from districts in which two attendance centers were within a few yards of each other; these noted the impracticality of duplicate collections and space. In one case that was mentioned, high school students used the library in the adjacent elementary school due to space limitations. Other commenters mentioned the use of nearby public libraries as a substitute for having a library media center in a school.

In addition, it was suggested that the number of students in each attendance center be taken into account in determining what facilities (and staff) would be required. One commenter also
indicated that the proposed rule would not make sense in buildings housing only prekindergarten programs, while another pointed out that space needs should be addressed through a comprehensive plan rather than in response to individual initiatives.

**Analysis**

These comments relate both to the proposed rule’s general provisions for a library media center with a collection of resources that can be circulated (subsection (o)(1)) and the requirements for facilities where space would be devoted to the use of these resources (subsection (o)(2)).

We can readily agree that centralized collections do not need to be required in all cases. However, we also believe that the long-standing requirement for provision of “a program of library media services” has implied a group of resources that is greater than the sum of its parts. That is, it must be questioned whether reliance on classroom collections alone is sufficient if all resources are chosen by the individual teachers and no coordinating guidance is exercised. This is not to deny the commenters’ indication that “teachers know what they need”. Rather, the question flows from the goal of enhancing the value of all the individual teachers’ choices relative to their own portions of the curriculum with input from someone professionally trained in structuring collections to meet those needs as well as the needs inherent in the “class of research”. The necessity for preparing students for their future uses of written material should not be overlooked.

**Comment**

Numerous submissions focused on the requirement for qualified staff (subsection (o)(3)). Quite a number of comments made it apparent that the authors had misunderstood the level of staffing described in the proposed rule, and from their descriptions it was evident that they had not realized how their current approaches would be in keeping with the proposal. One stated that most portions of the rule would be workable, the exception being the requirement for a full-time person in each high school because, in a unit district, that would mean an additional person or portion of a person’s time for the other grade levels or attendance centers. However, others stated, for example, that employing certified library media specialists was “never going to be a possibility”. Many presented specific insights into the difficulties inherent in the proposed requirements. It was suggested that districts be allowed to share staff to provide library media services. A contrasting comment mentioned this possibility but stated that, useful as it might sound, it would be problematic in practice. One individual found the wording regarding paraprofessional and clerical support vague, while another objected to requiring paraprofessional support, advocating continued reliance on volunteers or students who wished to earn credit.

A major concern was the unavailability of qualified candidates for whatever the number of additional positions might be. Some commenters believed there were only two approved Illinois preparation programs for library media specialists, while another indicated that the number of districts reporting an undersupply of individuals qualified for these positions had recently outpaced any other certified group with the exception of bilingual teachers. This information was based on data reported by ISBE in *Educator Supply and Demand in Illinois in 2006*. Accounts were provided of job postings to which no responses had been received over a period of several months. In a similar vein, a commenter asked why ISBE would press districts to hire these professionals when none are available.

One correspondent noted that districts are unable to seek out the most highly qualified applicants when there are barely any to begin with. It was noted that affluent districts would always have an advantage in attracting the best-prepared candidates and that poorer districts...
would lose out in the “bidding war”. Over all, the salary schedules and rural settings of some districts were stated to make them less attractive to applicants. The time needed for development of an adequate pool was estimated at four to six years, and it was suggested that ISBE should work closely with the Board of Higher Education to arrange for a significant increase in the supply before considering this mandate.

Another group of personnel-related comments stated in various ways that districts should have the flexibility to assign whomever they wished to provide the library media services they believed appropriate. One respondent objected to the inherent suggestion that a library media specialist would know better how to help children than a teacher would, while another dismissed the librarian’s input into structuring the collection by stating that teachers know what they need. In some cases it was indicated that districts had “elected” not to hire a library media specialist out of a preference for someone who would be “tech-savvy”. “Realistically,” one commenter wrote, “most districts have trained or hired teachers with technology skills to help students seek and find information on the Internet.”

In other cases, commenters advocated allowing districts to hire “the most qualified candidate” even if the person does not possess the required certification. It was felt by one that, at the elementary level, teaching experience is more important than knowledge of information resources. Other examples of personnel choices included staffing elementary library centers with clerks supervised by assistant principals and, “How many years have we functioned just fine with volunteers?” It was noted that it does not take a college education to perform the administrative chores in a library and that there is much work that a noncertified person can do. One district stated that the library could only be kept open if staffed by an aide, because spending more on personnel would mean closing it. “We don’t think it’s broken,” was the sentiment in this district. ISBE was requested not to establish a “blanket requirement” for qualifications that are unnecessary, impractical, and not based in research, because doing so would divert resources from classrooms and thus have unfortunate ramifications for children’s education. It was requested that ISBE consider whether a required focus on reading and research skills would be a more appropriate approach.

Several commenters reacted to the personnel aspect of the proposed rule in terms of other priorities that were considered more pressing or in terms of the trade-offs that would be required. Social workers, school psychologists, class size reduction teachers, reading specialists, guidance counselors, bilingual instructors, administrators, and special education personnel were all stated to be more important than qualified library media specialists, because “any of these positions will more directly impact educational services for students in a proactively effective manner than the librarian proposal.” Increases in class size were pointed to because additional positions were unaffordable, and “letting go the unqualified librarian would result in bumping younger teachers who are doing a great job.” One commenter indicated that her district ideally would hire a library media specialist but “in the real world we can’t.”

A number of submissions described in specific terms various arrangements that had been made locally for providing these services. Some noted employing one specialist for the district, who would supervise the trained aides who staff the libraries in all the attendance centers. In another instance a small library was said to be under the direction of a technology specialist who organized the materials and arranged for easy access and checkout. Still other small districts blended the role of the library media specialist with that of the technology or reading specialist, and it was noted that this would “no longer be allowed” under the proposed language of the rule. The excellent service provided by one particular teacher in improving a district’s media program was described and further underscored by the statement that, “It would be a
catastrophe to see good teachers like her eliminated in our schools due to this rule.” Another respondent referred to the assignment of “perfectly competent uncertified staff”. A similar comment agreed that “qualified” staff should be required but asked that ISBE not place a burden on districts that would hurt children by increasing class size. The sentiment was expressed that the library is “an extra opportunity – we have it even though it’s not required.” Districts whose students are already scoring well on the state assessments believed “well-stocked” collections were sufficient and dismissed the idea that the professional provision of library media services should be mandated.

Various other comments also pertained to the staffing portion of the proposed rule. For example, it was pointed out that the addition of qualified staff would not affect the time available to students for using the library. Another individual opined that good library service is more about up-to-date resources and an inviting environment.

Finally, it was noted that nothing says districts have to employ certified staff, and it was characterized as “unconscionable to use public resources as a jobs program for a special interest”.

