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 June Ad Hoc Rules Committee Meeting (pp. 2-3)

*5. Rules for Adoption 9:15 – 9:45 a.m.
   a. Part 1 (Public Schools Evaluation, Recognition and Supervision) (pp. 4-75)
   b. Part 65 (New Teacher Induction and Mentoring) (pp. 76-85)
   c. Part 120 (Pupil Transportation Reimbursement) (pp. 86-100)
   d. Part 180 (Health/Life Safety Code for Public Schools) (pp. 101-109)
   e. Part 252 (Driver Education) (pp. 110-120)
   f. Part 401 (Special Education Facilities Under Section 14-7.02 of the School Code) (pp. 121-126)
   g. Part 675 (Providers of Supplemental Educational Services) (pp. 127-135)

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.
1. ROLL CALL
Chairman Ruiz called the meeting to order at 9:05 a.m. He noted that all the Board members were present and asked each to identify him- or herself for the record.

2. BOARD MEMBER PARTICIPATION BY OTHER MEANS
There was no need for Board member participation by other means.

3. PUBLIC PARTICIPATION
There was no public participation.

4. APPROVAL OF MINUTES
Lanita Koster moved approval of the minutes of the Committee’s meeting of May 20, 2009, and David Fields seconded the motion. It was adopted unanimously, and the minutes were approved as presented.

5. RULES FOR INITIAL REVIEW
The Chairman turned the meeting over to General Counsel Darren Reisberg, who indicated that five sets of rules were being presented for initial review. Among these were amendments to Part 180 (Health/Life Safety Code for Public Schools) incorporating the most recent editions of the applicable building codes and to Part 252 (Driver Education) permitting districts to contract for programs that would provide adaptive driving equipment for students whose disabilities necessitate it. In addition, technical updates and corrections were being proposed to part 120 (Pupil Transportation Reimbursement), Part 401 (Special Education Facilities Under Section 14-7.02 of the School Code), and Part 675 (Providers of Supplemental Educational Services). Vinni Hall asked about the origin of the latter changes, and Rules Coordinator Sally Vogl explained that these needed to be made because they had been unintentionally omitted from the recently concluded rulemaking on the same subject.

Andrea Brown asked whether ISBE needed to await changes at the federal level in the administration of the No Child Left Behind Act, and Mr. Reisberg reminded the Board that the agency already had approval for its approach to “differentiated accountability” so that no further federal action was needed. He noted that only a small number of districts had take advantage of this opportunity, probably because the provision of choice and the provision of supplemental educational services are equally challenging for districts.
6. RULES FOR ADOPTION
Mr. Reisberg then moved on to the rulemakings for Parts 405 (Payments to Certain Facilities Under Section 14-7.05 of the School Code) and 575 (School Technology Program). Regarding new Part 405, he indicated that several comments had been received. These rules had been presented for initial review at the February Board meeting and had originally been scheduled for adoption in May. However, they had been deferred for an additional month in order to permit careful consideration of the points raised by the commenters. Division Administrator Tim Imler and Assistant Superintendent Beth Hanselman were available to answer any questions, but there were none.

No comments had been received on the amendments to Part 575, which were thus identical to the version originally considered.

Andrea Brown asked whether the Hope School, for example, would fall under new Part 405. It was clarified that that facility, located in Springfield, was approved under the State Board’s rules that implement Section 14-7.02 of the School Code (i.e., Part 401) and the rules of the Illinois Purchased Care Review Board (89 Ill. Adm. Code 900). Consequently new Part 405 would not be applicable in this situation, and Superintendent Koch expressed the hope that placements into facilities not already approved under Part 401 would be rare. However, he also noted that placements of students by courts and other state agencies are outside ISBE’s control and that one purpose of these new rules was to address some of the issues created by that lack of connection.

Tim Imler was asked to explain the basis on which facilities under Part 401 are paid for their programs, and he discussed the Purchased Care Review Board’s establishment of a rate for the educational programs based on audited cost reports supplied by the facilities. It was noted that residential costs were calculated separately and paid for out of federal funding under IDEA; only the tuition reimbursement was provided pursuant to Section 14-7.02 of the School Code. In elation to some parents’ strong preferences for some facilities over others, there was discussion of ISBE’s role in monitoring the quality of approved programs.

7. ANNUAL REPORT ON THE STATUS OF AGENCY RULEMAKING
Mr. Reisberg noted that this report was provided for informational purposes only.

8. COMMITTEE AGENDA PLANNING/ADDITIONAL ITEMS
Mr. Reisberg noted that the next formal meeting of the Rules Committee would not occur until the September Board meeting. He also indicated that rules presented in September are often the result of newly enacted legislation, making it impossible to predict at this point what might be coming forward for initial review at that time. He stated that the biggest change would be in the person of the agency’s Rules Coordinator, with Sally Vogl’s retirement imminent, and that the Board’s activities in this regard would be in good hands as Shelley Helton assumed that function and Winnie Tuthill became more familiar with this work as well. Ms. Vogl was thanked for her service to the agency.

9. ADJOURNMENT
Vinni Hall moved that the meeting be adjourned. David Fields seconded the motion, and the meeting was adjourned at 9:20 a.m.
TO: Illinois State Board of Education

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


Materials: Recommended Rules

Staff Contacts: Patrick Murphy, Tim Imler, Linda Jamali, Gayle Johnson, and Joyce Zurkowski, Division Administrators

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

Relationship to/Implications for the State Board’s Strategic Plan
This item of rulemaking consists of many unrelated updates and clarifications to these rules and does not arise specifically from any of the goals. However, some of the affected provisions relate to Goal 1 as to students’ academic achievement, while other portions of the rules are relevant to the need for highly prepared and effective teachers and school leaders under Goal 2.

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

Background Information
These amendments encompass numerous aspects of these rules, each of which is summarized under “Policy Implications” below. The proposed rules were published June 12, 2009, in the Illinois Register to elicit public comment; 26 responses were received. The summary and analysis of the public comment is attached.

Analysis and Implications for Policy, Budget, Legislative Action and Communications
Policy Implications: An overview of these is presented below, organized according to the order in which the rules appear. For the sake of succinctness, context that can easily be gleaned from the affected rules has not been restated in detail here.

Subpart A: Recognition Requirements. Section 1.20 is being revised to distinguish among the appropriate levels of authority over the plan a district must submit depending upon whether a school or the district itself has been placed on probation and to include a provision for changing the district’s or school’s status to “nonrecognized” if a required plan is not implemented or if areas of noncompliance are not resolved.
Updates are being made in Section 1.30 for the sake of technical correctness in referring to accommodations in the state assessment that are afforded to students of limited English proficiency, and Section 1.30(c) will now specify when extensions of time will be made available to those students. This provision responds to P.A. 94-642, which was enacted in 2005 and amended Section 2-3.64 of the School Code to authorize ISBE to allow additional time “by rule”. In addition, the labels currently used in describing student’s scores on the Illinois Alternate Assessment are being inserted. Finally, the rule on review and verification of assessment information has been updated to reflect the process and timelines now available with the Student Information System.

The changes in Section 1.88 reflect approval by the U.S. Department of Education of an addendum we recently submitted to the portion of our Consolidated State Plan that relates to implementation of Title III under NCLB. We are also taking this opportunity to reverse the order in which “progress” and “proficiency” are discussed because federal documents discuss “progress” as “AMAO 1”.

Several details are being added to Section 1.100 so that staff of school districts and other eligible applicants will have more specific guidance as to what is expected as part of the process for receiving waivers and modifications of requirements stated in the School Code or ISBE’s rules. These additions reflect current practice and will facilitate the work involved in processing applications for inclusion in the reports that ISBE is required to send to the General Assembly.

Subpart B: Governance. Section 1.240 is being amplified to include a reference to gender identity among the prohibited bases for discrimination because it may otherwise not be clear that gender identity is encompassed in the definition of sexual orientation.

Subpart D: The Instructional Program. Section 1.420 is being revised to provide added clarity to the agency’s treatment of situations in which districts find they must use multiple sessions and situations when students are not in attendance for a full school day; to replace a detailed list of the topics to be covered in certain areas with cross-references to the statutory requirements; and to emphasize the meaning of the portion of the rule on library media programs that distinguishes between the services that may be performed only by certified library information specialists and the other tasks that may be inherent in districts’ operation of their programs.

Section 1.450 is being repealed because its provisions are covered elsewhere in our rules, in law, or both.

Sections 1.465 and 1.480 are being generally updated, including the insertion of current statutory citations.

Subpart E: Support Services. The main revision to Section 1.510 will convey ISBE’s interpretation that districts may not pick and choose among students in the same situation once they voluntarily elect to transport some students.

The principal changes in Section 1.530 are being introduced in response to P.A. 95-496. That piece of legislation replaced a requirement for regional superintendents to withhold portions of general state aid payments from districts failing to comply with Section 27-8.1 of the School Code (Health Examinations and Immunizations) with language stating that ISBE “may” do so.
This change requires the agency to identify in rule the circumstances under which these payments will be withheld.

**Subpart F: Staff Certification Requirements.** The material that is being added to Section 1.630 as subsections (f) and (g) is being moved from Part 25 (Certification) because it deals with how districts may assign certain individuals rather than with how individuals receive particular credentials.

**Subpart G: Staff Qualifications.** The amendment to Section 1.720 is the same as a change being introduced in Part 25 for all other teachers. In both cases, only courses passed with grades no lower than “C” will count toward eligibility to teach in the affected grades. (Requirements for teachers in the middle grades are not currently addressed in Part 25 but rather in Section 1.720.)

Section 1.737 is being updated to complement new requirements for endorsements in safety and driver education that will take effect in 2012.

The language of Section 1.770 is simply being updated; no substantive change is being made.

Many of the certificates listed in Appendix A are no longer issued. None of these will be properly registered any more, since most have already been exchanged for more current types of certificates and any that might be presented in the future will also be exchanged. All these can now be deleted. Several minor technical corrections are also being made.

The personnel-related portions of these rules were presented to the State Teacher Certification Board at its meeting on May 1 along with the large set of amendments to Part 25. No concerns or issues were raised specific to the matters addressed within Part 1.

Budget Implications: None.
Legislative Action: None needed.
Communication: Please see “Next Steps” below.

**Pros and Cons of Various Actions**
Promulgation of this group of changes will improve the expression of several requirements, as outlined above, respond to recent statutory changes, and raise the standards for future applicants in several fields.

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

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
23 Ill. Adm. Code 1 (Public Schools Evaluation, Recognition and Supervision)

Section 1.30

Comment

This section is being amended to define the circumstances under which a student would be administered the Illinois Alternate Assessment (IAA) rather than the regular state assessments as those circumstances under which a student has a “significant cognitive disability”. A commenter suggested that this terminology is too broad and could be interpreted differently among educators who administer the IAA. Therefore she asked that staff define what is meant by “significant cognitive disability”.

Analysis

The proposed rule clarifies which students with disabilities should be considered for participation in the Illinois Alternate Assessment, which is based on alternate achievement standards. Under federal regulations, only students with the most significant cognitive disabilities are eligible to participate in an alternative assessment based on alternate standards.

The rule, as proposed, leaves out the qualifier “the most”. Adding “the most” narrows the pool of students who could potentially take the IAA while acknowledging that students in any of several disability categories could be eligible to participate in the IAA. In other words, students within one or more of the existing categories of disability under the Individuals with Disabilities Education Act (IDEA) could potentially participate in an alternate assessment based on alternate achievement standards. Although participation in the alternate assessment based on alternative achievement standards cannot be restricted to one IDEA disability category, the proposal should be clarified to make it consistent with federal regulations.

Recommendation

It is recommended that the following changes be made in Section 1.30(d):

   d) Illinois Alternate Assessment

   Students with the most significant cognitive disabilities whose Individualized Education Programs identify the regular State assessment as inappropriate for them even with accommodations shall participate in the Illinois Alternate Assessment (IAA), based on alternate achievement standards, for all subjects tested. See also Section 1.60(c) of this Part.

Section 1.100

Comment

One commenter expressed disagreement with the agency’s interpretation that a hearing conducted for the purpose of considering a waiver or a modification of School Code mandates or agency rules must be before a quorum of the board of education (Section 1.100(c)(9)). She argued that this interpretation “overreaches ISBE’s authority” and recommended that staff seek
a legislative change to Section 2-3.25g of the School Code in order to explicitly require that the hearing be held before the local board.

Analysis

Section 2-3.25g of the School Code provides that applications for waivers and modifications of School Code mandates or of the agency’s administrative rules be approved by the local board of education following “the opportunity for the board (...) to hear testimony from staff directly involved in (the request’s) implementation, parents, and students”. Agency staff have interpreted the phrase “opportunity for the board to hear testimony” as meaning that the members of the board must be present during the public hearing. Since the board takes action on the application following the public hearing, it is assumed that a quorum of the board would need to be present.

Since the waiver law was expanded in 1995, waiver staff have fielded complaints from only a handful of school district personnel who have argued, like this commenter does, that the local board would benefit equally from reviewing a summary of the testimony, either in writing or orally, rather than being present during the hearing. This approach, however efficient it may appear, fails to provide board members with the opportunity to directly address concerns that staff, parents and students may raise about the proposed waiver or modification.

Staff disagree that the agency lacks statutory authority to remind school boards of their obligations under the Open Meetings Act, including having a quorum of the board present to hear the testimony provided. This is the position the agency’s Legal Division has taken in the past, the position is being enforced, and staff believe it is a reasonable interpretation of the statute.

Recommendation

No change is recommended in response to this comment.

Section 1.420(f)

Comment

One commenter asked how the agency determined the amount of time (i.e., minutes) that would constitute a half day for the purposes of calculating general state aid (GSA). She recommended that the agency consider allowing districts to “pro-rate attendance more incrementally”. She asked the agency to consider several options: breaking the day into tenths or quarters, or using the actual percentage of minutes attended in relationship to the required 300 minutes, rounded to the nearest hundredth (commenter’s example: 285 divided by 300 = .95 or 95 percent).

Analysis

The changes proposed for Section 1.420(f)(1) clarify the process to be used by a school district seeking approval to offer multiple sessions, as authorized under Section 18-8.05(F)(2)(c) of the School Code, and explicitly provides for the computation of GSA attendance for full and half days of school. While the School Code is silent on how credit for half days of attendance is provided for GSA, the agency has long allowed reimbursement for half days and put that policy into administrative rules in 1996 (see Section 1.420(f)(4)). This proposed language is consistent
with the existing standard in that consideration for student attendance will be given both for a full
legal school day, which is five clock-hours of school work, as well as for half of a legal school
day (150 minutes or 2.5 hours).

It is the responsibility of the school district to track student attendance with sufficient
documentation to substantiate its requests for GSA reimbursement. According to agency staff,
many school districts, however, do not employ attendance systems sophisticated enough to
count student attendance in increments shorter than a half of day. Staff concede that it might
be financially beneficial and technologically possible for some school districts to claim GSA for
whatever period of time a student is in attendance, yet they also recognize that whatever
system is implemented must reward districts equally without placing undue compliance burdens
on some.

Recommendation

No change is recommended in response to this comment.

Section 1.420(o)

Comment

Twenty-one of the comments received addressed the proposed clarification to the rule
governing library media programs. All of the letters supported the agency's proposal, with the
commenters viewing the clarification as strengthening the existing rule that requires that the
library media program be under the direction of a person qualified as library media specialist
pursuant to Section 1.755 or if a library media specialist cannot be employed, then an individual
receiving annual professional development (as prescribed in the rules) and working in
consultation with an individual who is qualified.

In addition to supporting the proposed change, several of the commenters also expressed
dissatisfaction with the current requirements, urging the agency to consider additional
rulemaking to mandate that each school library be staffed by a library media specialist. One
individual characterized subsections (4)(A) and (B), which acknowledge school districts’
difficulties in employing qualified staff, as “loopholes” that “dilute the message and weaken
library programs”. Another interpreted subsection (4)(A) as allowing school districts to employ
“almost anyone” to direct the library media program. Interestingly, a commenter reported that a
principal interpreted the rules as not requiring a qualified librarian at the high school level, so the
school's librarian was “removed”.

Other recommendations included requiring all schools to have a school library. One respondent
simply asked that the agency find ways to “strengthen the language even more”.

Analysis

It is clear from these comments that misunderstandings about the requirements for library media
programs continue to exist in the field. Section 1.755 sets forth the requirements for any
individual assigned to “provide library and audio-visual services to students, teachers and other
school personnel”. The requirements in Section 1.755 extend beyond the person assigned to
direct the program to individuals who, among other duties, provide instruction to students about
information and technology literacy, guide students and staff in their use of the library’s
materials, and maintain the library’s collections. In fact, the requirements for qualified library personnel are long-standing and date back to 1978.

What may not be as readily transparent in Section 1.420(o), however, is that anyone conducting the functions of a library media specialist is subject to the requirements of Section 1.755. The permissive element to use someone who is not qualified under certain conditions extends only to the person responsible for the “overall direction” of the library media program.

As to the suggestion that each school be required to have a library, commenters raised valid concerns about this mandate during the 2008 rulemaking that revamped Section 1.420(o). In particular, commenters mentioned at that time that local conditions caused some attendance centers to implement options to a centralized library location in each building: schools in close proximity sharing a library located in one building only, students using the public library instead, and schools offering classroom collections in lieu of a schoolwide library. The agency acknowledged the legitimacy of the various space and financial limitations facing school districts through the flexibility inherent in subsection (3), and staff do not believe that proposing additional mandates is necessary at this time.

**Recommendation**

No changes are recommended in response to these comments.

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**Section 1.420(q)**

**Comment**

Although not proposed for a change at this time, Section 1.420(q) regarding pupil services personnel was the subject of a comment from an individual who asked for clarification about the “comprehensive needs assessment” required and whether that assessment is a “standardized” process or one that is conducted under procedures determined by the district.

**Analysis**

The rule requires that each district “assure (the) provision of Pupil Personnel Services” by conducting “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.”

It is assumed that each district will determine how best to ascertain its students’ needs for these services. The agency does not require that a specific process be used. Rather, the locally determined procedures should be designed to ensure that a sufficient number of appropriately qualified personnel are available to provide these services effectively for the students who need them.
Recommendation

No change is recommended in response to this comment.

Section 1.720

Comment

Commenters raised several issues concerning additional requirements for middle-grades assignments and endorsements, to take effect beginning February 1, 2012. In particular, the proposal provides that after the effective date stated above, a student would need to receive a grade no lower than a “C” or its equivalent in any coursework used for a middle-grades endorsement or considered when a teacher is first assigned to those grade levels. They believe that this requirement “discriminates” against candidates from certain schools (i.e., those with grading systems that use pluses and minuses), since a student could not apply a course in which he or she received a C-minus. Another commenter worried that requiring a grade no lower than a “C” would cause confusion in institutions where some departments allow a student to receive credit for a course in which the student earned a grade lower than a “C”, while other departments do not. One individual also believed that the requirement may “prevent some quality graduates from becoming teachers” if they earned a “D” in a difficult subject matter course, such as chemistry.

The deadline of February 1, 2012, was also questioned. One person asked about the impact of the proposed change on a teacher who already holds a middle-grades endorsement but would not be assigned to teach in those grade levels until sometime after February 1, 2012. Would he or she be subject to the minimum grade requirement on the coursework completed and already accepted for the endorsement?

Additionally, one other commenter believed that the effective date itself is unfair because it places two separate sets of standards on students who are completing their degree programs in the same academic year; that is, those who choose to graduate early (December 2011) would be subject to the less stringent standards currently in effect. The effective date also would apply to students who have completed their first year of study in 2008-09 and may not have the time in their schedules to repeat courses, if need be, and still complete the program in four years. For these reasons, a commenter suggested that the effective date be moved to October 1, 2013.

Analysis

The proposed amendments to Section 1.720 correspond to changes being made in Part 25.100 and acknowledge the value of achieving at a certain minimum level in order for coursework to be eligible for an endorsement, teaching certificate or approval. The commenters do not disagree with setting a minimum performance level but suggest that setting a standard that does not recognize variations in individual institutions’ grading structures – or even differences among grading structures within the same institution – is inherently unfair. While that may be true, it is also true that a letter grade awarded at one institution may not have the same “value” as the same grade at a different school. For instance, an “A” may be based on a scale of 92 to 100 percent, while another program might accept 90 to 100 percent as an “A”. It would be impossible for a rule to be written that represents all of the individual grading policies being used; therefore it is incumbent upon faculty at institutions that issue “plus” and “minus” grades to
be cognizant of ISBE’s requirements when establishing grading policies and advising their students.

As of February 1, 2012, all candidates would be subject to the minimum grade requirement at the time the middle-grades endorsement is issued or added to their certificate. Staff considered several options when choosing the date this requirement would take effect. The February 1, 2012, date allows ample lead time for candidates and institutions to adjust to the new rules and captures those students who may take an additional semester to complete coursework for their degree (i.e., four and a half years). Since few students complete coursework in fewer than four years by graduating in the middle of an academic year, it is anticipated that the number of students within the class of 2012 who would be subject to different standards would be small.

**Recommendation**

No change is recommended in response to these comments.
ILLINOIS 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 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)
STATE BOARD OF EDUCATION
NOTICE OF ADOPTED AMENDMENTS

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 (Repealed)
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
1.480  Correctional Institution Educational Programs

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)

SUBPART F: STAFF CERTIFICATION REQUIREMENTS

Section
1.610  Personnel Required to be Qualified
## NOTICE OF ADOPTED AMENDMENTS

### SUBPART G: STAFF QUALIFICATIONS

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### Section 1.705

- Requirements for Supervisory and Administrative Staff

### Section 1.710

- Requirements for Elementary Teachers

### Section 1.720

- Requirements for Teachers of Middle Grades

### Section 1.730

- Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above through June 30, 2004

### Section 1.735

- Requirements to Take Effect from July 1, 1991, through June 30, 2004

### Section 1.736

- Requirements to Take Effect from July 1, 1994, through June 30, 2004

### Section 1.737

- Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004

### Section 1.740

- Standards for Reading through June 30, 2004

### Section 1.745

- Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004

### Section 1.750

- Standards for Media Services through June 30, 2004

### Section 1.755

- Requirements for Library Information Specialists Beginning July 1, 2004

### Section 1.760

- Standards for Pupil Personnel Services

### Section 1.762

- Supervision of Speech-Language Pathology Assistants

### Section 1.770

- Standards for Special Education Personnel

### Section 1.780

- Standards for Teachers in Bilingual Education Programs

### Section 1.781

- Requirements for Bilingual Education Teachers in Grades K-12

### Section 1.782

- Requirements for Teachers of English as a Second Language in Grades K-12

### Section 1.790

- Substitute Teacher

### APPENDIX A

- Professional Staff Certification

### APPENDIX B

- Certification Quick Reference Chart (Repealed)

### APPENDIX C

- Glossary of Terms (Repealed)

### APPENDIX D

- State Goals for Learning

### APPENDIX E

- Evaluation Criteria - Student Performance and School Improvement Determination (Repealed)

### APPENDIX F

- Criteria for Determination - Student Performance and School Improvement (Repealed)

### APPENDIX G

- Criteria for Determination - State Assessment (Repealed)


SUBPART A: RECOGNITION REQUIREMENTS

Section 1.20 Operational Requirements

a) Districts’ and schools’ recognition status is based upon compliance with the requirements imposed by law, including but not limited to the recognition
standards established by the State Board of Education pursuant to Section 2-3.25 of the School Code and this Part, as modified or waived, if applicable, pursuant to Section 2-3.25g of the School Code and Section 1.100 of this Part.

1) No later than September 30 of each year, each school district shall apply for recognition of each school operated by the district. This application shall be submitted to the respective regional superintendent of schools through an electronic submission process established by the State Superintendent Board of Education, except that a district operated pursuant to Article 34 of the School Code [105 ILCS 5/Art. 34] shall submit its application directly to the State Superintendent Board.

2) No later than October 15 of each year, each regional superintendent of schools shall summarize, through an electronic process established by the State Superintendent Board of Education, the degree to which the schools in the districts for which he or she is responsible adhere to operational compliance requirements. The regional superintendent shall recommend the assignment of recognition status as applicable considering the compliance-related information supplied.

3) As part of this process, the regional superintendent of schools shall periodically visit the region’s school districts as he or she may deem necessary to ascertain the degree to which the districts’ schools comply with operational requirements.

b) Based upon the information provided by the district and the regional superintendent, the State Superintendent Board shall prepare a certificate of recognition status for each school and for each district as a whole and shall transmit these certificates to all districts. In each case, the recognition status assigned shall be either "Fully Recognized", “On Probation”, "Recognized Pending Further Review", or "Nonrecognized".

1) Each school or district that meets the requirements imposed by law, including the requirements established by the State Board pursuant to Section 2-3.25 of the School Code and this Part, shall be fully recognized.

2) A school or district shall be placed on probation if it:
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A) exhibits deficiencies that present a health hazard or a danger to students or staff;

B) fails to offer required coursework;

C) employs personnel who lack the required qualifications and who are not in the process of attaining such qualifications;

D) fails or refuses to serve students according to relevant legal and/or regulatory requirements; and/or

E) prolongs or repeats instances of noncompliance to a degree that indicates an intention not to comply with relevant requirements.

3) A school or district shall be recognized pending further review if it exhibits areas of noncompliance that:

A) are not serious enough to warrant probation as delineated in subsection (b)(2) of this Section; and

B) may be corrected prior to the end of the school year following the school year in which they were identified.

4) A district shall be recognized pending further review whenever one or more of the district’s schools are first removed from full recognition, whether recognized pending further review or placed on probation. The district shall subsequently be placed on probation if the instances of noncompliance cited for one or more schools have not been corrected within the time allowed under subsection (b)(3)(B) of this Section.

c) The recognition status of a district or a school may be changed by the State Board of Education at any time to reflect information confirmed during compliance monitoring or by any other means.

d) The superintendent of a district that is recognized pending further review or in which one or more schools are recognized pending further review may, within 30 days after receipt of notification to this effect, request a conference at which representatives of the district will have an opportunity to discuss compliance issues with representatives of the State Board of Education.
e) The State Superintendent shall schedule a conference with the superintendent of a district that is placed on probation, or in which one or more schools are placed on probation, at which representatives of the district will discuss compliance issues with representatives of the State Board of Education. Within 60 days following this conference, the school district shall submit to the regional superintendent of schools and the State Superintendent of Education a corrective plan that conforms to the requirements of subsection (f) of this Section and is signed by the secretary of the local board of education as evidence that the board adopted a resolution authorizing its submission.

1) If the plan is required to relate to areas of noncompliance at the district level, the plan shall be signed by the secretary of the local board of education as evidence that the board adopted a resolution authorizing its submission.

2) If the plan is required to relate to areas of noncompliance at one or more schools, the plan shall be signed by the district superintendent and each affected principal.

f) The State Superintendent of Education shall respond to the submission of a plan within 15 days after receiving it and may consult with the regional superintendent of schools to determine the appropriateness of the actions proposed by the district to correct the cited deficiencies. The State Superintendent shall approve a plan if it:

1) specifies steps to be taken by the district that are directly related to the area or areas of noncompliance cited;

2) provides evidence that the district has the resources and the ability to take the steps described without giving rise to other issues of compliance that would lead to probationary status; and

3) specifies a timeline for correction of the cited deficiencies that is demonstrably linked to the factors leading to noncompliance and is no longer than needed to correct the identified problems.

g) If a district’s plan is not approvable under subsection (f) of this Section, the State Superintendent shall notify the district to this effect. If no plan is submitted, or if no approvable plan is received within 60 days after the district’s conference with
the State Board, the status of the district, or of the affected school or schools, as applicable, shall be changed to “nonrecognized”.

h) If, at any time while a plan for corrective action is in effect, the State Superintendent determines that the agreed-upon actions are not being implemented in accordance with the plan or the underlying areas of noncompliance are not being remedied, the status of the district, or of the affected school or schools, as applicable, shall be changed to “nonrecognized”.

i) The superintendent of a district that is nonrecognized pursuant to this Section, or in which one or more schools are nonrecognized pursuant to this Section, may request a conference with representatives of the State Board of Education within 15 days after receipt of notification to this effect. (See Section 1.95 of this Part for procedures related to nonrecognition pursuant to Section 2-3.25f of the School Code [105 ILCS 5/2-3.25f].)

1) If a conference is requested by a superintendent on behalf of a nonrecognized school or district and the areas of concern are not resolved, the State Superintendent shall furnish the school board with a Notice of Opportunity for Hearing. The school board may submit an appeal by adopted board resolution within 15 days after receipt of the notice. The appeal must identify the specific findings with which the district disagrees. The district will be given a hearing in accordance with the State Board’s rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475). A final decision shall be rendered by the State Board of Education.

2) If no conference is requested, the district shall be deemed not to intend to appeal the nonrecognition.

j) Neither a district nor a school shall be nonrecognized under this Section without first having been placed on probation. A district that is nonrecognized, or in which one or more schools are nonrecognized, shall be subject to the provisions of Section 18-8.05(A)(3)(a) of the School Code [105 ILCS 5/18-8.05(A)(3)(a)].

(Source: Amended at 33 Ill. Reg. _____, effective _____________)
Section 1.30 State Assessment

The State Superintendent of Education shall develop and administer assessment instruments and other procedures in accordance with Section 2-3.64 of the School Code [105 ILCS 5/2-3.64]. In addition, school districts shall collaborate with the State Superintendent in the design and implementation of special studies.

a) Development and Participation

1) Assessment instruments and procedures shall meet generally accepted standards of validity and reliability as stated in "Standards for Educational and Psychological Testing" (1999), published by the American Educational Research Association, 1230 17th St., N.W., Washington, D.C. 20036. (No later amendments to or editions of these standards are incorporated.)

2) Districts shall participate in special studies, tryouts, and/or pilot testing, field testing, and/or norm testing of these assessment procedures and instruments when one or more schools in the district are selected to do so by the State Superintendent.

3) A school shall generally be selected for participation in these special studies, tryouts, and/or pilot testing, and/or field testing no more than once every four years, except that participation may be required twice every four years in the case of the Illinois Alternate Assessment.

4) All pupils enrolled in a public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, a charter school operating in compliance with the Charter Schools Law [105 ILCS 5/Art. 27A], a school operated by a regional office of education under Section 13A-3 of the School Code [105 ILCS 5/13A-3], or a public school administered by a local public agency or the Department of Human Services shall be required to participate in the State assessment, whether by taking the regular assessment, with or without accommodations, or by participating in an accommodated or alternate form of the assessment (Sections 2-3.25a and 2-3.64 of the School Code).