Analysis
While it is correct that no current rule explicitly indicates that districts must “employ” certified staff, it would be incorrect to conclude there is no current requirement for the assignment of qualified staff to provide library media services. Current Section 1.755 of ISBE’s rules and its predecessor, Section 1.750 (both attached), have established standards for these assignments. In short, these are requirements that have been in place since 1978. Since that time, it has not been acceptable to assign the functions described in those rules to noncertified aides or even to other certified teachers or administrators. Through the present discussion, however, it has become apparent that these provisions have been very unevenly acknowledged or implemented.

Our discussions with regional office representatives revealed that some believed there was a different standard for personnel qualifications in high schools than in the lower grades, although the existing rules make no such distinction. Further, the partial overview of school districts’ practices and resources that was provided by the survey conducted last year indicates a quite variable understanding of the requirements. This brings us once again to the inescapable need to make clearer statements about what is required, however much those statements may finally differ from the proposed version of the amendment.

It is also clear from the large volume of concerns raised about this proposal that the platform from which we will be moving forward is very different than might be concluded by referring to the existing rules. Our interest at this point lies in meeting two goals:

- Ensuring that as many students as possible have access to the benefits of strong programs of library media services; and
- Establishing requirements that are possible and reasonable for Illinois’ widely varying school districts to meet.

In several of our discussions, it was emphasized that ISBE should confine itself to telling districts what they must do rather than how. Accordingly, a revised version of the rule was developed that was intended to maintain a focus on the essential components of a “program of library media services” without being unduly prescriptive or requiring expenditures out of proportion to districts’ resources. That version was then made available to all the parties who
had previously participated in the several advisory group meetings so that all the differing perspectives could be brought to bear on the material at the same time. The text recommended below is the result of those discussions.

In the end, it was determined that the availability of library media resources and at least some level of professional direction for the program were the two aspects of a “program” that must be preserved to the greatest possible extent. The version recommended below is intended to acknowledge that some districts rely upon the collections of public libraries rather than purchasing their own. Where this is the case, we did not believe a district could be considered to be offering a “program” unless students received instruction in the school-related use of those resources. However, we needed to acknowledge at the same time the constraints that some districts face with regard to securing the services of a qualified library media specialist even on a part-time basis, so the rule has been drafted to include a fair amount of lead time before this requirement will apply.

On the other hand, it is clear that numerous districts without access to fully qualified library media professionals still do have centralized or classroom-based collections, so a provision is needed for professional input of the program in those instances as well. We have therefore provided for at least ongoing professional development in this field for the responsible individual when no fully qualified individual is available to oversee the program.

**Recommendation**
The proposed version of Section 1.420(o) should be replaced with the version shown below:

o) Library Media Programs

Each school district shall provide a program of library media services for the students in each of its schools. Each district’s program shall meet the requirements of this subsection (o).

1) General

The program shall include an organized collection of resources that circulate to students and staff in order to supplement classroom instruction, foster reading for pleasure, enhance information literacy, and support research, as appropriate to students of all abilities in the grade levels served. No later than the beginning of the 2014-15 school year, a district that relies solely upon the collection of a local public library shall maintain evidence that students receive instruction, direction, or assistance in locating and using resources that are applicable to these purposes from an individual who is qualified under Section 1.755 of this Part and who is acting on behalf of the school district.

2) Financial Resources

Each district’s annual budget shall include an identifiable allocation for resources and supplies for the program, except that a unit district serving fewer than 400 students or an elementary or high school district serving fewer than 200 students may demonstrate that it is meeting its students’ needs through alternate means that the district has determined are adequate in light of local circumstances.

3) Facilities
If there is no single location within a particular attendance center that is specifically devoted to a library media center, such as where classroom collections have been established instead, the district shall ensure that equitable access to library media resources is made available to students in all the grade levels served. If students’ only access to library media resources is achieved by visiting a location outside their attendance center, the district shall maintain records demonstrating that all students’ regular schedules include time for this purpose.

4) Staff

Nothing in this subsection (o)(4) shall be construed as prohibiting districts or schools from sharing the services of individuals qualified under Section 1.755 of this Part. No later than the beginning of the 2009-10 school year, each district shall assign responsibility for overall direction of its program of library media services to an employee who holds an elementary, a secondary, a special K-12, a special preschool-age 21, an early childhood, or an administrative certificate. Except as otherwise provided in subsection (o)(4)(A) of this Section, the individual to whom this responsibility is assigned shall meet the requirements of Section 1.755 of this Part.

A) In the event that no employee of the district holds any of the qualifications enumerated in Section 1.755 of this Part, the individual to whom direction of the program is assigned shall be required to participate annually in professional development consisting of:

i) undergraduate or graduate coursework in library science offered by a regionally accredited institution of higher education; or

ii) one or more workshops, seminars, conferences, institutes, symposia, or other similar training events that are offered by the Illinois State Library, a regional library system, or another professional librarians’ organization; or

iii) one or more “library academies” if these are made available by or at the direction of the State Superintendent of Education.

B) A district that is otherwise unable to fulfill the requirements of this subsection (o)(4) shall ensure that the overall direction of the library media program (e.g., selection and organization of materials, provision of instruction in information and technology literacy, structuring the work of library paraprofessionals) is accomplished with the advice of an individual who is qualified pursuant to Section 1.755 of this Part.

Additional Comment on Section 1.420(o)

Comment
It was proposed that the rule expressly permit districts to establish limits on the circulation of certain types of materials that form part of a collection of library media resources.
Analysis
This comment apparently arose from the conclusion that the phrase “collection of resources that circulate to students and staff” would mean that all resources would have to circulate to all those individuals. However, we believe it is clear that this phrase is explanatory and descriptive rather than functioning as a mandate overriding a district’s commonsense practices and policies.

Recommendation
No change should be made in response to this comment.

Section 1.440 (Additional Requirements for High Schools)

Comment
One individual disagreed with offering high school credit for classes completed during the junior high years, as referenced in new subsection (c)(3) of this Section.

Analysis
Rather than giving any new latitude or authority with regard to the awarding of high school credit, this proposed rule only serves to acknowledge a new statutory provision. We continue to believe that its inclusion is appropriate in order to give a fuller picture of the graduation requirements.

Recommendation
No change is needed in response to this comment.

Section 1.515 (Training of School Bus Driver Instructors)

Comment
Various points of view were expressed with regard to the proposed requirement for the individuals who train school bus drivers to have current, valid first aid cards. On the one hand, it was noted that simply having completed training in first aid does not enable an individual to train others on those procedures. There was concern that both drivers and instructors might face liability claims if a driver made good faith mistake and injured a student while administering first aid. This was one individual’s interpretation of the Good Samaritan Act. It was suggested that it would be better to require either first aid certification of school bus drivers or training for them by instructors specifically certified to teach first aid. If training for all drivers were to be required, that should be included in their initial or refresher training, and an equitable means of defraying the cost was also recommended.

Another commenter wrote to support adding a requirement for “current certification” in first aid, apparently having misread the proposed amendment as requiring that certification of each instructor. This respondent understood that the purpose of this portion of the bus drivers' training is to give drivers an overview of current common practices in first aid, and this was the reason for advocating that the instructor should have current knowledge.