A) Students who are served in any locked facility that has a State-assigned RCDTS (region/county/district/type/school) code,
students who attend public university laboratory schools under Section 18-8.05(K) of the School Code, and students beyond the age of compulsory attendance (other than students with IEPs) whose programs do not culminate in the issuance of regular high school diplomas are not required to participate in the State assessment.

B) It is the responsibility of each district or other affected entity to ensure that all students required to participate in the State assessment do so. See also Section 1.50 of this Part.

5) Each district or other affected entity shall ensure the availability of reasonable accommodations for participation in the State assessment by students with disabilities, as reflected in those students’ IEPs or plans developed under Section 504 of the Rehabilitation Act of 1973 (29 USC 794), or limited English proficiency.

b) Assessment Procedures

1) All assessment procedures and practices shall be based on fair testing practice, as described in "Code of Fair Testing Practices in Education" (2004), published by the Joint Committee on Testing Practices of the American Educational Research Association, American Psychological Association, and National Council on Measurement in Education, 750 First Avenue, N.E., Washington, D.C. 20002-4242. (No later amendments to or editions of this code are incorporated.)

2) Districts and other affected entities shall protect the security and confidentiality of all assessment questions and other materials that are considered part of the approved State assessment, including but not necessarily limited to test items, reading passages, charts, graphs, and tables.

3) Districts shall promptly report to the State Superintendent all complaints received by the district of testing irregularities. A district shall fully investigate the validity of any such complaint and shall report to the State Superintendent the results of its investigation.

c) Accommodations Accommodated Assessment
Students who have been identified at the local level as having limited proficiency in English as provided in 23 Ill. Adm. Code 228.15, including students not enrolled in programs of bilingual education, may participate in an accommodated form of the State assessment, subject to the limitations set forth in Section 2-3.64 of the School Code. A student with limited proficiency in English shall be afforded extra time for completion of the State assessment when, in the judgment of the student’s teacher, extra time is necessary in order for the student’s performance to reflect his or her level of achievement more accurately, provided that each test must be completed in one session. A student of limited proficiency in English may, however, participate in the regular assessment for his or her grade if, in the judgment of the district or the student’s parent, the regular State assessment is more appropriate for that student. See also Section 1.60(b) of this Part.

d) Illinois Alternate Assessment

Students with the most significant cognitive disabilities whose Individualized Education Programs identify the regular State assessment as inappropriate for them even with accommodations shall participate in the Illinois Alternate Assessment (IAA), based on alternate achievement standards, for all subjects tested. See also Section 1.60(c) of this Part.

e) Review and Verification of Information

Each school district and each charter school shall have an opportunity to review and, if necessary, correct the preliminary data generated from the administration of the State assessment, including information about the participating students as well as the scores achieved.

1) Within 30 days after the preliminary data for a particular assessment are made available, each district or charter school shall make any necessary corrections to its demographic and score data and then use a means prescribed by the State Board to indicate either:

A) that both its demographic and preliminary data are correct; or

B) that it is requesting rescoring of some or all portions of the assessment for specific students unresolved problems still exist within its data.
2) When districts request rescoring in cases where unresolved problems still exist, staff of the State Board and/or its contractor shall have an additional period of 21-15 days within which to work with the affected district or charter school to make any resulting necessary corrections.

3) At the end of the 21-day-15-day period discussed in subsection (e)(2) of this Section, all districts’ and charter schools’ data shall stand as the basis for the applicable school report cards and determination of status. Any inaccuracies that are believed to persist at that time shall be subject to the appeal procedure set forth in Section 1.95 of this Part.

f) Reports of State Assessment Results

1) Following verification of the data under subsection (e) of this Section, the State Board shall send each school and district a report containing final information from the results of each administration of the State assessment.

A) The scores of students who are served by cooperatives or joint agreements, in Alternative Learning Opportunities Programs established under Article 13B of the School Code, by regional offices of education under Section 13A-3 of the School Code, by local agencies, or in schools operated by the Department of Human Services, scores of students who are served in any other program or school not operated by a school district and who are scheduled to receive regular high school diplomas, all scores of students who are wards of the State, and all scores of students who have IEPs, shall be reported to the students’ respective districts of residence and to the schools within those districts that they would otherwise attend.

B) The scores of students enrolled in charter schools shall be reported to the chief administrator of the charter school and to any school district serving as a chartering entity for the charter school.

2) Each report shall include, as applicable to the receiving entity:

A) results for each student to whom the State assessment was administered (excluding any scores deemed by the State Board to be invalid due to testing irregularities); and
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B) summary data for the school and/or district and the State, including but not limited to raw scores, scale scores, comparison scores, including national comparisons when available, and distributions of students’ scores among the applicable proficiency classifications (see subsection (h) of this Section).

g) Each school district and each charter school shall receive notification from the State Board of Education as to the status of each affected school and the district based on the attainment or non-attainment of adequate yearly progress as reflected in the final data. These determinations shall be subject to the appeal process set forth in Section 1.95 of this Part.

h) Classification of Scores

Each score achieved by a student on a regular, accommodated, or alternate State assessment shall be classified among a set of performance levels, as reflected in score ranges that the State Board shall disseminate at the time of testing, for the purpose of identifying scores that “demonstrate proficiency”.

1) Each score achieved by a student on a regular State assessment (i.e., the Illinois Standards Achievement Test (ISAT) or the Prairie State Achievement Exam (PSAE)), as well as each score achieved on the accommodated State assessment, shall be classified as “academic warning”, “below standards”, “meets standards”, or “exceeds standards”. Among these scores, those identified as either meeting or exceeding standards shall be considered as demonstrating proficiency.

2) Each score achieved by a student on the Illinois Alternate Assessment shall be classified as “entry” “attempting”, “foundational” “emerging”, “satisfactory” “progressing”, or “mastery” “attaining”. Among these scores, those identified as “satisfactory” “progressing” or “mastery” “attaining” shall be considered as demonstrating proficiency.

i) Scores Relevant to Adequate Yearly Progress

For purposes of determining whether a district or a school has made adequate yearly progress, scores achieved on a State assessment in reading or mathematics shall be “relevant scores”. For schools without grades higher than 2 (that is, for schools where no State assessment is administered), scores achieved by students
in Grade 2 on the Terra Nova examination (CTB McGraw-Hill, 20 Ryan Ranch Road, Monterey CA 93940 (2001)) shall also be considered “relevant scores” for school years from 2002-03 through 2005-06. Beginning with the 2006-07 school year, the determination as to whether a school in this group has made adequate yearly progress shall be the determination applicable to the school where the largest number of students go on into the third grade.

(Source: Amended at 33 Ill. Reg. _____, effective _____________)

Section 1.88 Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency Under Title III

This Section implements section 3122 of the No Child Left Behind Act of 2001 (NCLB) (20 USC 6842), which requires that states establish “Annual Measurable Achievement Objectives” (AMAOs) for educational agencies that use funds provided under Title III of the Act to serve students of limited proficiency in English and hold those entities accountable for meeting those objectives. Further, this Section implements section 3113(b)(5) of NCLB (20 USC 6823), which requires states to hold local educational agencies and schools accountable for meeting all the objectives described in NCLB section 3122.

a) The three distinct AMAOs address proficiency, progress, proficiency, and adequate yearly progress (AYP), respectively, in connection with students taking the annual English language proficiency examination prescribed by the State Board of Education in 23 Ill. Adm. Code 228 (Transitional Bilingual Education). These objectives shall apply at the district or cooperative level, as applicable, i.e., based on the test scores achieved by all the students served by each entity that receives Title III funding. In order to “meet AMAOs” for any given year, a district or cooperative must achieve all of the applicable objectives described in this subsection (a).

1) “Progress” relates to the percentage of students whose scores on a given administration of the English language proficiency examination increased in comparison to their previous scores by at least .5 of a level of attainment on any one of the four domains (listening, speaking, reading, and writing) or reflect the maximum attainable level in any one of the four domains. The Illinois annual progress objective shall be 85 percent and shall apply provided that the number of students tested is no fewer than 45. A student’s score shall be counted for this purpose only if he or she has participated in at least two administrations of the State-prescribed English language proficiency examination. The scores of students tested
but not being served in bilingual education programs shall not be counted for this purpose.

2) “Proficiency” relates to the percentage of students who attained the score identified by the State Board of Education (ISBE) as demonstrating English language proficiency and eligibility to exit bilingual education. The Illinois annual proficiency objective shall be 10 percent. This objective shall apply provided that the number of students tested is no fewer than 45. The scores of students tested but not being served in bilingual education programs shall not be counted for this purpose. “Progress” relates to the percentage of students whose scores on a given administration of the English language proficiency examination increased in comparison to their previous scores by at least .5 of a level of attainment on any one of the four domains (listening, speaking, reading, and writing). The Illinois annual progress objective shall be 85 percent and shall apply provided that the number of students tested is no fewer than 30. A student’s score shall be counted for this purpose only if he or she has received two consecutive scores while being served by the same district or cooperative. The scores of students tested but not being served in bilingual education programs shall not be counted for this purpose.

3) “Adequate yearly progress” or “AYP” has the meaning given to that term in Section 1.40 of this Part, except that, for purposes of this Section, AYP is specific to the scores earned on the reading and mathematics portions of the State assessment by students with limited proficiency in English, to their participation in the State assessment, and to their attendance or graduation rate, as applicable. The AYP objective shall apply only when the number of students served is treated as a subgroup under Section 1.60(a) of this Part.

b) In order to avoid penalizing districts and cooperatives for the decision bias that is associated with drawing inferences from a small distribution, a 95 percent “confidence interval” shall be applied to the data involved in each calculation discussed in subsection (a) of this Section. (A confidence interval is a mathematical approach designed to compensate for the unreliability of data derived from consideration of small groups.)

c) The scores of all students served by a cooperative shall be analyzed as one group for purposes of determining whether the cooperative has met AMAOs in a given
year. The determination for a cooperative shall also apply to each of its member districts.

d) Section 3122(b) of NCLB requires entities funded under Title III that fail to reach AMAOs for two consecutive years to prepare improvement plans designed to ensure that the entities will meet those objectives in the future. Each entity that is subject to this requirement shall submit its plan no later than six months after it receives notification from ISBE of its failure to meet AMAOs for the second consecutive year. Should a district or cooperative elect not to apply for Title III funding in the subsequent year, it shall be required to submit an improvement plan before it next applies, unless data on the performance of its students demonstrate that the entity met AMAOs in the most recent year preceding its new application for funding. ISBE shall not approve an application for Title III funds from an entity that is subject to this requirement until its plan has been submitted.

e) When an entity funded under Title III has failed to reach AMAOs for four consecutive years, ISBE shall, as required by section 3122(b)(4) of NCLB:

1) require the entity to modify its curriculum, program, and method of instruction; or

2) make a determination regarding the entity’s continued receipt of funds under Title III and require the entity to replace educational personnel relevant to the entity’s failure to meet the achievement objectives.

f) The sanctions chosen pursuant to subsection (e) of this Section shall be identified based upon ISBE’s analysis of the factors that prevented the entity from attaining the AMAOs, including those factors presented in the improvement plan submitted in accordance with subsection (d) of this Section. In particular, ISBE shall deny continued Title III funding to an entity that:

1) fails or refuses to serve students according to relevant legal and/or regulatory requirements; or

2) prolongs or repeats instances of noncompliance to a degree that indicates an intention not to comply with relevant requirements.

(Source: Amended at 33 Ill. Reg. _____, effective _____________)
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.

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

1) Identification of the rules or mandates involved, either by quoting the exact language of or by providing a citation to the rules or mandates at issue. Applicants unable to determine the exact language or citation may obtain a copy of, or citation to, the rules or mandates involved by contacting the State Board of Education Legal Department by mail at 100 North First Street, Springfield, Illinois, 62777-0001, or by telephone at 217-782-5270.

2) Identification as to the specific waivers and/or modifications sought. For modifications, the specific modified wording of the rules or mandates must be stated.

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

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

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

6) If the request is for a waiver of the administrative 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 administrative expenditure limitation and shall otherwise comply with Section 17-1.5(d) of the School Code.

7) The time period for which the waiver or modification is sought. Pursuant to Section 2-3.25g of the School Code, this time period may not exceed five years, except for requests made pursuant to subsection (c)(6) of this Section, which may not exceed one year (see Section 17-1.5(d) of the School Code), and except for requests for relief from the mandate set forth in Section 27-6 of the School Code, which may not exceed two years.
8) A description of the public hearing held to take testimony about the request from educators, parents and students, which shall include the information required by Section 2-3.25g of the School Code.

9) An assurance stating the date of the public hearing conducted to consider the application and, if applicable, the specific plan for improved student performance and school improvement, affirming that the hearing was held before a quorum of the board or before the regional superintendent, as applicable, and that it was conducted 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 or regional superintendent.

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

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

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

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

1) An applicant submitting an incomplete application shall be contacted by staff of the State Board regarding the need for additional information and the date by which the information must be received in order to avoid the application’s return as ineligible for consideration.
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) Each application that has not been made complete by the date identified in accordance with subsection (g)(1) of this Section shall be ineligible for consideration and shall be returned to the applicant with an explanation as to the deficiencies. 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) The State Superintendent 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. Each application for General Assembly approval of
waivers of School Code mandates will be reviewed for completeness. Each incomplete application shall be returned to the applicant with an explanation as to the deficiencies. Complete applications shall be submitted to the General Assembly in the next 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. Incomplete applications shall be treated as discussed in subsections (g)(1) and (g)(3) of this Section.

k) The State Superintendent 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 33 Ill. Reg. _____, effective _____________)

SUBPART B: SCHOOL GOVERNANCE

Section 1.240 Equal Opportunities for all Students

a) All students within a school district must be provided equal opportunities in all education programs and services provided by the system (see Section 10-20.12 of the School Code).

b) No school system may exclude or segregate any pupil, or discriminate against any pupil on the basis of color, race, nationality, religion, sex, sexual orientation, gender identity, ancestry, age, marital status, or physical or mental handicap [775 ILCS 5/1-102(A)] or status of being homeless [105 ILCS 45/1-5 and 42 USC 11434a(2)]. Further, no school system may deny access to its schools or programs to students who lack documentation of their immigration status or legal
presence in the United States, and no school system may inquire about the immigration status of a student (Plyler v. Doe, 457 U.S. 202 (1982)). In order to comply with this subsection (b), the documents required by a school system as proof of residency for a student, when taken together, shall not result in a requirement for proof of legal presence, such as a Social Security number. That is, the permissible combinations of documents must be sufficiently variable to afford an opportunity for those who lack proof of legal presence or immigration status to meet the stated requirements. No school district shall impose requirements for enrollment more restrictive than those established under relevant Illinois and federal law. For example, no school system shall require court-ordered guardianship when an individual enrolling a student meets the legal custody requirements of Section 10-20.12b(a)(2)(iv) or (v) of the School Code [105 ILCS 5/10-20.12b(a)(2)(iv) or (v)], and each school system shall immediately enroll and serve homeless children without requiring the provision of any documentation, in accordance with the Illinois Education for Homeless Children Act [105 ILCS 45] and the McKinney-Vento Homeless Education Assistance Act [42 USC 11434].

c) The board of education shall submit periodic reports as required by the State Board of Education detailing pupil attendance, faculty assignments, and actions taken and planned to prevent and eliminate segregation.

(Source: Amended at 33 Ill. Reg. _____, effective _____________)

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, including credit for courses completed by correspondence, online, or from other external sources, 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.
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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 designed to improve students' understanding of and their relationships with individuals and groups of different ages, sexes, races, national origins, religions, and socio-economic backgrounds.

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

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

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

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

A) The district superintendent’s request to the State Superintendent shall be accompanied by an assurance that the local school board has approved the plan for multiple sessions, including the date of the meeting at which this occurred, and evidence of the approval of the responsible regional superintendent. The State Superintendent’s approval shall be requested before the beginning of the school year.
B) Each school district's request shall include a description of the circumstances that resulted in the need for multiple sessions; information on the buildings and grades affected; the intended beginning and ending dates for the multiple sessions; 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) Approval for multiple sessions shall be granted for the school year to which the request pertains. Each request for renewed approval shall conform to the requirements of subsections (f)(1)(A) and (B) of this Section.

D) Students who are in attendance for at least 150 minutes of school work but fewer than 240 minutes may be counted for a half day of attendance. Students in attendance for fewer than 150 minutes of school work shall not be counted for purposes of calculating average daily attendance. 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. Students in attendance for fewer than two hours of school work shall not be counted for purposes of calculating average daily attendance.

B) For purposes of determining average daily attendance on the district’s General State Aid claim, students enrolled full time 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. Students in attendance for fewer than two and one-half hours of school work shall not be counted for purposes of calculating average daily attendance.

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

h) Local boards of education shall establish and maintain kindergartens for the instruction of children (see Sections 10-20.19a and 10-22.18 of the School Code [105 ILCS 5/10-20.19a and 10-22.18]).
1) School districts may establish a kindergarten of either half-day or full-day duration. If the district establishes a full-day kindergarten, it must also provide a half-day kindergarten for those students whose parents or guardians request a half-day program.

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

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

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

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

i) Career Education

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

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

j) Co-Curricular Activities

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

k) Consumer Education and Protection

1) A program in consumer education shall include at least the topics required by Section 27-12.1 of the School Code [105 ILCS 5/27-12.1] 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 hold certification valid for the grade levels taught and have completed have proper certification for the position to which they are assigned with at least three semester hours in consumer education courses.
l) Conservation of Natural Resources

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

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

n) Health Education

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 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, and nothing in this subsection (o) shall be construed as permitting an individual who is not qualified as a library information specialist to assume that role. 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, and the individual to whom this responsibility is assigned shall not provide the services described in Section 1.755 of this Part unless he or she meets the requirements of that Section.

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 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)Each school district shall provide instruction as required by Sections 27-13.2, 27-13.3, and 27-23.3 of the School Code [105 ILCS 5/27-13.2, 27-13.3, and 27-23.3]. 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])
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 33 Ill. Reg. _____, effective _____________)

Section 1.450 Special Programs (Repealed)

a) Summer School

A school district may conduct summer school programs (Sections 10-22.33A and 34-18 of The School Code), and receive state reimbursement (The School Code, Section 18-8).

b) Evening School Credit Courses

The State Board of Education encourages the growth of new and creative programs to meet the needs of out-of-school youths and adults. Pursuant to the needs of such students, each high school shall adopt policies with reference to the awarding of credit for evening school courses on the same basis as courses taught in the day program. Experimental and pilot studies may be undertaken with approval of, and under the supervision of, the State Board of Education. If a program is approved in advance by the State Board of Education, a high school may issue credit for a course on the basis of qualitative attainment rather than on the time element.

c) Boards of education shall adopt a definite policy regarding institutions that provide correspondence courses and the number of credits that will be applied toward graduation.

d) Programs for Children with Exceptional Needs

1) Each local district, independently or in cooperation with other school districts, shall provide a comprehensive program of special education which will meet the needs of children ages 3 to 21 with the following exceptional characteristics (Article 14, The School Code):
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A) Auditory, visual, physical, or health impairment;
B) Speech and/or language impairment;
C) Deficits in the essential learning of perception, conceptualization, memory, attention and/or motor control;
D) Deficits in intellectual development and mental capacity;
E) Educational maladjustment related to social and/or cultural circumstances;
F) Affective disorders and/or adaptive behavior which restricts effective functioning.

2) These special education programs shall provide school psychological services and school social worker services (Sections 14-1.08 and 14-4.01 of The School Code).

AGENCY NOTE: See Subpart D, Section 1.420(u)

3) Schools shall provide appropriate physical education programs for exceptional students.

4) In those instances where a student's special needs cannot be met through the local or joint Special Education Program, the public school district may enroll the handicapped student in a private facility under Section 14-7.02 of The School Code. The placing school district shall follow the provisions of 23 Ill. Adm. Code 226, Special Education and place the handicapped student in a nonpublic facility that is properly registered under 23 Ill. Adm. Code 401, Nonpublic Special Education Facilities.

(Source: Repealed at 33 Ill. Reg. _____, effective ____________)

Section 1.465 Ethnic School Foreign Language Credit and Program Approval

a) School boards of unit and secondary school districts may have the power to award high school credit for the study of a foreign language in an ethnic school, provided that the amount of credit to be awarded is determined in accordance with
Section 10-22.43a of the School Code [105 ILCS 5/10-22.43a] (Ill. Rev. Stat. 1983, ch. 122, par. 10-22.43a), and that the credit is awarded for the study of a foreign language in an ethnic school program that which has been approved by the State Board of Education in accordance with this Section the standards set forth below.

b) "Ethnic school" means a part time private school which teaches the foreign language of a particular ethnic group as well as the culture, geography, history and other aspects of a particular ethnic group [105 ILCS 5/2-3.44] (Ill. Rev. Stat. 1984 Supp., ch. 122, par. 2-3.44).

c) The State Superintendent of Education shall approve ethnic schools’ foreign language programs if they program(s) of an ethnic school which voluntarily seeks Illinois State Board of Education approval of its foreign language program(s) shall meet the following minimum standards:

1) Each teacher Teachers of the foreign language program(s) shall possess at least a baccalaureate degree and have completed at least 20 twenty semester hours of credit in the foreign language taught, both of which shall have been awarded by a regionally accredited college or university recognized in accordance with Section 21-21 of The School Code (Ill. Rev. Stat. 1983, ch. 122, par. 21-21).

2) Each program The foreign language program(s) shall contain at least 120 clock hours of instruction plus outside preparation for each unit of credit issued upon successful completion of the such instruction, although less than a full unit of credit may also be awarded in proportion to the amount of instruction received.

d) 3) Each The school shall maintain and make available upon request by the State Superintendent Board of Education or by officials of, and/or local school districts, district officials to which students seek to transfer foreign language credit, credit(s), documentation that verifies compliance with the requirements of subsection (c) of this Section, including but not limited to these minimum standards. Such documents may include: school informational brochures, course syllabi, class schedules, and teachers’ official teacher transcripts.
Annual application by an ethnic school for approval of its foreign language program shall be made on forms provided by the State Superintendent Board of Education.

Approval shall be granted on an annual basis provided that a previously approved ethnic school continues to comply with the minimum standards set forth in subsection (c) of this Section.

(Source: Amended at 33 Ill. Reg. _____, effective _____________)

Section 1.480 Correctional Institution Educational Programs

Pursuant to Section 13-40 of the School Code [105 ILCS 5/13-40], educational programs conducted for individuals incarcerated in facilities operated by the Department of Juvenile Justice are educational programs of a school district. Consequently, the State Board of Education has recognized the school programs conducted by the Department of Corrections. Units of credit earned by students while they are incarcerated in the Department’s facilities institutionalized are considered to be transferable to other the public schools.

(Source: Amended at 33 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 and 23 Ill. Adm. Code 120 (Pupil Transportation Reimbursement). In order to qualify for reimbursement, school districts not required to provide transportation pursuant to a specific Section of Article 29 that elect to do so must afford the same service to all eligible pupils. For example, if a district is not required to transport students under Section 29-3 of the School Code [105 ILCS 5/29-3] but elects to transport some students residing more than 1½ miles from their attendance centers, then the
district must transport all students in that same situation in order to claim reimbursement for any transportation service.

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 School Bus Accident Report shall be completed in a format prescribed by the State Superintendent of Education and 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 33 Ill. Reg. _____, effective _____________)

Section 1.530 Health Services

a) Each school shall maintain records for each student that reflect compliance with the examinations and immunizations prescribed by Section 27-8.1 of the School Code and the applicable rules and regulations of the Illinois Department of Public Health at 77 Ill. Adm. Code 665 (Child Health Examination Code).

1) School districts shall, by November 15 of each school year, report to the State Superintendent Board of Education the number of students who have received the necessary health examinations and immunizations, the number of students who are not exempt and have not received the necessary health examinations and immunizations, and the number of students exempt from the health examination and immunization requirements for religious or medical reasons, in the manner prescribed by the State Superintendent on forms provided by the State Board of Education. A copy of each district’s report shall also be delivered to the regional superintendent.

2) Any school district that, for two years in a row and in any combination, either fails to deliver its report whose report has not been delivered to the State Superintendent Board of Education by November 15 or delivers a report that does not comply with the percentage requirements of Section 27-8.1 of the School Code shall be issued a Notice of Non-Compliance and be given Notice of Opportunity for Hearing in accordance with the State Board’s rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475). Unless, within seven school days after the mailing of the notice, the district presents written evidence to the State
Superintendent that it has delivered the report required by Section 27-8.1 and the report complies with the percentage requirements of that Section, the State Superintendent shall reduce by 10 percent each subsequent payment to the district of General State Aid funds under Section 18-8.05 of the School Code, provided that all amounts withheld shall be restored to the district after compliance is documented.

3) Upon a determination of non-compliance, the reduction in the district’s General State Aid payments shall commence on January 1, December 10 and shall occur semi-monthly thereafter, provided that all amounts withheld shall be restored to the district after compliance is documented.

b) Students participating in interscholastic athletics shall have an annual physical examination.

c) Each district shall adopt an emergency procedure to be followed in cases of injury or sudden illness to students and/or staff.

(Source: Amended at 33 Ill. Reg. _____, effective _____________)

SUBPART F: STAFF CERTIFICATION REQUIREMENTS

Section 1.630 Noncertificated Personnel

a) Pursuant to Sections 10-22.34 and 34-18 of the School Code [105 ILCS 5/10-22.34 and 34-18], school boards may employ nonteaching personnel or use volunteer personnel for nonteaching duties not requiring instructional judgment or evaluation of pupils.

b) Paraprofessionals; Teacher Aides

1) School boards may further utilize volunteer noncertificated personnel or employ noncertificated personnel as paraprofessionals (or “teacher aides”) to assist in the instruction of pupils, so long as each noncertificated individual is under the immediate supervision of a teacher who holds a valid certificate and is directly engaged in teaching subject matter or conducting activities (see Sections 10-22.34 and 34-18 of the School Code). To “assist in the instruction of pupils”, i.e., to serve as a paraprofessional, means to support teachers through interactions with
students that will help them master curricular content, such as by tutoring; or to assist with classroom management, such as by organizing instructional materials.

2) Employment as a paraprofessional requires a statement of approval issued by the State Board of Education, in consultation with the State Teacher Certification Board, except that a paraprofessional first employed on or before June 30, 2005, in a program that serves students with disabilities shall be subject to this requirement as of July 1, 2007, and except that an individual who holds any certificate indicative of completion of at least a bachelor’s degree, or who holds a provisional vocational certificate, may serve as a paraprofessional without a statement of approval.

3) Each paraprofessional shall be under the direct supervision and control of a fully certificated teacher when assisting with instruction, whether this occurs in classrooms, laboratories, shops, playgrounds, libraries, or other educational settings where instructional judgment requires the supervision of a fully certificated teacher. The certificated teacher shall be responsible for planning the activities to be conducted by the paraprofessional and for evaluating the pupils with whom the paraprofessional works. The certificated teacher shall be continuously aware of the paraprofessional’s activities, i.e., the teacher shall be responsible for controlling the paraprofessional’s activities and shall be able to modify them at any time.

4) Paraprofessionals shall not be utilized as substitutes for or replacement of certificated teachers, and they shall not have equivalent responsibilities. Certificated teachers shall exercise professional judgment when assigning duties to paraprofessionals and shall retain the responsibility for determining students’ scholastic activities.

5) Each school district shall:

A) submit a list of all paraprofessionals it employs to the State Superintendent of Education with its annual application for recognition;

B) maintain a file for each paraprofessional that describes his or her functions and includes his or her statement of approval and evidence that he or she has met the relevant requirements of 23 Ill. Adm. Code 25.510; and
C) be responsible for ensuring that no individual is employed as a paraprofessional without a statement of approval, except as permitted under subsection (b)(2) of this Section, and that paraprofessionals are assigned only to tasks for which their approval is valid.

c) School boards may designate noncertificated persons of good character to serve as supervisors, chaperones or sponsors, either on a voluntary or on a compensated basis, for school activities not connected with the academic program of the schools (see Section 10-22.34a of the School Code [105 ILCS 5/10-22.34a]).

d) School boards may utilize noncertificated persons, under the direction of a certified teacher, for providing specialized instruction related to a course assigned to the certified teacher on a regular basis, not otherwise readily available in the immediate school environment, in the fields for which they are particularly qualified or skilled (see Section 10-22.34b of the School Code [105 ILCS 5/10-22.34b]).

e) Noncertificated personnel in special education programs under contract to the local board of education, other than paraprofessionals, shall be governed by 23 Ill. Adm. Code 226 (Special Education). Also, beginning July 1, 2006, educational interpreters for persons who are deaf or hard of hearing shall be approved pursuant to 23 Ill. Adm. 25.550 (Approval of Educational Interpreters).

f) In accordance with Section 10-22.34(d) of the School Code [105 ILCS 5/10-22.34(d)], school districts may utilize noncertificated persons who are completing their clinical experiences and/or student teaching.

1) A candidate participating in clinical experiences shall not be required to hold a statement of approval as a paraprofessional if:

A) the candidate is engaging in the clinical experience as part of an approved Illinois teacher preparation program in which he or she is enrolled;

B) when the candidate assists in instruction, he or she is under the immediate supervision of a teacher who holds a valid certificate and is directly engaged in teaching the subject matter or conducting other learning activities; and
C) the cooperating teacher constantly evaluates the candidate's activities and is able to control or modify them.

2) Noncertificated personnel enrolled in a student teaching course at a college or university are not required to be under the constant supervision of a teacher, provided that their activity has the prior approval of the representative of the higher education institution, that teaching plans have been previously discussed with and approved by the supervising teacher, and the teaching is performed in accordance with the requirements of 23 Ill. Adm. Code 25.620 (Student Teaching) (see Section 10-22.34(d) of the School Code).

g) In accordance with Section 10-22.34b of the School Code [105 ILCS 5/10-22.34b], school districts may, with the prior approval of the responsible regional superintendent of schools, utilize noncertified persons to provide specialized instruction not otherwise readily available in the immediate school environment in the fields for which they are particularly qualified by reason of specialized knowledge or skill. The regional superintendent shall approve an assignment of this type when:

1) the certified teacher under whose direction the instruction will be provided has specified in writing the material to be covered and the amount of time to be allotted for the specialized instruction;

2) the district superintendent has identified in writing the selected individual’s professional competence or outstanding proficiency in the area of specialization in which instruction is to be provided;

3) the district superintendent has affirmed in writing that a district representative has determined the environment where instruction will be provided, if away from the school, to be safe and appropriate to the age of the students involved; and

4) the district superintendent has described the precise function to be served by the specialized instruction and any compensation to be paid to the selected individual.