Other commenters stated that having a current card does not affect the ability to cover the required material, pointing to “excellent videos” that are available and noting that many instructors do recommend that drivers take a first aid course from a certified first aid instructor as well. They considered the “added burden and expense” to be unjustified given the role of the instructor.
Analysis
The Good Samaritan Act [745 ILCS 49] provides exemptions from civil liability for people who are performing many kinds of functions, and Section 67 of the Act discusses first aid providers. The protection made available by the Act is limited to individuals who are certified in first aid and performing first aid. Thus that exemption from liability is not relevant to school bus drivers (if not certified in first aid), nor would it extend to their instructors in relationship to the instruction they provide. The proposed amendment to this rule would not change the applicability of the Act in any way and would not increase or decrease instructors’ potential liability connected to first aid. Clearly, the Act does provide an incentive to bus drivers for voluntary completion of the full first aid training.

We acknowledge that having completed first aid training in the relatively recent past does not qualify an individual to train others in first aid. However, it does represent a middle ground between paying very little attention to bus drivers’ need for at least basic information and requiring all bus drivers to complete a full training course on that subject. We continue to believe that drivers need to be prepared for providing the most essential care and need to be exposed to up-to-date information with respect to those methods. We cannot agree that training completed ten years ago, for example, should be accepted as adequate evidence of a bus driver instructor’s knowledge. Instead, the time required for training every two or three years seems well spent.

To be certain of understanding the magnitude of the financial burden this rule would impose on the instructors, staff conducted a survey. The cost of the required first aid training was reported by one instructor to be $75 for a two-year time period, while others reported figures ranging from $50 down to $25 or even no charge for two or three years of validity. We note also that the cost, at whatever level, is sometimes paid through the regional offices of education rather than by the individual instructors. On this basis we believe the State’s interest in bus drivers’ preparedness for common emergencies outweighs the expense to these individuals.

As time permits, staff may be able to compile a directory of free and low-cost sources for this training and make that available on ISBE’s web site as a way of further mitigating the individual burden.

Recommendation
The proposed requirement in Section 1.515(a)(3) should be adopted as originally published.
STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1
PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

Section
1.10 Public School Accountability Framework
1.20 Operational Requirements
1.30 State Assessment
1.40 Adequate Yearly Progress
1.50 Calculation of Participation Rate
1.60 Subgroups of Students; Inclusion of Relevant Scores
1.70 Additional Indicators for Adequate Yearly Progress
1.75 Student Information System
1.77 Educator Certification System
1.80 Academic Early Warning and Watch Status
1.85 School and District Improvement Plans; Restructuring Plans
1.88 Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency Under Title III
1.90 System of Rewards and Recognition – The Illinois Honor Roll
1.95 Appeals Procedure
1.100 Waiver and Modification of State Board Rules and School Code Mandates

SUBPART B: SCHOOL GOVERNANCE

Section
1.210 Powers and Duties (Repealed)
1.220 Duties of Superintendent (Repealed)
1.230 Board of Education and the School Code (Repealed)
1.240 Equal Opportunities for all Students
1.242 Temporary Exclusion for Failure to Meet Minimum Academic or Attendance Standards
1.245 Waiver of School Fees
1.250 District to Comply with 23 Ill. Adm. Code 180 (Repealed)
1.260 Commemorative Holidays to be Observed by Public Schools (Repealed)
1.270 Book and Material Selection (Repealed)
1.280 Discipline
1.285 Requirements for the Use of Isolated Time Out and Physical Restraint
1.290 Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section
1.310 Administrative Qualifications and Responsibilities
1.320 Evaluation of Certified Staff in Contractual Continued Service
1.330 Hazardous Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section
1.410 Determination of the Instructional Program
1.420 Basic Standards
1.430 Additional Criteria for Elementary Schools
1.440 Additional Criteria for High Schools
1.445 Required Course Substitute
1.450 Special Programs
1.460 Credit Earned Through Proficiency Examinations
1.462 Uniform Annual Consumer Education Proficiency Test
1.465 Ethnic School Foreign Language Credit and Program Approval
1.470 Adult and Continuing Education
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SUBPART E: SUPPORT SERVICES

Section
1.510 Transportation
1.515 Training of School Bus Driver Instructors
1.520 School Food Services (Repealed)
1.530 Health Services
1.540 Pupil Personnel Services (Repealed)
STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART F: STAFF CERTIFICATION REQUIREMENTS

Section
1.610 Personnel Required to be Qualified
1.620 Accreditation of Staff (Repealed)
1.630 Noncertificated Personnel
1.640 Requirements for Different Certificates (Repealed)
1.650 Transcripts of Credits
1.660 Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

Section
1.705 Requirements for Supervisory and Administrative Staff
1.710 Requirements for Elementary Teachers
1.720 Requirements for Teachers of Middle Grades
1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above through June 30, 2004
1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
1.740 Standards for Reading through June 30, 2004
1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
1.750 Standards for Media Services through June 30, 2004
1.755 Requirements for Library Information Specialists Beginning July 1, 2004
1.760 Standards for Pupil Personnel Services
1.762 Supervision of Speech-Language Pathology Assistants
1.770 Standards for Special Education Personnel
1.780 Standards for Teachers in Bilingual Education Programs
1.781 Requirements for Bilingual Education Teachers in Grades K-12
1.782 Requirements for Teachers of English as a Second Language in Grades K-12
1.790 Substitute Teacher

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

NOTICE OF ADOPTED AMENDMENTS

1. APPENDIX E  Evaluation Criteria - Student Performance and School Improvement Determination (Repealed)

1. APPENDIX F  Criteria for Determination - Student Performance and School Improvement (Repealed)

1. APPENDIX G  Criteria for Determination - State Assessment (Repealed)


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

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

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

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

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

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

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

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

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

6) the required qualifications of paraprofessionals;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3) Incomplete requests will not be considered.

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

1) is not based upon sound educational practices,

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

3) compromises equal opportunities for learning, or

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

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

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

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

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

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

SUBPART B: SCHOOL GOVERNANCE

Section 1.245 Waiver of School Fees

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

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

A) All charges for required textbooks and instructional materials.

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

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

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

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

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

G) School records fees.

H) School health services fees.

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

2) "School fees" do not include:

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

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

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

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

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

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

1) Eligibility Criteria Standards to determine eligibility

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

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

2) Notification of parents

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

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

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

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

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

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

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

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

3) Procedures for the resolution of disputes

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

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

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

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

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

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

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

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

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section 1.310 Administrative Qualifications and Responsibilities

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

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

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

c) Divided Service

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

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

(Source: Amended at 32 Ill. Reg. _____, effective _____________)
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SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.420 Basic Standards

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

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

c) Every school district shall:

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

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

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

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

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

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

A) The State Superintendent’s approval shall be requested before the beginning of the school year.

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

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

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

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

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

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

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

4) Attendance for General State Aid Purposes

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

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

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

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

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

2) If a school district that establishes a full-day kindergarten also has 20 or more students whose parents request a half-day program, the district must schedule half-day classes, separate and apart from full-day classes, for those children. If there are fewer than 20 children whose parents request a
half-day program, those such students may be enrolled in either the morning or afternoon session of a full-day program provided that the following conditions are met.

A) Distinctive curriculum plans for the half-day and full-day kindergarten programs must be developed by the school district, made available to parents to assist the parents in selecting the appropriate program for their child, and maintained in district files.

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

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

i) Career Education

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

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

j) Co-Curricular Activities

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

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

k) Consumer Education and Protection

1) A program in consumer education may include the following topics: the individual consumer in the marketplace, money management, consumer
credit, human services – (housing, food, transportation), clothing, health services, drugs and cosmetics, recreation, furnishings and appliances, insurance, savings and investments, taxes, and the consumer in our economy.

2) The superintendent of each unit or high school district shall maintain evidence showing that each student has received adequate instruction in consumer education or has demonstrated proficiency by passing the Consumer Education Proficiency Test as required by law (see Section 27-12.1 of the School Code [105 ILCS 5/27-12.1]) prior to the completion of the 12th grade. Consumer education may be included in course content of other courses, or it may be taught as a separate required course.

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

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

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

I) Conservation of Natural Resources

Each district shall provide instruction on current problems and needs in the conservation of natural resources, including, but not limited to, air pollution, water pollution, waste reduction and recycling, the effect of excessive use of pesticides, preservation of wilderness areas, forest management, protection of wildlife, and humane care of domestic animals (Section 27-13.1 of the School Code [105 ILCS 5/27-13.1]).
m) Every school district has the responsibility to prepare students for full citizenship. To this end each school district should encourage student discussion and communication in areas of local, State, national and international concern.

n) Health Education

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

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

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

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

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

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

o) Library Media Programs

Each school district attendance center shall provide a program of library media services for the students in each of its schools to meet the curricular and instructional needs of the school. Each district’s program shall meet the requirements of this subsection (o).
1) General

The program shall include an organized collection of resources that circulate to students and staff in order to supplement classroom instruction, foster reading for pleasure, enhance information literacy, and support research, as appropriate to students of all abilities in the grade levels served. No later than the beginning of the 2014-15 school year, a district that relies solely upon the collection of a local public library shall maintain evidence that students receive instruction, direction, or assistance in locating and using resources that are applicable to these purposes from an individual who is qualified under Section 1.755 of this Part and who is acting on behalf of the school district.

2) Financial Resources

Each district’s annual budget shall include an identifiable allocation for resources and supplies for the program, except that a unit district serving fewer than 400 students or an elementary or high school district serving fewer than 200 students may demonstrate that it is meeting its students’ needs through alternate means that the district has determined are adequate in light of local circumstances.

3) Facilities

If there is no single location within a particular attendance center that is specifically devoted to a library media center, such as where classroom collections have been established instead, the district shall ensure that equitable access to library media resources is made available to students in all the grade levels served. If students’ only access to library media resources is achieved by visiting a location outside their attendance center, the district shall maintain records demonstrating that all students’ regular schedules include time for this purpose.

4) Staff

Nothing in this subsection (o)(4) shall be construed as prohibiting districts or schools from sharing the services of individuals qualified under Section 1.755 of this Part. No later than the beginning of the 2009-10 school year, each district shall assign responsibility for overall direction of its program.
of library media services to an employee who holds an elementary, a secondary, a special K-12, a special preschool-age 21, an early childhood, or an administrative certificate. Except as otherwise provided in subsection (o)(4)(A) of this Section, the individual to whom this responsibility is assigned shall meet the requirements of Section 1.755 of this Part.

A) In the event that no employee of the district holds any of the qualifications enumerated in Section 1.755 of this Part, the individual to whom direction of the program is assigned shall be required to participate annually in professional development consisting of:

i) undergraduate or graduate coursework in library science offered by a regionally accredited institution of higher education; or

ii) one or more workshops, seminars, conferences, institutes, symposia, or other similar training events that are offered by the Illinois State Library, a regional library system, or another professional librarians' organization; or

iii) one or more “library academies” if these are made available by or at the direction of the State Superintendent of Education.

B) A district that is otherwise unable to fulfill the requirements of this subsection (o)(4) shall ensure that the overall direction of the library media program (e.g., selection and organization of materials, provision of instruction in information and technology literacy, structuring the work of library paraprofessionals) is accomplished with the advice of an individual who is qualified pursuant to Section 1.755 of this Part.

p) Physical Education

1) Appropriate activity related to physical education shall be required of all students each day unless otherwise permitted by Section 27-6 of the School Code [105 ILCS 5/27-6]. The time schedule shall compare favorably with other courses in the curriculum. Safety education as it relates to the physical education program should be incorporated.
2) There shall be a definite school policy regarding credit earned each semester in physical education with provisions for allowable variables in special cases.

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

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

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

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

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

q) Pupil Personnel Services

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

1) Guidance and Counseling Needs;

2) Psychological Needs;

3) Social Work Needs;

4) Health Needs.

r) Social Sciences and History

Each school system shall provide history and social sciences courses that do the following:

1) analyze the principles of representative government, the Constitutions of both the United States and the State of Illinois, the proper use of the flag, and how these concepts have related and currently do relate in actual practice in our world (see Section 27-21 of the School Code [105 ILCS 5/27-21]);

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

3) include in the teaching of United States history the role of labor unions and their interaction with government in achieving the goals of a mixed free-enterprise system (Section 27-21 of the School Code);
4) include the study of that period in world history known as the Holocaust (Section 27-20.3 of the School Code [105 ILCS 5/27-20.3]);

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

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

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

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

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

(Source: Amended at 32 Ill. Reg. _____, effective _____________ )
Section 1.430  Additional Criteria for Elementary Schools

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

1) Language Arts, Reading and other Communication Skills
2) Science
3) Mathematics
4) Social Studies
5) Music
6) Art
7) Health Education (see the Critical Health Problems and Comprehensive Health Education Act)
8) Physical Education (see Section 27-6 of the School Code)
9) Career Education--Awareness and Exploration
10) Safety Education (see Section 27-17 of the School Code)
11) Conservation of Natural Resources (see Section 27-13.1 of the School Code)
12) Instruction, study, and discussion in grades kindergarten through 8 of effective methods for the prevention and avoidance of drug and substance abuse (Section 27-13.2 of the School Code)

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

c) No student shall receive certification of graduation without passing a satisfactory examination upon these subjects. *No student shall be graduated from the 8th grade unless he or she has received instruction in the history of the United States and has given evidence of comprehensive knowledge of the subject* (Section 27-21 of the School Code, which may include, without limitation, a written test or the teacher’s evaluation of the student’s work.