(Source: Amended at 33 Ill. Reg. _____, effective ______________)
Section 1.720 Requirements for Teachers of Middle Grades

The provisions of subsections (a) and (b) of this Section shall be subject to the exception stated in subsection (c) of this Section with respect to any school in which the instructional format for any of Grades 5 through 8 is being changed from a self-contained to a departmentalized configuration. Additional requirements shall apply to middle-grades assignments and endorsements beginning February 1, 2012 (see subsection (d) of this Section).

a) The requirements of this Section apply to teachers first employed after September 1, 1973, in departmentalized grades 5 through 8 ("middle-grade teachers"). Teachers first employed in grades 5 through 8 prior to September 1, 1973, or employed in non-departmentalized grades 5 through 8, are subject to the requirements of Section 1.710 of this Part. To qualify as a middle-grade teacher, the teacher must have either completed the coursework identified in subsection (a)(1) of this Section prior to July 1, 1997, or completed the coursework identified in subsection (a)(2) of this Section. The “major teaching assignment” is the subject taught for more time than any other subject. In mathematics and reading, and for library information specialists, there is specific coursework that must be included among the 18 semester hours to be earned; see subsections (a)(3), (4), and (5) of this Section. Further, new requirements for reading and library information specialists will apply to persons who apply for these endorsements on or after July 1, 2006, as well as to other persons who have not completed the 18-hour requirements prior to that date. See subsections (a)(4) and (5) of this Section.

1) 18 semester hours in the subject matter area of major teaching assignment (e.g., language arts, mathematics, general science, social science, music), unless the subject taught is a foreign language and Section 25.86 of the State Board’s rules for Certification (23 Ill. Adm. Code 25) applies. Where a teacher is assigned to deliver instruction in two or more areas (e.g., English and social science or mathematics and science), the teacher shall meet the requirements of this subsection (a)(1) for the major teaching assignment and have no fewer than 5 semester hours in each other subject taught.

2) 18 semester hours in the subject matter area of major teaching assignment (e.g., language arts, mathematics, general science, social science, music), unless the subject taught is a foreign language and Section 25.86 of the
State Board’s rules for Certification applies. Where a middle-grade teacher is assigned to deliver instruction in two or more areas (e.g., English and social science or mathematics and science), the teacher shall meet the requirements of this subsection (a)(2) for the major teaching assignment and have no fewer than 9 semester hours in each other subject taught. In addition:

A) 3 semester hours of coursework, approved by the college of education or other institutional unit governing teacher education, that includes middle-grade philosophy, middle-grade curriculum and instruction, and instructional methods for designing and teaching developmentally appropriate programs (i.e., addressing the cognitive, emotional and physical development of each child) in the middle grades, including content area (e.g., science, social sciences) reading instruction.

B) 3 semester hours of coursework, approved by the college of education or other institutional unit governing teacher education, that includes educational psychology focusing on the developmental characteristics of early adolescents, the nature and needs of early adolescents, and the role of the middle-grade teacher in assessment, coordination and referral of students to health and social services.

3) For teachers of mathematics in grades 5 through 8 first employed on or after September 1, 1985, the required 18 semester hours in the field shall include three semester hours in the methods of teaching mathematics in those grades and 15 semester hours to be selected from four of the following areas:

A) Math content courses for elementary teachers;
B) Calculus;
C) Modern algebra or number theory;
D) Geometry;
E) Computer science;
F) Probability and statistics;

G) History of mathematics.

4) For major assignments in reading in any of departmentalized grades 5 through 8:

A) persons first employed on or after September 1, 1978, but before July 1, 2004, are required to have completed the 18 semester hours described in Section 1.740 of this Part;

B) persons first employed on or after July 1, 2004, shall be required to have completed either the 18 semester hours described in Section 1.740 of this Part or 18 semester hours in the field that include a practicum and address at least five of the six topics listed at 23 Ill. Adm. Code 25.100(i), provided that:

i) the individual completes all the required coursework on or before June 30, 2006; or

ii) the individual applies for the reading endorsement on or before June 30, 2006, and completes any coursework identified on a related deficiency statement no later than one year after the date of that statement; and

C) new requirements for an endorsement in this field apply to persons who have not met the requirements of either subsection (a)(4)(A) or (B) of this Section; see also 23 Ill. Adm. Code 25.100(i) and Section 1.745 of this Part.

5) Persons first employed on or after September 1, 1978, as media professionals or library information specialists serving any of grades 5 through 8 are required to have completed 18 semester hours in the field that address administration, organization (cataloging and classification), reference, and selection of materials, provided that the individual completes all the required coursework on or before June 30, 2006, or has applied for the endorsement on or before June 30, 2006, and completes any coursework identified on a related deficiency statement no later than one year after the date of that statement. New requirements for an endorsement in this field apply to persons who have not qualified on the
basis of 18 semester hours; see also 23 Ill. Adm. Code 25.100 and Section 1.755 of this Part. The provisions of subsection (a)(2) of this Section notwithstanding, no individual who has completed only nine semester hours in the field may serve in this capacity unless assigned pursuant to 23 Ill. Adm. Code 25.464.

b) Beginning July 1, 2004, no individual may be assigned to teach in departmentalized grades 5 through 8 unless he or she holds a certificate that is valid for the grade level or levels to be taught and:

1) holds a middle-grades endorsement applicable to the subject area; or

2) meets the relevant requirements of this Section; or

3) met the requirements of this Section or their predecessor requirements at a time when they were applicable, as confirmed by the employing district’s verification of the individual’s qualifications; or

4) is assigned pursuant to Section 1.745(b)(3) or 1.755(c) of this Part; or

5) is assigned pursuant to authorization received under 23 Ill. Adm. Code 25.464 (Short-Term Authorization for Positions Otherwise Unfilled).

c) A school district may also assign certain other teachers to departmentalized positions in any of Grades 5 through 8 for the 2009-10 school year and thereafter as described in this subsection (c).

1) A teacher who was employed in the district during the school year immediately preceding the year when the instructional format in that teacher’s school is changed to a departmentalized configuration and who was appropriately certified for his or her position but does not meet the requirements of subsection (b) of this Section may be assigned to a departmentalized position in any of Grades 5 through 8 (or any of Grades 6 through 8 for the holder of a secondary certificate) for a period not to exceed three school years, provided that he or she has already completed at least nine semester hours of coursework in the subject of the major teaching assignment. If specific coursework is required for the major teaching assignment under subsection (a) of this Section, the teacher shall have completed nine semester hours that will count toward an endorsement in that subject.
2) The school district shall notify the responsible regional superintendent of schools of all assignments made pursuant to this subsection (c) no more than 30 days after they occur. Further, the school district shall maintain on file for each teacher assigned in accordance with this subsection (c) a plan that:

A) includes a statement of intent signed by the individual, stipulating that he or she will complete all requirements for the middle-grades endorsement in the subject of his or her major teaching assignment;

B) provides a list of the coursework and experiences that the individual will complete in order to qualify; and

C) identifies the institution of higher education where the individual will complete the requirements.

3) No individual may be assigned for more than three school years without attaining the relevant endorsement, and no individual may be assigned for a third school year unless he or she has completed the six semester hours required under subsection (a)(2) of this Section.

4) If an individual is assigned to deliver instruction in two or more subjects, he or she shall have completed no fewer than nine semester hours in each subject. If subsection (a) of this Section requires specific coursework for any of the subjects taught, the teacher shall have completed nine semester hours that will count toward an endorsement in that subject.

d) New Requirements Applicable in 2012

All coursework that forms part of an application for a middle-grades endorsement received on or after February 1, 2012, or that is used in determining the eligibility of an individual to be first assigned to teach a particular subject in the middle grades on or after that date, must have been passed with a grade no lower than “C” or equivalent in order to be counted towards fulfillment of the applicable requirements.

(Source: Amended at 33 Ill. Reg. _____, effective _____________)
Section 1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004

a) Beginning July 1, 2004, no teacher may be assigned to teach a particular subject in any of grades 9 through 12 unless he or she holds a certificate that is valid for the grade level or levels to be taught and:

1) holds the applicable endorsement for the subject area (and, in the case of the provisional vocational certificate, has also completed the work experience required pursuant to subsection (c) of this Section); or

2) met the requirements of Section 1.730, 1.735, or 1.736 of this Part, or their predecessor requirements, at a time when they were applicable to that assignment, as confirmed by the employing district’s verification of the individual’s qualifications; or

3) meets the minimum requirements for that assignment identified in subsection (b) of this Section and has not exhausted the three-year period of eligibility available pursuant to 23 Ill. Adm. Code 25.100(l); or

4) meets the requirements of Section 1.745 of this Part, if applicable; or

5) is assigned pursuant to authorization received under 23 Ill. Adm. Code 25.464 (Short-Term Authorization for Positions Otherwise Unfilled).

b) Beginning July 1, 2004, the provisions of this Section shall replace those of Sections 1.730, 1.735, and 1.736 of this Part as one basis upon which school districts and other entities subject to this Part may assign individuals to teach specific subjects. The qualifications identified in this subsection (b) are not the same as those for the respective endorsements, nor are they intended to match the requirements for identification as a “highly qualified” teacher in any particular subject area. Each individual who is first assigned to a subject area based upon the qualifications delineated in this subsection (b) shall be subject to the requirement for acquiring an endorsement in the respective field within three years after the date of assignment, in accordance with 23 Ill. Adm. Code 25.100(l). For purposes of the applicability of this requirement, an individual shall be considered “first assigned” to any field in which he or she has not taught in Illinois prior to July 1, 2004.
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1) For agricultural education; visual or drama/theatre arts; business, marketing, and computer education; dance; English language arts; health education; health careers; family and consumer sciences; technology education; mathematics; music; physical education; reading; biology; chemistry; earth and space science; environmental science; physics; economics; geography; history; political science; psychology; sociology and anthropology; and for library information specialists: 24 semester hours in the field.

2) For foreign language: 20 semester hours in the language (unless 23 Ill. Adm. Code 25.85 or 25.86 applies).

3) For safety and driver education: The 16 semester hours in the field that are specified in Section 1.730(q) of this Part shall continue to apply through January 31, 2012. Each individual first assigned to teach safety and driver education on or after February 1, 2012, shall be required to hold a certificate valid for the secondary grades and an endorsement received pursuant to 23 Ill. Adm. Code 25.100(n).

4) For assignments in reading, the requirements of Section 1.745 of this Part shall apply.

c) Additional Requirements for Career and Technical Education

1) Assignments at the “skill-level” (grades 11 and 12) in reimbursable career and technical education generally require 2,000 hours of work experience in the area to be taught or, for more than one area, a total of 2,000 hours with no fewer than 250 hours in each area taught. A district may, however, employ an individual who holds a secondary certificate with the appropriate career and technical education endorsement but who has not completed 2,000 hours of work experience in the occupational area to be taught, provided that the individual acquires this experience in paid employment outside the teaching profession within four years after the date of first assignment. The employing entity shall maintain records to substantiate this experience, which may include written statements from former supervisors who can be reached for verification or, in cases where supervisors are no longer available to verify the individual’s employment, affidavits by the applicant’s instructors describing the work experience.
2) A teacher who is eligible under this Section to provide skill-level instruction in a particular area shall also be eligible to serve as a coordinator of either a specific cooperative education program or interrelated cooperative education, provided that he or she has also completed six semester hours of coursework in the organization and administration of cooperative education.

3) A teacher serving as a coordinator of cooperative education for special education students shall be required to meet the requirements for assignment as a special education teacher rather than those for assignment as a teacher of career and technical education, except that an individual serving in this capacity shall be required to have completed 2,000 hours of work experience as provided in subsection (c)(1) of this Section and six semester hours of coursework in the organization and administration of cooperative education.

(Source: Amended at 33 Ill. Reg. _____, effective _____________)

Section 1.770 Standards for Special Education Personnel

Individuals who provide special education services employed in reimbursable Special Education programs shall meet the requirements set forth in Subpart I of 23 Ill. Adm. Code 226, Special Education.

(Source: Amended at 33 Ill. Reg. _____, effective _____________)
**ILLINOIS REGISTER**

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**Section 1. APPENDIX A Professional Staff Certification**

**Types of Certificates**

The following list of certificates identifies those certificates which, if properly registered and renewed, are valid for teaching, administering or performing the specified service in Illinois public schools.

<table>
<thead>
<tr>
<th>Code</th>
<th>Type of Certificate</th>
<th>Grade Level Valid For</th>
<th>Still Issued</th>
<th>Years Valid</th>
<th>School Code or Ill. Adm. Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>02</td>
<td>Early Childhood</td>
<td>to age 6 excluding Kdg.</td>
<td>No</td>
<td>4</td>
<td>21-2.4</td>
</tr>
<tr>
<td>03</td>
<td>Standard Elementary</td>
<td>K-9</td>
<td>No</td>
<td>4</td>
<td>21-3</td>
</tr>
<tr>
<td>03</td>
<td>Initial Elementary</td>
<td>K-9</td>
<td>Yes</td>
<td>4 years of teaching</td>
<td>21-1a; 21-2; 21-3</td>
</tr>
<tr>
<td>03</td>
<td>Standard Elementary</td>
<td>K-9</td>
<td>Yes</td>
<td>5</td>
<td>21-1a; 21-2; 21-3</td>
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<tr>
<td>03</td>
<td>Master Elementary</td>
<td>K-9</td>
<td>Yes</td>
<td>10</td>
<td>21-1a; 21-2; 21-3</td>
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<tr>
<td>04</td>
<td>Early Childhood</td>
<td>Birth – 3</td>
<td>No</td>
<td>4</td>
<td>21-2.4</td>
</tr>
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<td>04</td>
<td>Initial Early Childhood</td>
<td>Generally Birth – Grade 3 (as endorsed)</td>
<td>Yes</td>
<td>4 years of teaching</td>
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<td>04</td>
<td>Standard Early Childhood</td>
<td>Generally Birth – Grade 3 (as endorsed)</td>
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<td>21-1a; 21-2; 21-2.1</td>
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<td>04</td>
<td>Master Early Childhood</td>
<td>Generally Birth – Grade 3 (as endorsed)</td>
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<td>10</td>
<td>21-1a; 21-2; 21-2.1</td>
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<td>05</td>
<td>Provisional Early Childhood</td>
<td>Birth – 3</td>
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<td>21-10</td>
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<tr>
<td>Grade</td>
<td>Type</td>
<td>Endorsed</td>
<td>Years of Teaching</td>
<td>Rule Numbers</td>
<td></td>
</tr>
<tr>
<td>----------------</td>
<td>-------------------------</td>
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<td></td>
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<tr>
<td>Kindergarten–Primary</td>
<td>K-3</td>
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<td>4</td>
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<tr>
<td>Standard High School</td>
<td>6-12*</td>
<td>NO</td>
<td>4</td>
<td>21-1a; 21-2; 21-5</td>
<td></td>
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<tr>
<td>Initial Secondary</td>
<td>6-12</td>
<td>YES</td>
<td>4 years of teaching</td>
<td>21-1a; 21-2; 21-5</td>
<td></td>
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<tr>
<td>Standard Secondary</td>
<td>6-12</td>
<td>YES</td>
<td>5</td>
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<tr>
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<td>6-12</td>
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<td>Standard Special</td>
<td>K-12 Field Endorsed</td>
<td>NO</td>
<td>4</td>
<td>21-1a; 21-2; 21-4</td>
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<td>Initial Special K-12</td>
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<td>4 years of teaching</td>
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<td>Standard Special K-12</td>
<td>K-12 Field Endorsed</td>
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<td>21-1a; 21-2; 21-4</td>
<td></td>
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<td>Master Special K-12</td>
<td>K-12 Field Endorsed</td>
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<td>10</td>
<td>21-1a; 21-2; 21-4</td>
<td></td>
</tr>
<tr>
<td>Initial Special Preschool – Age 21</td>
<td>Generally Birth – Age 21</td>
<td>YES</td>
<td>4 years of teaching</td>
<td>21-1a; 21-2; 21-4</td>
<td></td>
</tr>
<tr>
<td>Standard Special Preschool – Age 21</td>
<td>Generally Birth – Age 21</td>
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<td>5</td>
<td>21-1a; 21-2; 21-4</td>
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<tr>
<td>Master Special Preschool – Age 21</td>
<td>Generally Birth – Age 21</td>
<td>YES</td>
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<td>21-1a; 21-2; 21-4</td>
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<td>Vocational</td>
<td>7-12 Field Endorsed</td>
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<td>14</td>
<td>Junior College</td>
<td>9-14 Field Endorsed</td>
<td>No</td>
<td>4</td>
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<td>17</td>
<td>Special Exc. Children</td>
<td>K-14 Field Endorsed</td>
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<td></td>
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<tr>
<td>20</td>
<td>Special</td>
<td>11-12 Electives 10 hrs. per Week</td>
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<td>4</td>
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<td>21</td>
<td>General</td>
<td>Adult Field Endorsed</td>
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### NOTICE OF ADOPTED AMENDMENTS

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### ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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*If endorsed for teaching, valid for subjects for which the individual is assignable under Section 1.710, 1.720, 1.737, 1.745, or 1.755 of this Part, or to which the individual is assigned pursuant to authorization received under 23 Ill. Adm. Code 25.464 (Short-Term Authorization for Positions Otherwise Unfilled).