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

**Section 1.440 Additional Criteria for High Schools**

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

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

1) Language Arts
2) Science
3) Mathematics
4) History of the United States
5) Foreign Language
6) Music
7) Art
8) Career and Technical Education--Orientation and Preparation
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9) Health Education

10) Physical Education

11) Consumer Education

12) Conservation of Natural Resources

13) Driver and Safety Education (see Section 27-23 of the School Code [105 ILCS 5/27-23] and 23 Ill. Adm. Code 252)

b) Required Participation

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

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

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

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

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

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

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

3) Credits earned by students prior to entry into Grade 9 as authorized by Section 27-22.10 of the School Code [105 ILCS 5/27-22.10] may be used to fulfill any of the requirements of subsection (c)(2) of this Section.

d) School districts shall have on file in the local district office a description of all course offerings that may comply with the requirements of the law. A course will be accepted as meeting the relevant requirement for graduation if its description shows that its principal instructional activity is the development and application of knowledge and skills related to the applicable requirement.

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

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

B) writing assignments will be an integral part of the course’s content across the time span covered by the course;
C) the written products students are required to prepare in order to receive credit for the course and the feedback students receive are such that:

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

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

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

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

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

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

SUBPART E: SUPPORT SERVICES

Section 1.510 Transportation

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

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

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

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

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

f) School bus routing is the responsibility of the local school board. School districts shall arrange school bus stops to maximize safety, so that buses will not have to back up, and so that crossing arms will not infringe upon pedestrian crosswalks or cross streets. School buses are not required to enter private property.

g) Local school boards shall institute policies and practices that promote the safety and well-being of school bus passengers, including provisions that support Section 10-22.6(b) of the School Code [105 ILCS 5/10-22.6(b)]. Local school boards shall require that all school bus drivers who transport pupils have been trained as discussed in Section 1.515 of this Part. The requirements set forth in subsections (h) through (n) of this Section shall serve as minimum statewide requirements for operating a school bus. Transportation for students who receive special education and related services shall be as set forth in the State Board’s rules for Special Education (23 Ill. Adm. Code 226). Local school boards may adopt more stringent requirements, at their discretion.

h) Operation of the Bus by the Driver

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

2) Windows shall not be lowered below the stop line painted on the body pillar.
3) The emergency door shall be unlocked but securely latched when operating the school bus.

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

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

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

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

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

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

10) The driver shall not smoke when operating a school bus.

i) Passenger Treatment and Supervision

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

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

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

j) Loading and Unloading

1) When children are picked up and must cross a roadway, the driver shall beckon them to cross the road when it is safe to do so.
2) The driver on a regular route shall not be expected to wait for a tardy student and may proceed on a timely route if the student is not in sight.

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

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

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

k) Permitted Occupants

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

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

l) Accidents

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

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

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

m) Railroad Crossings

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

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

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

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

n) School Bus Crossing Arm

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

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

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

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

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

Section 1.515 Training of School Bus Driver Instructors

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

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

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

2) The person must hold or have held an Illinois School Bus Driver's Permit, hold a current teaching certificate endorsed for driver education, or have the approval of the regional superintendent as having had other direct involvement in school bus transportation.
3) The person must provide a current, valid card as evidence of having completed a course in first aid from the American Red Cross, the American Heart Association, or another national organization that is recognized by the Illinois Department of Public Health.

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

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

b) The State Superintendent shall notify each regional superintendent of the certification status of all affected instructors in his or her region and of any deficiencies preventing the certification of any individual. The regional superintendent shall be responsible for notifying instructors of their status.

c) The regional superintendent shall be responsible for notifying the employers of all bus drivers who complete initial or refresher training courses.

(Source: 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 Riley Mitchell, Chief Financial Officer  

Agenda Topic: Action Item: Rules for Adoption – Amendments to Part 252  
(Driver Education)  

Materials: Recommended Rules  

Staff Contact(s): Tim Imler  

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

Expected Outcome(s) of Agenda Item  
The Board will be asked to adopt a motion adopting the proposed amendments to Part 252.  

Background Information  
This rulemaking, in part, responds to P.A. 95-310, effective January 1, 2008, which made numerous changes both in School Code requirements concerning the provision of driver’s education and in the Illinois Vehicle Code.  

The proposed amendments were published March 8, 2008, in the Illinois Register to elicit public comment. We received one letter of support and no other comment.  

Analysis and Implications for Policy, Budget, Legislative Action and Communications  
Policy Implications: P.A. 95-310 eliminated a provision in Section 27-24.3 of the School Code that authorized the State Board of Education to determine the type of practice driving instruction that school districts could provide in lieu of providing up to five hours of behind-the-wheel instruction in a dual control vehicle. The law also eliminated the ability of students to take a proficiency test after completing at least three hours of practice driving. Elimination of these provisions means that all school districts must provide students with six hours of behind-the-wheel instruction in a dual control vehicle on public roadways.  

Various sections of Part 252 set forth the types of instruction that could be used in lieu of the required behind-the-wheel instruction; these methods include the use of simulators, practice driving ranges, and multiple-car instruction. It is proposed that those provisions, as well as the subsection dealing with proficiency testing, be eliminated.  

In addition, a definition for “enrolled student” is being added to conform to rules of the Secretary of State’s (SOS’s) office. Using this term will tie Part 252 to SOS’s rules governing the issuance of driving permits (i.e., no sooner than the time in which the student is considered enrolled).  

Budget Implications: School districts that employed options other than behind-the-wheel instruction in a dual control vehicle operated on public roadways and those that allowed for
proficiency testing have indicated that the costs for their driver’s education programs will increase due to these changes. The increase in costs have prompted some districts to seek waivers to increase the fees they charge students for driver’s education or to be allowed to continue using methods other than behind-the-wheel instruction in a dual control vehicle operated on public roadways to satisfy a portion of the six-hour requirement.

Legislative Action: None needed.

Communication: Please see “Next Steps” below.

**Superintendent’s Recommendation**

I recommend that the following motion be adopted:

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

Driver Education (23 Illinois Administrative Code 252),

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.
IIlinois Register

State Board of Education

Notice of Adopted Amendments

Title 23: Education and Cultural Resources
Subtitle A: Education
Chapter I: State Board of Education
Subchapter g: Special Courses of Study

Part 252
Driver Education

Section 252.10 Definitions
Approved Driver Education Course” is any driver education course approved by the State Superintendent of Education as meeting at least the minimum requirements of the Driver Education Act [105 ILCS 5/27-23 and 27-24] and the requirements of this Part.

“Behind-The-Wheel Instruction” is that part of the driver education course that consists of individual practice driving with a driver education instructor who
meets the requirements of Section 252.40 of this Part and provides learning experiences for the student as an operator of a dual-control car in traffic on public highways.

"Classroom Instruction" is that part of the driver education course consisting of learning experiences centered in the classroom.

"Combination Laboratory Program" is a type of program in which the multiple-car, driving simulation, and practice driving instruction are combined into one closely correlated program.

"Declaration of Intent" is a student's application for enrollment in a complete driver education course.

"Driver Education Course", as used in this Part consists of any driver education course approved by the State Superintendent as meeting at least the minimum requirements of Section 27-23 of the School Code [105 ILCS 5/27-23], the Driver Education Act [105 ILCS 5/27-24 through 27-24.8] and the requirements of this Part and consists of all those learning experiences provided by a school or school district for the purpose of helping students learn to use motor vehicles safely and efficiently. Driver education courses must include classroom and behind-the-wheel laboratory instruction as a unified course (see Section 252.20(c)(1) of this Part).

"Driving Range" is an off-street driving facility on which a number of cars can be used simultaneously for student driving experience. Road surfaces at least 24 feet wide are required for driving ranges. The areas shall include the following:

space for development of fundamental skills;

intersections, curves, and grades; and

lane markings and signs.

"Driving Simulators" are electromechanical devices designed to represent the driver's compartment of the automobile through which student behavioral responses and manipulative procedures can be practiced and evaluated.
"Driving Simulation Instruction" is a type of laboratory instruction employing several driving simulator units and programmed films to reproduce phenomena likely to occur in actual driving performance. The learners are confronted with sensory conditions similar to the actual task and are required to make responses applicable to the task and monitored by the teacher.

"Dual-Control Car" is a motor vehicle that has special safety and instructional equipment in addition to the regular legally prescribed equipment, which (see 625 ILCS 5/Ch. 12). Such equipment shall consist of a second foot brake positioned for use by the instructor, an outside rearview mirror on the right side of the vehicle, and a sign identifying the vehicle as a driver education car (see 625 ILCS 5/6-410 Section 252.20(d) of this Part).

“Eligible student” is a student who meets the conditions of Section Sections 27-23 and 27-24.2 of the School Code [105 ILCS 5/27-23 and 27-24.2] for enrollment in a driver education course.

“Enrollment”, for purposes of an approved driver education course, means the period of time beginning 30 days prior to the time a student begins classroom instruction through the conclusion of the driver education course.

"Integrated Program" is a driver education course in which the sequence and time-span of the classroom and laboratory instruction are organized in such a way as to allow for maximum transfer of training.

"Laboratory Instruction" is the part of the driver education course that provides students with practice driving experiences and opportunities for other driving experiences under real or simulated conditions.

"Multiple-Car Instruction" is a type of laboratory instruction that enables one teacher, positioned outside multiple vehicles and using electronic or oral communication, to instruct and supervise several students simultaneously, each of whom is operating a vehicle on an off-street driving range designed specifically for such instruction.

"Observation Time" refers to that time during which a student is riding in the back seat of a dual-control car observing instructions of the teacher and procedures and techniques of the driver who is participating in behind-the-wheel instruction practice driving.
"Practice Driving" is the part of laboratory instruction that provides learning- 
experiences for the student as an operator behind the wheel of a dual-control car-
in traffic on public highways.

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

Section 252.20 Administration and Procedures

a) Availability of the Course -- Sections 27-23 and 27-24.2 of the School Code [105-
ILCS 5/27-23 and 27-24.2] are consistent in that under both Sections the Any
public school district maintaining offering courses in grades 9 nine through 12
twelve must provide the driver education course for any legal resident of the
district between the ages of 15 and 21 years who requests the course, provided
such resident is eligible as set forth in Sections 27-23 and 27-24.2 of the School
Code. All eligible students who reside in a school district must be provided an
equal opportunity to enroll in driver education, and school districts are obligated
to make the driver education course available within a reasonable length of time
after each individual’s declaration of intent is made. A “reasonable length of
time” shall be determined based on the student's individual needs and the school
district's ability to meet those needs, provided that the course must be offered
within 12 months after the declaration of intent.

1) Public school districts that include high schools must provide the
approved driver education course for all eligible students of the district
who attend a nonpublic school that does not offer the course.

2) Nonpublic schools may offer a an approved driver education course at
their own expense. The course must be complete to meet the requirements
for certification of students.

3) Public school districts that include high schools must provide the driver
education course for all eligible Illinois students, regardless of the district
of their residence, who attend a nonpublic school located within that
school district's boundaries when application is made by the
administrators of the nonpublic school. Such an application shall
constitute a declaration of intent by the affected student or students. By
April 1, the nonpublic school shall notify the district offering the course of
the names and district numbers of the nonresident students desiring to
take such a course the next school year. The district offering the course shall notify the district of residence of those students affected by April 15. [105 ILCS 5/27-24.4] (Section 27-24.4 of the School Code)

4) An eligible student may elect to enroll in an approved driver education course at a commercial driver training school at his or her expense.

b) When to Offer the Course -- Any school district that includes one or more high schools offering an approved driver education course must offer both portions of the course during the school day and may offer either or both portions at other times.

1) Enrollment in a driver education course must be closed at the inception of the course, except as provided in subsection (b)(2) of this Section. Another course may be started when enrollment warrants.

2) A student who transfers to a new school after the inception of the driver education course at that school may be allowed to enroll in the course under the following conditions.

A) The driver education course program in which the student was enrolled at the previous school offered 30 clock hours of classroom instruction and 6 clock hours of behind-the-wheel instruction.

B) The length of time the student previously participated in the driver education course (prior to his or her transfer) is sufficient to allow the student to complete the course at the new school within the time during which it is offered.

C) The new school has received verification, either by mail or in an electronic format, of the student’s previous participation in the driver education course program (i.e., length of time in the course, grade(s) received). The verification shall be placed in the student’s temporary school record as defined in 23 Ill. Adm. Code 375.75.

3) A high school student may be allowed to commence the classroom instruction part of the driver education course prior to reaching age 15 if
the student will be eligible to complete the entire course within 12 months after being allowed to commence classroom instruction. (See Section 27-24.2 of the School Code.)

c) **Course Program Organization** -- Approved driver education courses must be organized according to the standards established in the Driver Education Act [105 ILCS 5/27-23 through 27-24.8] and this Part.

1) The classroom and the behind-the-wheel laboratory instruction each must be scheduled regularly throughout a period of not less than six complete weeks (four weeks allowable in summer course programs and for schools using block scheduling).

2) **Behind-the-wheel Laboratory** instruction shall not begin until the student has started classroom instruction; however, a student may be enrolled in both the laboratory and classroom portions of the course program on a concurrent basis.

3) At least one but not more than three student observers must be in the car during behind-the-wheel instruction practice driving on public streets. At least one hour of observation time is required for each hour of behind-the-wheel instruction practice driving.

4) Two hours of multiple-car instruction may be provided in lieu of one hour of practice driving in a dual-control car, provided that the driving range shall provide the following elements for learning experiences: basic driving maneuvers; basic problems of traffic flow and conflict; procedural and perceptual decision making. A minimum of two hours must be in a dual-control car under traffic conditions.

5) Four hours of driving simulation instruction may be provided in lieu of one hour of practice driving, with driving simulation being used as a replacement for no more than three clock hours of practice driving. Driving simulation and practice driving must be concurrent or consecutive.