**Valid in approved, reimbursable programs of career and technical education (CTE), for “skill-level” instruction in grades 11 and 12 in the field of specialization and for “orientation-level” instruction in grades 9 and 10 in the field of career and technical education endorsement to which the specialization belongs. Provided that the certificate-holder is employed to teach in any of grades 9 through 12 in the field of specialization, the certificate is also valid for exploratory career and technical education courses in grades 7 and 8 in that field of endorsement.

***Valid only in approved, reimbursable CTE programs for “skill-level” instruction in grades 11 and 12 in the field of specialization.

(Source: Amended at 33 Ill. Reg. _____, effective _____________)
TO: Illinois State Board of Education
FROM: Christopher A. Koch, Ed.D., State Superintendent of Education
Linda Tomlinson, Assistant Superintendent
Darren Reisberg, General Counsel

Agenda Topic: Action Item: Rules for Adoption – Part 65 (New Teacher Induction and Mentoring)

Materials: Recommended Rules

Staff Contacts: Patrick Murphy, Division Administrator

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

Relationship to/Implications for the State Board’s Strategic Plan
This item of rulemaking relates to Goal 2, highly prepared and effective teachers and school leaders, in that the program of induction and mentoring is intended to provide new teachers with mentoring and professional development for continued learning and improvement in teaching.

Expected Outcome(s) of Agenda Item
The Board will be asked to adopt the proposed amendments to Part 65.

Background Information
Taken together, these proposed amendments will eliminate the current focus of this program as a pilot program and restructure it along the lines of a continuing grant that will be expanded to encompass new applicants as the level of available funding permits. This change involves not only a change in the program’s title but also the deletion of statements related to the three-year funding cycle and a revision indicating when requests for proposals will be issued. In addition, specificity is being added to some of the program specifications, including setting the amount to be paid to each mentor. The current minimum of 10 recipient teachers is being eliminated, as is the participation of certain holders of provisional alternative certificates whose programs already entail close supervision and mentoring.

The proposed rules were published May 1, 2009, in the Illinois Register to elicit public comment; four responses were received. The summary and analysis of the public comment is attached.

Analysis and Implications for Policy, Budget, Legislative Action and Communications

Policy Implications. See “Background” above.

Budget Implications. See “Background” above.
Legislative Action. None.

Communication. See below.

**Pros and Cons of Various Actions**
Promulgation of these changes will permit the agency to change the way in which the New Teaching Induction and Mentoring Program is administered, while failure to proceed with this rulemaking would require continuing to implement it as described in the current rules.

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

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

New Teacher Induction and Mentoring (23 Illinois Administrative Code 65),

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
23 Ill. Adm. Code 65 (New Teacher Induction and Mentoring)

Comment

One commenter asked that the rules include the participation of individuals holding a Type 29 certificate (transitional bilingual education) and allow their receipt of services from a mentoring program established under Article 21A of the School Code. The commenter believes these individuals would benefit “from an intensive induction process” since they are “unlikely to have had the deep training in pedagogy that their colleagues have had”.

Analysis

Article 21A of the School Code defines a “new teacher” for the purpose of participating in a New Teacher Induction and Mentoring Program as those individuals who hold an initial teaching certificate as defined under Section 21-2 of the School Code. That is,

- A person who has completed an approved teacher preparation program, received a recommendation from an approved teacher preparation program, passed all required exams, and met any other criteria established by the State Board of Education in consultation with the State Teacher Certification Board; or
- A person who holds an out-of-state certificate and who is otherwise eligible for a comparable Illinois certificate if that person has not completed four years of teaching.

Although not specified by statute, the proposed amendments retain the current provision for participation of individuals who hold a provisional certificate, provided that they have less than two years of teaching experience. A provisional certificate is provided to individuals who hold a teaching certificate from another state but may not have yet met all of the requirements for an Illinois initial or standard certificate.

The rules, as originally promulgated, also allowed holders of other alternative or provisional certificates to participate in teacher mentoring programs if they would be receiving an initial certificate once meeting all applicable requirements. Unlike holders of an initial certificate or a provisional certificate held by certified, out-of-state teachers, these individuals have not yet completed a formal teacher preparation program. Since mentoring programs are designed for certified teachers, they may not fully address all of the needs of individuals who have not yet completed teacher preparation programs. Additionally, holders of alternative or other provisional certificates typically are enrolled in teacher education programs; thus they are receiving support from the institutions at which they are receiving their teacher training.

Given the limited appropriation for the mentoring program and the lack of resources to meet the needs of all certified teachers statewide, it is more appropriate to concentrate on the population of teachers identified in the School Code as eligible recipients. In response to the comment regarding Type 29 certificates specifically, it is important to note that under the rules as currently written, these certificate holders would not have been eligible to participate in the programs funded under the New Teacher Induction and Mentoring Program.

Recommendation

No change is recommended in response to this comment.
Comment

Each of the four commenters expressed reservations about the proposed requirement of Section 65.130(d) for a teacher to spend at least 75 hours of face-to-face contact with the mentor assigned, either one on one or in some other configuration. The commenters raised concerns that the requirement might be difficult to achieve due to “cultural or contractual issues”. The use of the modifier “face to face” would prevent programs from employing technology, which may be a better alternative in more rural areas of the state. The 75-hour minimum might also decrease the quality of the mentoring provided, one person suggested, forcing mentors to focus too much on compliance issues.

Finally, the number of hours needed may vary from teacher to teacher, so providing a range of hours (1.5 to 2.5 hours weekly) rather than a minimum number overall might be more useful for the programs, one commenter proposed. Another suggested that limiting the contact hours to 54 (which represents the current requirement of 1.5 hours a week multiplied by 36 weeks) would lessen the burden on mentors, many of whom also have full-time teaching assignments.

Analysis

Based upon evaluations conducted of the teacher mentoring pilot programs, funded programs varied widely in what they consider to be “face-to-face” contact between the mentor and the teacher recipients. Research shows that successful mentoring programs employ opportunities for the mentor to observe, assess and interact directly with a new teacher or a group of teachers. The purpose of the proposed amendment is not only to reinforce the need for these face-to-face contacts but also to ensure that a minimum amount of contact time is provided under each program funded.

When taken together, the requirement for 75 hours is approximately 30 minutes more per week than the current requirement of 1.5 hours a week. The proposed amendment provides flexibility in structuring this time by not requiring that a weekly minimum be met. For instance, a program could allow for a more time-intensive mentoring approach in the beginning of a school year and opportunities of a shorter duration as the year, and the teacher, progresses. Staff acknowledge, however, that 75 hours of face to face contact – whether one on one with the teacher and mentor or in group situations – may be difficult to achieve both for the mentor and teacher. A reduction to 60 hours over the course of the school year (which could include time before and after school or before the first day of classes begins) will still meet the needs of beginning teachers.

Recommendation

It is recommended that the following change be made in Section 65.130(d):

d) Each program shall be designed to ensure that each new teacher spends no less than 60 75 hours in face-to-face contact with the mentor assigned, either one on one or in another configuration, including both classroom observation of the new teacher by the mentor and other interactions between these individuals. Each mentor who provides at least 60 75 hours of mentoring service in a grant year shall be paid $1,200 from grant funds awarded pursuant to this Part.
Comment

Several objections were raised regarding the payment of a $1,200 stipend to each mentor (see Section 65.130(d)). The stipend would be paid out of the grant funds received. One person objected to the inclusion of the stipend, asking that more of the funding be allotted to mentor training, working with teachers in group settings, and contracting with retired individuals to serve as mentors.

Suggested modifications to the proposal included:
- Setting the $1,200 as a minimum stipend for a full-time teacher whose mentoring duties are in addition to his or her teaching responsibilities;
- Providing an additional $1,200 to a mentor for each teacher assigned to him or her;
- Explicitly stating in the rules that the $1,200 limit does not preclude a collective bargaining agreement that provides additional funds for mentors, including those programs that provide full or partial release time for mentors.

Analysis

Under the law, funding provided by a statewide program is to be $1,200 for each new teacher who participates in a mentoring program. A school district may use those funds for mentor teacher compensation, mentor teacher training and/or new teacher training, and the cost of release time for teachers and mentors. The law does not specify a minimum amount to be paid as a stipend to mentors, leading to variations around the state. Without a consistent requirement, some grantees devoted fewer resources to stipends than to other uses, such as training, evaluations and travel.

Staff believe it is important to encourage highly skilled and effective teachers to share their knowledge and experience with those new to the teaching profession. By establishing a minimum mentor stipend in the rules, the agency recognizes that the efforts of these individuals and the value that they bring to the program should be rewarded equally statewide.

Recommendation

No change is recommended in response to this comment.

Comment

One commenter stated that one-on-one mentoring is limiting and this restriction should be removed from the rules.

Analysis

The rule states “one on one or other configuration”. This would allow for other forms of contacts, such as teacher observations or group meetings.

Recommendation

No change is recommended in response to this comment.
TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER b: PERSONNEL

PART 65
NEW TEACHER INDUCTION AND MENTORING

SUBPART A: GENERAL PROVISIONS

Section 65.10 Purpose and Scope
Section 65.20 Requirements of the Plan; Program Specifications

SUBPART B: BEGINNING TEACHER INDUCTION GRANT PILOT PROGRAM

Section 65.110 Purpose and Applicability
Section 65.120 Eligible Applicants
Section 65.130 Program Specifications
Section 65.140 Application Procedure
Section 65.150 Criteria for the Review of Initial Applications
Section 65.160 Allocation of Funds


SUBPART A: GENERAL PROVISIONS

Section 65.20 Requirements of the Plan; Program Specifications

a) When State funding is available to support new proposals for any initiative under Article 21A of the School Code, the State Superintendent of Education shall issue a Request for Proposals (RFP) (or, in the case of noncompetitive funding, other application materials) in order to solicit applications from eligible entities. As used in this Part, a “proposal” or “application” means relevant portions of a plan.
for an induction and mentoring program that meets the requirements of Section 21A-20 of the School Code [105 ILCS 5/21A-20], accompanied by the additional materials applicants will be required to submit, as described in the relevant Subpart of this Part.

b) Each plan shall conform to the requirements of Section 21A-20 of the School Code. In order to demonstrate the alignment required by Section 21A-20(2) of the School Code, each plan shall discuss the relationship among the services and experiences that will be available to new teachers, the content-area standards applicable to their respective fields of certification or assignment (see 23 Ill. Adm. Code 26 and 27), the Illinois Professional Teaching Standards (see 23 Ill. Adm. Code 24), and the employing entity’s existing plans for school improvement and professional development.

(Source: Amended at 33 Ill. Reg. _____, effective _____________)

SUBPART B: BEGINNING TEACHER INDUCTION GRANT PILOT PROGRAM

Section 65.130 Program Specifications

a) Each program supported with grant funds under this Subpart B shall incorporate:

1) mentoring for new teachers that is provided by experienced teachers who have received training to equip them for this role;

2) professional development for recipient teachers, mentors, and administrators who have roles in the program; and

3) formative assessment of new teachers’ practice with respect to the Illinois Professional Teaching Standards and the content-area standards relevant to their respective fields of assignment.

b) Each program shall serve no fewer than 10 new teachers. Each program shall serve no more than 75 new teachers, unless a specific rationale is provided that demonstrates how each new teacher will receive comparable and adequate attention and support.

c) Each new teacher shall, at the time he or she begins the program, have less than two years’ teaching experience and hold an initial or a provisional early childhood, elementary, secondary, special K-12, or special preschool-age 21
Each new teacher shall, at the time he or she begins the program, be in his or her first year of teaching. Each shall hold an initial certificate, except that a provisional or alternative certificate that is not also titled an “initial” certificate shall be treated as an initial certificate if the holder will qualify for an initial certificate rather than a standard certificate upon completion of all applicable requirements.

d) Each program shall be designed to ensure that each new teacher spends no less than 60 hours in face-to-face contact 1.5 hours per week in contact with the mentor assigned, either one on one or in another configuration, including both classroom observation of the new teacher by the mentor and other interactions between these individuals. Each mentor who provides at least 60 hours of mentoring service in a grant year shall be paid $1,200 from grant funds awarded pursuant to this Part.

e) Each program shall provide for the development of an individual induction plan for each new teacher served and for the provision of professional development that is directly related to the needs identified in the individual plan.

(Source: Amended at 33 Ill. Reg. _____, effective _____________)

Section 65.140 Application Procedure

For purposes of this Subpart, the terms “proposal” and “application” shall have the same meaning.

a) When State funding is available for new grants under this Subpart, the State Superintendent of Education shall issue a Request for Proposals (RFP) in order to solicit applications from eligible entities.

b) The RFP shall describe the format that applicants will be required to follow and the information they will be required to submit, including a description of the proposed program, identification of the specific schools in which the induction pilot program will be conducted, and the number of new teachers and mentors involved.

c) The RFP shall indicate the amount or expected amount of the appropriation for the program and shall describe the allowable expenditures and the basis for awarding grants. If matching funds or resources will be required of applicants, the RFP shall describe these requirements.
d) The RFP shall include a budget summary and payment schedule, as well as a narrative budget breakdown, i.e., a detailed explanation of each line item of expenditure.

e) The RFP shall identify the data recipients will be required to collect and report regarding the activities conducted with grant funds and the results of those activities, as well as the timelines for reporting.

f) The RFP shall include such certifications and assurances as the State Superintendent may require.

g) The RFP shall specify the deadline for submission of proposals, which shall provide potential applicants with at least 30 days to respond.

h) Separate applications shall be required for renewal of grant funding. Each application for renewal shall include at least:

1) a description of expenditures and activities during the year just concluded, demonstrating that the project has been implemented in conformance with the approved grant agreement and that the recipient continues to exhibit need for grant funds for this purpose; and

2) an updated budget summary and payment schedule for the renewal year, including a narrative budget breakdown.

i) Incomplete proposals shall not be considered.