6) Laboratory instruction that employs a combination laboratory program, as defined in Section 252.10 of this Part, may be authorized on an annual basis provided it meets the following standards:
A) two clock hours of multiple-car instruction are provided in lieu of each clock hour of practice driving, with such instruction being used as a replacement for no more than four clock hours of practice driving;

B) four clock hours of driving simulation are provided in lieu of each clock hour of practice driving, with driving simulation being used as a replacement for no more than three clock hours of practice driving; and

C) no less than one clock hour of practice driving is provided.

7) School districts may adopt a policy to permit proficiency examinations for the practice driving phase of the driver education course at any time after a student completes 3 hours of practice driving under direct individual instruction [105 ILCS 5/27-24.3]. The instruction provided to students under a policy adopted by the local school board pursuant to this authority must comply with the definition of “Practice Driving” in Section 252.10 of this Part and with subsection (d) of this Section, and the examination given to students after their completion of at least three clock hours of practice driving instruction must:

A) be the same as the examination given at the completion of six hours of practice driving; and

B) include an assessment of each student's ability to make proper decisions in varying levels of traffic and to execute these decisions in a smooth, safe, and efficient manner.

8) Satisfactory driver education course completion denotes that each student has the minimum competencies that meet course objectives and is eligible for the Illinois Graduated Driver’s License upon meeting all of the requirements of 625 ILCS 5/6-107.

9) Integrated program course completion dates of both parts must be scheduled to coincide insofar as possible.
d) Dual-Control Cars -- The instructor shall occupy the front passenger seat. The driver education car is to be used for instructional purposes. A school district may not use the driver education car for purposes other than those designated by agreement or contract. Automobiles used for on-street driver education purposes must display a printed sign that measures at least 18 inches in width and nine inches in height. It must not obstruct vision through the rearview mirror or interfere with the operation of safety devices. The lettering, which must be a minimum of two inches in height, must be black on a school bus yellow background. The instructor shall occupy the front passenger seat.

e) Contracting -- In fulfilling the requirements of the Driver Education Act, a public school district must either offer the course in its own school or must provide the course for its students, and any other legal residents of the school district who request the course, through a joint agreement with another public school district or through the provisions of cooperative school district programs.

1) Schools offering an approved driver education course program shall not contract for the course from any individual or commercial driver training driving school.

2) Inasmuch as commercial driver education schools are not allowed, through the Motor Vehicle Act, to contract with another commercial school, contracting between two or more commercial driver education schools to provide the approved driver education course for youth is also prohibited.

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

Section 252.25 Eligibility of Students

a) Pursuant to Sections 27-23 and 27-24.2 of the School Code, no student shall be permitted to enroll in a driver education course provided by a public school district or a nonpublic school unless he or she has either:

1) received a passing grade in at least eight courses (which may include courses completed in grade 8) during the previous two semesters or, in the case of block scheduling that reduces the number of courses taken per semester, in at least half the courses taken during the previous two semesters; or
2) received a waiver of this requirement, pursuant to Section 27-24.2 of the School Code, from the superintendent of the public school district or the chief administrator of the nonpublic school in which the student is or will be enrolled full time during the semester for which enrollment in driver education is sought. A record of any waiver granted shall be entered into the affected student's temporary student record as defined in 23 Ill. Adm. Code 375.10, or its equivalent in the case of a nonpublic high school.

b) Courses

1) For the purposes of this Section, a "course" means a sequence of instructional activities or unit of schoolwork for which a grade is given and listed in a student's academic transcript.

2) For the purpose of determining eligibility under this Section, any coursework completed by a student during a summer term falling within the 12-month twelve-month period immediately preceding the beginning of the semester for which enrollment in driver education is sought shall be counted towards the eight 8 courses for which passing grades are needed.

c) Waivers

1) If in the sole judgment of the public school district superintendent or nonpublic school chief administrator of the school in which the student is or will be enrolled full time during the semester for which enrollment in driver education is sought, waiver of the requirement set forth in subsection (a)(1) of this Section would be in the best interest of a student who has requested enrollment in driver education, the superintendent or chief school administrator may waive the requirement for that student.

2) A record of any waiver granted pursuant to this subsection (c) shall be entered into the affected student's temporary student record as defined in 23 Ill. Adm. Code 375.75, or its equivalent in the case of a nonpublic high school.

d) Verification of Eligibility
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1) Each public school district or nonpublic school offering a driver education course shall be responsible for verifying the eligibility of all students seeking enrollment in such courses.

2) Public school districts and nonpublic schools offering a driver education course shall establish procedures for verifying the eligibility of students enrolled there full time when eligibility is based upon the records created by, or transferred to, such schools. If the public school district or nonpublic school previously attended by a student fails to transfer records in time to permit the student's enrollment in driver education, then unofficial records or a signed statement from the parent or guardian of the student shall be used to certify eligibility.

3) When a student requests enrollment in a driver education course coursework offered by an entity other than the school district or nonpublic school he or she attends, the school district or nonpublic school offering the course such coursework shall be responsible for requesting confirmation of the student's eligibility pursuant to this Section.

A) Confirmation may be obtained either in writing or via electronic means addressed to the official records custodian designated by the school pursuant to Section 4(a) of the Illinois School Student Records Act [105 ILCS 10/4(a)].

B) The response shall indicate only whether or not the student is eligible and shall not indicate what grades a student received or whether the student received a waiver.

C) Failure of a school district or nonpublic school to respond to a request for eligibility verification within 15 calendar days shall be construed as a positive response and the student in question shall be considered eligible for driver education. The requesting school district or nonpublic school shall inform the sending district or nonpublic school, in writing, of the attempts made to verify eligibility and the lack of response. This notification shall indicate that, in the absence of a response, the student is considered to be eligible provided that a signed statement by the student’s parent or guardian is on file. A copy of the notification shall be placed in the student's temporary record.
D) A student enrolled in a home school who wishes to enroll in a driver education course offered by a public school district or nonpublic school shall present, and each such entity shall accept as verification of the student's eligibility, a signed statement stipulating:

i) that the student is enrolled in a home school;

ii) that he or she is eligible pursuant to subsection (a) of this Section; and

iii) that the signature presented is that of the individual who administers the school attended by the student.

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

Section 252.30 The Terms of Reimbursement for Public School Participation in the Course Program

a) Claims for Reimbursement -- These shall be made under oath or affirmation of the chief school administrator for the district employed by the school board or authorized driver education personnel employed by the school board [105 ILCS 5/27-24.6].

1) Reimbursement shall be determined in accordance with the provisions of Sections 27-24.4 and 27-24.5 of the School Code [105 ILCS 5/27-24.4 and 27-24.5]. If the local school board establishes a policy permitting students to take a proficiency examination after at least 3 clock hours of practice driving (see Section 252.20(c)(13) of this Part), and the student(s) successfully complete the examinations, the claim for reimbursement will include this fact. However, reimbursement for students who fail the proficiency examination may be claimed only upon their completion of 6 clock hours of practice driving.