(Source: Amended at 33 Ill. Reg. _____, effective _____________)

Section 65.160 Allocation of Funds

a) The State Superintendent of Education shall approve initial applications for funding and make final determinations regarding the amounts to be provided based upon the total funds appropriated for this initiative, the amounts necessary to fund the top-ranked proposals, and the need to distribute the benefits of innovative induction models on a statewide basis.

b) It is the intention of the State Board of Education to approve continuation funding for projects under this Part prior to providing funding for new applicants for a
three-year period. Funding for existing grantees for each year the second and third years shall be contingent upon the availability of funds for the program and evidence presented in renewal proposals that the projects have been implemented in accordance with the approved grant agreements and that the recipients continue to need additional State resources in order to implement their pilot programs. If funds remain available for new programs, an RFP shall be issued as provided in Section 65.140 of this Part.

e) An entity that has received three years’ funding under this Subpart B may subsequently apply as a new applicant.

(Source: Amended at 33 Ill. Reg. _____, effective _____________)
TO: Illinois State Board of Education

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

Agenda Topic: Action Items: Rules for Adoption – Amendments to Part 120 (Pupil Transportation Reimbursement)

Materials: Recommended Rules

Staff Contacts: Tim Imler

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

Relationship to/Implications for the State Board’s Strategic Plan
This rulemaking has no relationship to the strategic plan, as it represents technical clean-up only.

Expected Outcome of Agenda Item
The Board will be asked to adopt the proposed amendments to Part 120.

Background Information
Article 29 of the School Code (Transportation) and Part 120 rules currently allow school districts to consider child care locations when determining whether a student’s location for transportation purposes is more than 1 ½ miles from the school attended. Lack of specificity in the rules has led to situations where districts pick up and drop off students from some but not all child care locations within the district. While we do not believe districts should be compelled to alter their routes in order to encompass every single provider of day care, we do think it appropriate to prohibit discrimination among the various types of providers along the routes the district chooses to implement. This amendment will call for policies to that effect.

In addition, unrelated changes are being proposed to these rules for purposes of clarification only. Changes are being made to Section 120.110(a)(1) (Reporting requirements) to place the two categories of reimbursable pupil transportation expenses before the expenses that cannot be claimed. In Section 120.110(a)(3)(C), the phrase “general education” will be added to distinguish these prekindergarten students from those who receive special education transportation services.

Also, references to Part 110 of the rules (Program Accounting Manual) need to be replaced by references to the new rules covering the same topics (Part 100; Requirements for Accounting, Budgeting, Financial Reporting, and Auditing). Similarly, a reference to Part 275 (Pupil Transportation) needs to be deleted because that Part was repealed in 2005.
The proposed amendments were published July 6, 2009, in the Illinois Register to elicit public comment. One was received, and the version being presented for adoption at this time is identical to that originally proposed.

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

**Pros and Cons of Various Actions**
Promulgation of these amendments would require districts choosing to consider child care locations in determining bus routes to set uniform policies governing their inclusion. Failure to make these revisions would leave many day care providers continuing to complain to agency staff that districts are acting unfairly.

The technical changes proposed will bring the rules up to date, while failure to amend the rules would result in the persistence of incorrect cross-references in Parts 120.

**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:

> Pupil Transportation Reimbursement (23 Illinois Administrative Code 120).

> 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
23 Ill. Adm. Code 120 (Pupil Transportation Reimbursement)

Comment

The commenter challenged the agency’s authority to require that school districts adopt written policies setting forth their practices for providing student transportation to locations within the school district boundaries other than a student’s residence (see Section 120.30(a)(1)(B) of the proposal). The individual also believed that the agency could not require by rule that school districts treat all “day care locations equally”.

Analysis

Section 29-5 of the School Code sets forth standards for school districts to seek reimbursement for the cost of transporting students who reside at least 1½ miles from the school they attend. The law also allows a school district to receive reimbursement for transporting a child to and from a child care facility if that facility is at least 1½ miles from the student’s school. This provision has concerned many school districts which question their obligation to alter bus routes for students who move to different child care locations (e.g., divorced parents, grandparents, aunts, friends, day cares) throughout the school year. Guidance provided to those districts has mirrored the requirement placed in the rules; that is, all day cares must be treated equally when a school district chooses to transport students to and from these locations.

The agency’s interpretation of the statutory language, however, has engendered complaints from some school districts that disagree with that advice. For this reason, staff believed that it was prudent to set forth that guidance clearly in administrative rules.

As for our authority to do so, Section 29-5 of the School Code allows the State Board to promulgate rules to “prescribe uniform regulations for determining” the standards that will be used for reimbursement of transportation costs. The proposed amendment establishes such a uniform statement in that districts must adopt a written policy addressing pick-up and drop-off points for students in daycare locations.

The proposed amendment does not require a school district to establish a separate route simply to meet the need of a single “daycare location” outside of those parameters set forth in its policy. Rather, districts that allow for transportation to and from daycare locations must provide that service consistently along regular bus routes and/or new routes without discrimination among the various types of daycare providers. Staff believe that the proposed rule is reasonable and clarifies the statutory language within the agency’s authority to do so.

Recommendation

No change is recommended in response to this comment.
STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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

PART 120
PUPIL TRANSPORTATION REIMBURSEMENT

SUBPART A: SCHOOL REIMBURSEMENT

Section
120.10 Definitions
120.20 Transportation and Student Discipline
120.30 Pupil Transportation Services Eligible for Reimbursement
120.40 Pupil Transportation Services and Costs Not Eligible for Reimbursement
120.50 Reimbursable Direct Operating Costs
120.60 Reimbursable Annual Depreciation Allowances
120.70 Deductions from Direct Operating Costs
120.80 Reimbursable Indirect Cost for Pupil Transportation Services
120.90 Cost Proration Related to Pupil Transportation
120.100 Reimbursement Formulas
120.110 Reporting Requirements
120.115 Fully Allocated Costs of Transportation
120.120 Bus Scheduling Services and Software
120.130 Seat Back Reimbursement (Repealed)

SUBPART B: CUSTODIAN REIMBURSEMENT FOR PUPIL TRANSPORTATION

Section
120.200 Definitions
120.210 Custodians Eligible for Reimbursement
120.220 Custodians Not Eligible for Reimbursement
120.230 Responsibilities of Schools
120.235 Responsibilities of Public and Nonpublic Chief Administrative Officers (Repealed)
120.240 Reimbursement
120.245 Responsibilities of the Regional Superintendents of Schools
120.250 Dispute Resolution
120.260 Audit and Enforcement
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AUTHORITY: Implementing and authorized by Article 29 of the School Code [105 ILCS 5/Art. 29].


SUBPART A: SCHOOL REIMBURSEMENT

Section 120.30 Pupil Transportation Services Eligible for Reimbursement

Each school district that files a claim for State reimbursement for pupil transportation shall be subject to the requirements of this Subpart A in order to be eligible for such reimbursement. Pupil transportation services eligible for reimbursement are listed below:

a) Regular Pupil Transportation Services for Pupils in Kindergarten or Any of Grades 1 through 12

1) Transportation services provided for pupils residing at a distance of 1½ one and one-half miles or more from the attendance center to which they are assigned.

   A) The distance shall be measured from the exit of the property where the pupil resides to the point where pupils are normally unloaded at the attendance center to which they are assigned (Section 29-3 of the School Code [105 ILCS 5/29-3]).

   B) If a pupil is at a location within the school district other than his/her residence for child care purposes at the time for transportation to and/or from school, that location may be considered for purposes of determining the 1½ miles from the school attended (Section 29-5 of the School Code). A district that chooses to consider locations other than individual students’ residences shall adopt a written policy establishing this practice. At the district’s discretion, its policy may limit pick-up and drop-
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off to students in day care locations along the district’s regular routes, or it may extend services via newly established routes. In either case, the district shall not discriminate among types of locations where day care is provided, which may include, but need not be limited to, the premises of licensed providers, the homes of relatives, or the homes of neighbors, any of which must be located within the district’s boundaries.

C) A school board may comply with the provisions of this Section by providing free transportation for pupils to and from an assigned school and a pick-up point located not more than one and one-half miles from the home of each pupil assigned to such point (Section 29-3 of the School Code).

2) Transportation services provided for pupils residing within a distance of 1½ one and one-half miles from the attendance center to which they are assigned from pickup points at the beginning of the school day and back again at the close of the school day, effective on the date that the Illinois Department of Transportation grants written approval pursuant to 92 Ill. Adm. Code 556 (Rules on Transporting Pupils Where Walking Constitutes a Serious Safety Hazard) that a serious safety hazard exists due to vehicular traffic, for specific areas and specific ages.

3) Transportation services provided for nonpublic school pupils when pupil transportation services for the nonpublic school pupils are provided on the same basis as the transportation services for public school pupils as provided in Section 29-4 of the School Code.

4) Transportation services provided to a pupil who is required to be transported but is also required for disciplinary reasons to serve a detention period either before or after the regular school day.

5) Transportation which is provided prior to or following voluntary, extracurricular and/or cocurricular activities, including sport practices, club meetings, drama rehearsals, or choral and band practices where such activities are scheduled before or after the school day, qualifies as transportation provided at the beginning or end of the school day and is therefore subject to reimbursement with respect to students who are required to be transported.
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6) Transportation services provided for pupils between attendance centers during the school day. This includes transportation of vocational pupils between attendance centers or a building or other trades skill development site of less than one and one-half miles.

b) Vocational pupil transportation services provided during the school day for vocational pupils transported one and one-half miles or more one way from their assigned attendance center to a vocational program located at:

1) An area vocational center;
2) Another school district; or
3) A building or other trades skill development site.

c) Special education pupil transportation services, including field trips, provided for special education pupils in accordance with Sections 14-7.02 and 14-13.01(b) of the School Code [105 ILCS 5/14-7.02 and 14-13.01(b)] and with 23 Ill. Adm. Code 226 (Special Education). This includes field trips (community based instruction) when approved by the district's state approved director of special education as defined in 23 Ill. Adm. Code 226.

d) Transportation provided to any student in connection with a field trip:

1) that occurs during a day of student attendance included on the official school calendar of the school district;
2) whose hours are part of the claimable clock hours on the General State Aid Claim (i.e., the destination of the trip is considered to be the assigned attendance center for all students enrolled in the class);
3) that is provided free of charge to the pupil;
4) that is part of the school’s curriculum for which pupils earn credit for graduation; and
5) that is not listed in Section 120.40(a)(1) or (2) of this Part.

(Source: Amended at 33 Ill. Reg. ______, effective ____________)
Section 120.50 Reimbursable Direct Operating Costs

All reimbursable direct operating costs must be paid from the Transportation Fund of a school district, except for those items required by Section 17-7 of the School Code to be paid from the Operation and Maintenance Fund and IMRF payments made for transportation supervisory salaries. All reimbursable direct operating costs of a cooperative for special education or vocational education must be paid from function 2550 (Pupil Transportation Services; see 23 Ill. Adm. Code 100.Table D 110.Table D). Reimbursable direct operating costs are listed below:

a) District owned and operated pupil transportation services, including districts which make payments to other LEAs.

1) The cost of physical examinations for school bus drivers required for their employment (Section 29-5 of the School Code) pursuant to 23 Ill. Adm. Code 275 (Pupil Transportation).

2) Salaries and/or wages for the following employees:

   A) School bus drivers;

   B) School bus maintenance personnel;

   C) Chief mechanic;

   D) Special education attendants or aides for that portion of time they assist special education pupils, i.e., for transit time only;

   E) Transportation supervisory salary costs as defined in Section 120.10 of this Part when paid from the Transportation Fund as set forth in Section 120.90(b) and (c) of this Part; and

   F) Dispatchers and clerical workers who support the transportation functions, when their positions are documented and records support the percentage of time claimed for each position.

3) The cost of the following benefits for the employees enumerated in subsection (a)(2) of this Section (if proration is necessary for salaries and/or wages, benefits shall be prorated in the same manner):

   A) Health insurance;
B) Life insurance;
C) Dental insurance;
D) Vision insurance;
E) Annuities in lieu of health, life, dental, or vision insurance;
F) Municipal retirement contribution, if paid by the employer as part of the transportation supervisory salary costs; and
G) Teacher retirement contributions, if paid by the employer from the Transportation Fund as part of the transportation supervisory salary costs.

4) Payments made to other school districts for providing pupil transportation services and expenditures consistent with this Part.

5) Payments made to other agencies for computerized bus scheduling; to companies for the purchase of computer software used to establish school bus routes; and to companies for maps that identify vehicular traffic hazards.

6) Payments made for fuel, oil, tires, and other supplies that are necessary for the operation of pupil transportation vehicles.

7) The total cost of converting school bus gasoline engines to more fuel efficient engines or to engines which use alternate energy sources.

8) Expenditures (according to a school district's written travel reimbursement policies) for travel to workshops or meetings conducted by the regional superintendent or the State Superintendent of Education designed to improve the driving skills of school bus drivers or travel to other training programs that are for the enhancement of skills necessary to operate vehicles safely, manage student behavior, or address specific student needs (excluding competitions).

9) Expenditures for contractual maintenance services including materials, parts, supplies and labor necessary for the operation of pupil transportation
vehicles or equipment used in the transportation program not exceeding $2,500 per service.

10) Expenditures for lease agreements for pupil transportation vehicles, for lease/rental of less than 30 days.

11) Expenditures for insurance, license plates, and inspection fees pertaining to pupil transportation vehicles.

12) Expenditures for the rental of pupil transportation equipment for fewer than 30 days.

13) Transportation related building, land and building maintenance costs. The prorated costs of operation and maintenance of buildings, as set forth in Section 120.90(g) of this Part, when directly related to pupil transportation services including:

   A) Utility costs;

   B) Custodial supplies and services;

   C) Insurance for buildings and/or for site improvements;

   D) Security services;

   E) Telephone charges incurred for the transportation program; and

   F) Lease or rental of land or buildings for storing or maintaining transportation vehicles when leased for less than 30 days.

14) Expenditures for items that enhance transportation safety, costing less than $2,500 and not funded by any other federal or State source of funding, including but not limited to:

   A) federally approved child safety restraint systems;

   B) reflective tape;

   C) alarm/warning systems for child safety;
D) cameras used on school buses specifically for security purposes.

b) Contractual pupil transportation services

1) The cost of contractual pupil transportation services, which shall be limited to the following types:

A) Payments to independent carriers whose drivers and vehicles comply with the Illinois Vehicle Code (e.g., to bus companies, taxi companies, limousine services, and medical transportation carriers qualifying as independent carriers); and

B) Payments to parents or guardians for transporting their own children when the district has an obligation to provide free pupil transportation services.