2) The State shall not reimburse any district for any student enrolled in the driver education course who has repeated any part of the course more than once, who did not meet the age requirements of the Act or was otherwise ineligible during the period in which he or she was enrolled in-
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the course (Section 27-24.5 of the School Code), or who did not hold a valid instruction permit during the laboratory instruction, or any district that did not adequately publicize and provide the course in a reasonable time after requested.

3) If the sum appropriated from the driver education fund is insufficient to pay all claims submitted each year, the amount payable to each district shall be proportionately reduced.

2) The school district that is the residence of an eligible pupil who attends a nonpublic school in another district that has furnished the driver education course shall reimburse the district offering the course the difference between the actual per capita cost of giving the course the previous school year and the amount reimbursed by the State (Section 27-24.4 of the School Code). This arrangement shall also apply in the case of tuition students who receive driver education from the districts where they are enrolled rather than from their respective districts of residence.

3) The district may charge a reasonable fee — not to exceed the amount specified in Section 27-23 of the School Code — to students who participate in a driver education course approved in accordance with this Part. No other fee or portion thereof shall be charged to students and attributed to the driver education course. As used in this Part, "reasonable fee" means a fee calculated by dividing the sum of documented annual district costs for items such as instructional materials (if not included in the district's textbook rental fee), the cost of driver education cars, car maintenance costs, fuel, and insurance by the number of students enrolled or participating in the driver education course. The district's costs used in this calculation shall not include any portion of the salaries or benefits of school district personnel. For purposes of this calculation, the cost of driver education cars that are purchased by the district shall be amortized over a five-year period, and the cost of leasing cars shall be included in the fee calculation in the year the such costs are incurred.

4) The driver education fee shall be waived with respect to any student who applies pursuant to this subsection and who is eligible for free lunches or breakfasts pursuant to the School Breakfast and Free Lunch Program Act [105 ILCS 125], and with respect to other students in accordance with the district's policy adopted in accordance with Section 1.245 (Waiver of...
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School Fees) of the rules of the State Board of Education (see 23 Ill. Adm. Code 1, Public Schools Evaluation, Recognition and Supervision).

b) Transfer Student – For any transfer student as defined in Section 252.20(b)(2) 252.20(b)(3) of this Part, reimbursement shall be claimed only by the school district to which the student has transferred.

c) Cooperative School Programs -- In fulfilling the requirements for reimbursement, a school district must provide a driver education course or participate in a special education cooperative or be part of an approved joint school agreement with another public school district.

d) Records -- Daily attendance records shall be kept by the teachers in the manner prescribed in Section 27-24.6 of the School Code and are to be used to certify claims made under the Act.

1) Records in either paper or electronic format must be maintained by the school to substantiate daily lessons, time behind the wheel, observation time, other laboratory experiences and periodic as well as final evaluation of each student. Also recorded shall be the beginning and ending dates of classroom and behind-the-wheel laboratory instruction. Students are to be identified by their instructional permit number, name, address and other personal information.

2) Such records are to be on file in the office of the driver education supervisor, principal, or other manager at the time reimbursement and/or certification is requested.

3) Driver education participation records are to be kept and be readily available for a period of not less than three years.

4) All records are subject to yearly audit by State auditors.

e) Public School District Participation Agreement -- Prior approval affirms continuous approval as long as the school continues to maintain standards established in the Driver Education Act and this Part.

(Source: Amended at 32 Ill. Reg. _____, effective _____________)
Section 252.40  Driver Education Personnel Requirements

a) Qualifications of Teachers -- All persons who teach a driver education course, whether reimbursable or nonreimbursable, must meet the applicable standards of this subsection (a).

1) A driver education instructor who teaches in a public school district shall hold a secondary teaching certificate and either have an endorsement for safety and driver education or meet the requirements of 23 Ill. Adm. Code 1.730(q).

2) A driver education instructor who teaches in a nonpublic school is not required to be certified but must hold a baccalaureate degree, or equivalent as determined by the employing school, and meet the requirements of 23 Ill. Adm. Code 1.730(q).

3) A driver education instructor who teaches in either a public school district or in a nonpublic school must:

A) possess good physical health as determined in accordance with Section 24-5 of the School Code [105 ILCS 5/24-5]; and

B) hold a valid driver’s license in good standing that has been issued by the state in which he or she resides. For the purposes of this subsection (a)(3)(B), a driver’s license issued in Illinois shall not be considered valid and in good standing if it is revoked, suspended, expired or cancelled as described in Sections 6-201 through 6-209 of the Illinois Driver Licensing Law [625 ILCS 5/6-201 through 6-209] or if restrictions have been placed on driving privileges through either a restricted driving permit under Section 6-205 (see 625 ILCS 5/6-205) or judicial driving permit under Section 6-206.1 (see 625 ILCS 5/6-206.1).

4) Additional requirements will not be retroactive as pertaining to those qualified under standards applicable prior to September 1, 1962, so long as they continue to teach driver education in the same district, except in the event the method of instruction has been changed to include simulation and/or multiple-car laboratory instruction. (See 23 Ill. Adm. Code
1.730(q.) The prescribed additional requirements effective July 1, 1969, must be met.

5) When schools have a department chairman or a person designated to supervise the driver education program, this person must be qualified as described in this Section.

b) Invalid Driver’s License – The State Board of Education, using information provided by the Secretary of State, shall on a regular basis provide to school districts and nonpublic schools employing driver education instructors who possess Illinois driver’s licenses a list of driver education instructors who are in possession of an invalid driver’s license as described in subsection (a)(3)(B) of this Section. It shall be the responsibility of the school district or nonpublic school employing an instructor who holds an out-of-state license to ensure that that license is valid and in good standing (e.g., has not been revoked, suspended, expired, or cancelled or is restricted by the state issuing the license).

1) After receiving the list, or confirmation that an out-of-state license is invalid, the school district or nonpublic school shall inform each of the instructors in writing of the Secretary of State’s determination that he or she is in possession of an invalid license and that he or she has no more than five school days to provide evidence to the school district or nonpublic school disputing the determination.

2) If the initial determination is found to be correct (i.e., the instructor’s license is not valid), then the driver education instructor shall be removed from the driver education program immediately.

3) A driver education instructor who is removed from his or her teaching position due to an invalid license shall not be allowed to teach in a driver education course program for three years following the reinstatement of a valid driver’s license.

4) For the purposes of this subsection (b), a driver education instructor shall not be subject to the three-year suspension described in subsection (b)(3) of this Section if:

A) the invalid license is restored to good standing, and
B) the reason that the license was invalidated is due to a non-serious violation not related to driving ability or performance (e.g., failure to renew a license, violation of EPA emission standards, failure to pay traffic fines, not possessing a mandatory insurance card).

c) Administrators and teachers of State-approved high school driver education courses programs shall not acquire an interest in, teach in, or solicit for a commercial driver training education school.

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