2) Payments made for fuel, oil, tires, and other supplies that are necessary for the operation of pupil transportation vehicles.

3) Transportation supervisory salary costs as allowed in subsections (a)(2)(E) and (a)(3)(E) and (F) of this Section.

4) Transportation related building, land and building maintenance costs as allowed in Sections 120.50(a)(13) and 120.60(d) and (e) of this Part.

(Source: Amended at 33 Ill. Reg. ______, effective ____________)

Section 120.90 Cost Proration Related to Pupil Transportation

a) When costs or depreciation allowances are to be prorated among pupil transportation services and other nontransportation related activities, the categories used shall constitute:

1) Regular pupil transportation services;

2) Vocational pupil transportation services;

3) Special education pupil transportation services;

4) Nonreimbursable pupil transportation services; and
5) Nontransportation related activities.

b) If an employee performs multiple job duties (e.g., district/cooperatives employing a part-time transportation supervisor/director) and at least one job duty is reimbursable under pupil transportation, the salary and district paid employee benefits for such employee shall be prorated to each type of job duty based on the ratio of the number of hours worked in each job to the total hours worked.

c) The formula for computing the district superintendent and/or joint agreement director expenses as permitted in Section 120.50(a)(2)(E) or 120.50(a)(3) of this Part is listed in this subsection (c).

1) The district superintendent allowable expenditures shall be prorated based on the ratio of the total transportation fund expenditures to the district's total expenditures of all funds. The district's expenditures are to be calculated in the Illinois Local Education Agency Annual Financial Report pursuant to 23 Ill. Adm. Code 100 (Requirements for Accounting, Budgeting, Financial Reporting, and Auditing) 110 (Program Accounting Manual).

2) The joint agreement/cooperative director allowable expenditures shall be prorated based on the ratio of total expenditures/disbursements and transfers for transportation to the total expenditures/disbursements and transfers of the joint agreement. The joint agreement/cooperative total expenditures/disbursements and transfers are to be calculated in the Joint Agreement Annual Financial Report.

d) District owned/operated transportation systems must prorate all expenses based on the ratios of miles traveled in each category to the total miles traveled in all categories operated by the district. This method of proration includes Salaries and Employee Benefits, unless the district can document the number of hours worked per category to the total number of hours worked per person.

e) Payments for all contractual transportation services must be prorated based on miles per contractor across all types of transportation provided (i.e., regular, vocational, special education, and/or non-reimbursable), with the exception of the following:
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1) Payments to a contractor that provides only one type of transportation service;

2) Payments by a district to a contractor that provides multiple types of transportation service, a contract for each of which was separately executed on or after July 1, 2004, based on the lowest bid among at least two bids tendered, as reflected in the district’s records on the procurement of these services;

3) Payments to a contractor by a district for costs that are part of a contractual agreement between a cooperative or joint agreement and the contractor; and

4) Payments by one district to another district for one type of transportation service.

f) If a pupil transportation vehicle is used for more than one category of transportation service, the depreciation allowance shall be prorated based on the ratio of the number of miles traveled in each category of service to the total miles traveled in all categories.

g) Expenditures charged to the Operations and Maintenance Fund and/or the Education Fund that are directly related to the Pupil Transportation Program Services may be claimed as direct cost reimbursement from the Transportation Program. When the district or joint agreement cannot substantiate the portion of the cost applicable to the pupil transportation program, the expenditures shall be allocated according to the square footage of the bus garage divided by the total square footage of all the district owned buildings and that result multiplied by the total expenditures of each allowable cost. The transportation portion of each allowable cost that is under $2,500 or which has a useful life less than one year is claimed under Section 120.50(a)(13).

(Source: Amended at 33 Ill. Reg. ______, effective ____________)

Section 120.110 Reporting Requirements

According to the date set forth in Section 29-5 of the School Code, districts shall annually transmit the information described in subsections (a) through (e) of this Section to the State Superintendent of Education via electronic means.
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NOTICE OF ADOPTED AMENDMENTS

a) For regular pupil transportation services, the school districts shall annually, pursuant to Section 29-5 of the School Code, report the following items:

1) Total number of enrolled pupil days in the regular pupil transportation service for each of the following:

   A) Pupils residing 1½ one and one-half miles or more from their respective assigned attendance centers;

   B) Pupils residing less than 1½ miles from their respective assigned attendance centers but where approval of serious safety hazards has been granted as discussed in Section 120.30(a)(2) of this Part; and

   C) Pupils residing less than 1½ miles from their respective assigned attendance centers and without approval of serious safety hazards with vehicular hazard approval.

2) Total number of student attendance days on the official school calendar.

3) Total number of pupils in the following categories:

   A) Public school pupils transported during the regular school term;

   B) Nonpublic school pupils transported during the regular school term;

   C) General education prekindergarten pre-kindergarten pupils transported during the regular school term on regular routes for grades kindergarten - 12; and

   D) Pupils transported on reimbursable field trips who are not enrolled to be transported on a reimbursable regular route.

4) Total number of vehicle miles traveled to and from school during the regular school term, including the total mileage traveled during the regular school term for reimbursable regular field trips.
5) Expenditures and deductions as set forth in Sections 120.50 through 120.80 of this Part.

b) For vocational pupil transportation services, the school districts shall annually report the following items:

1) Total number of pupils transported during the regular school term;

2) Total number of vehicular miles traveled during the regular school term, including the total mileage traveled during the regular school term for reimbursable vocational field trips; and

3) Expenditures and deductions as set forth in Sections 120.50 through 120.80 of this Part.

c) For special education pupil transportation services, the school districts shall annually report the following information:

1) Total number of special education pupils transported during the regular and summer school terms;

2) Total number of vehicular miles traveled during the regular and summer school terms, including the total mileage traveled for reimbursable special education field trips; and

3) Expenditures and deductions as set forth in Sections 120.50 through 120.80 of this Part.

d) For nonreimbursable pupil transportation services, the school districts shall annually report the:

1) Total number of vehicle miles traveled during the regular and summer school terms; and

2) Expenditures as set forth in Sections 120.50 through 120.80 of this Part.

(Source: Amended at 33 Ill. Reg. ______, effective ____________)
Illinois State Board of Education Meeting
September 16-17, 2009

To: Illinois State Board of Education

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

Agenda Topic: Action Items: Rules for Adoption – Amendments to Part 180
             (Health/Life Safety Code for Public Schools)

Materials: Recommended Rules

Staff Contacts: Deb Vespa

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

Relationship to/Implications for the State Board’s Strategic Plan
This item of rulemaking relates to Goal 3, a safe and healthy learning environment for all
students, as ensuring this is the overall function of Part 180.

Expected Outcome of Agenda Item
The Board will be asked to adopt the proposed amendments to Part 180.

Background Information
The major aspect of these amendments is to incorporate by reference the newest editions of the
International Building Code and its sub-codes as the requirements for school construction in
Illinois. This change would affect projects for which design contracts are executed on or after
January 1, 2010. In addition, a technical correction is being made to eliminate an outdated
reference to the Fall Enrollment and Housing Report.

The proposed amendments were published in the Illinois Register on July 6, 2009, to elicit
public comment. Two letters of public comment were received, both urging the State Board to
adopt the proposed changes; therefore the version being presented for adoption at this time is
identical to that originally proposed.

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

Pros and Cons of Various Actions
Promulgation of these amendments will permit reliance on the most updated versions of various
national building codes and standards. Without conducting this rulemaking, ISBE will need to
continue enforcing the 2006 editions rather than moving forward to use the 2009 editions.
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:


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.
## ILLINOIS 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 d: CONSTRUCTION AND BUILDING MAINTENANCE

PART 180
HEALTH/LIFE SAFETY CODE FOR PUBLIC SCHOOLS

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SUBPART D: INSPECTIONS

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SUBPART E: ADDRESSING VIOLATIONS

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180.400 Violations
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SUBPART F: FIRE PREVENTION AND SAFETY FINANCING

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


Section 180.60 Applicability

a) Except as provided in subsection (b) of this Section, every facility other than a vehicular facility shall conform to the standards identified in this subsection (a) and published by the International Code Council, Inc., 4051 W. Flossmoor Road, Country Club Hills, Illinois 60478-5795, unless a variance or waiver is obtained pursuant to Section 180.70 of this Part or use of a temporary facility is authorized pursuant to Section 180.230 of this Part. No later amendments to or editions of these standards are incorporated by this Section. The effective date called for in Section 3410.2 of the International Building Code (IBC) shall be the effective date shown for this Section 180.60. Except for the “minimum conditions” presented in the International Property Maintenance Code and the International Fire Code, the IBC permits a facility constructed prior to its effective date to be maintained in compliance with the building code that previously applied to the facility, and provides separate provisions governing the alteration, repair, change of occupancy, replacement of component parts or systems, and enlargement of an existing facility. (IBC, Section 102.6; Chapter 34, and the International Existing Building Code)

1) Through December 31, 2009, the applicable standards shall be the 2006 International Building Code and its subcodes as follows:

4) A) the 2006 International Energy Conservation Code (IECC);

2) B) the 2006 International Existing Building Code (IEBC);

3) C) the 2006 International Fire Code (IFC), excluding Chapter 4;

4) D) the 2006 International Fuel Gas Code (IFGC);

5) E) the 2006 International Mechanical Code (IMC); and

2) With respect to any project for which the design contract is executed on or after January 1, 2010, the applicable standards shall be the 2009 International Building Code and its subcodes, as follows:

A) the 2009 International Energy Conservation Code (IECC);
B) the 2009 International Existing Building Code (IEBC);
C) the 2009 International Fire Code (IFC), excluding Chapter 4;
D) the 2009 International Fuel Gas Code (IFGC);
E) the 2009 International Mechanical Code (IMC); and
F) the 2009 International Property Maintenance Code (IPMC).

b) The applicability of the codes listed in subsection (a) of this Section shall be limited as set forth in this subsection (b).


2) The administrative provisions of this Part shall apply instead of the administrative provisions contained in Sections 101.4.4, 103-108, 110-113, and 115 of Chapter 1 of the International Building Code.


STATE BOARD OF EDUCATION
NOTICE OF ADOPTED AMENDMENTS


(Source: Amended at 33 Ill. Reg. _____, effective _____________)

SUBPART F: FIRE PREVENTION AND SAFETY FINANCING

Section 180.540 Cost Estimates

a) Administration and implementation of this Subpart require that many costs be estimated and certified as a prerequisite to approval of proposed work or determination of the applicability of particular rules. The following standards and procedures are to be used where certification of cost estimates is required.

b) All cost estimates shall be based upon published price guides such as those compiled by R. S. Means Company, Inc., Frank Walker Company, and McGraw-Hill Cost Information Systems.

1) The source of the cost figures shall be specifically identified by title, publisher, and period of effectiveness.

2) The cost factors to be used shall be the mean or median costs published for such construction nationally.

3) These raw cost estimates shall be adjusted by applying the appropriate inflation factors, size adjustment factors, and regional cost adjustment factors.

4) The estimate shall be based upon the work to be performed as described in the violation and recommendation schedule.

5) The estimate shall specify the unit or units of measure, the quantity of such units necessary, and the unit cost installed.
6) A total of estimated costs must be provided, along with a general breakdown.

7) The resulting figure shall be referred to as the Adjusted Gross Estimated Cost.

c) Estimates of the replacement cost of a school shall be based upon the cost of constructing a new building of equal size, serving like grades, and for the same programmatic purposes as the facility to be replaced. The procedure is as follows.

1) Determine the type of school to be built based upon its classification as derived from the school’s enrollment reported as of the last school day in September or as reflected on the Fall Enrollment and Housing Report for the immediately preceding school year.

2) Determine the size of the school to be built, based upon the square footage of the school to be replaced.

3) Multiply the square footage of the school to be built by the appropriate square-foot cost factor.

   A) The published cost factor for elementary schools shall be used for preschools, kindergartens, and elementary schools.

   B) The published cost factor for junior high/middle schools shall be used for schools housing various combinations of grades 5 through 9.

   C) The published cost factor for high schools shall be used for schools housing combinations of grades 9 through 12.

4) The resulting figure shall be referred to as the Adjusted Gross Estimated Replacement Cost of the school.

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Street, Philadelphia, Pennsylvania 19103-1187), shall be used. No later amendments to or editions of these standards are incorporated by this rule.

1) In addition, the sources of heating degree days, cooling degree days, and energy consumption data, and the basis for determining the efficiency of existing systems and equipment and their useful lifetimes shall be noted.

2) Where Fire Prevention and Safety Funds are to be used to finance all or part of energy conservation measures, the payback period calculations must show that payback can be achieved over the useful lifetime of the proposed measure or 20 years, whichever is less.

(Source: Amended at 33 Ill Reg. _____, effective _____________)
TO: Illinois State Board of Education

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

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

Materials: Summary and Analysis of Public Comment
           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.

Relationship to/Implications for the State Board's Strategic Plan
This agenda item links to Strategic Plan Goal 1 (academic achievement and success) since it will enable school districts to provide behind-the-wheel driving instruction via contract for those students who are unable to participate in the regular program of the district due to physical or cognitive limitations.

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

Background Information
The proposed amendments to rules governing Driver Education (Part 252) include two changes, each of which is described below.

New Section 252.20(f) is being added to provide flexibility for school districts with students who require adaptive driver's education for the behind-the-wheel component of the course. Currently, the rules prohibit a school district from providing either component of its driver education program (i.e., classroom or behind the wheel) through a contract with an individual or commercial driving school. A contractual arrangement may only be used if the district first secures relief from the regulatory requirement using the waiver process set forth in Section 2-3.25g of the School Code.

The proposed amendments set forth the standards that the facility and its instructors must meet in order for the school to consider a contractual arrangement. Agency staff developed the standards in consultation with the Secretary of the State’s (SOS) office and facilities that offer adaptive driver’s education. Districts wishing to enter into a contract with a facility that does not meet the requirements as set forth in the proposed amendments may submit a waiver under Section 2-3.25g of the School Code seeking permission to do so.

A companion change is being made in Section 252.30 to explicitly state that districts may receive reimbursement for those students successfully completing the course under an allowable contractual arrangement. (See Section 252.30(d).)
The second change being proposed adds a cross-reference in Section 252.40(a) to the new requirements for the endorsement in safety and driver education that the Board considered at its meeting in May. Instructors in both public and nonpublic schools must meet these requirements.

The proposed rules were published July 6, 2009, in the Illinois Register to elicit public comment; none was received, and the version being presented for adoption at this time is identical to that originally proposed.

**Analysis and Implications for Policy, Budget, Legislative Action and Communications**

**Policy Implications.** Please see “Background” above.

**Budget Implications.** None.

**Legislative Action.** None needed.

**Communication.** See below.

**Pros and Cons of Various Actions**
The proposed amendments will enable school districts to more effectively meet the instructional needs of students who require specialized instruction in the behind-the-wheel component of the driver education program. While it is possible for a school district to request permission through the waiver process to enter into a contract with a facility to provide these services, the requirements of that process may make it impractical if the district needs to serve a student in a timely fashion.

**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 amendments will be filed with the Secretary of State and disseminated as appropriate.
Section 252.20 Administration and Procedures

a) Availability of the Course -- Any public school district maintaining grades 9 through 12 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 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 driver education course at their own expense.

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]*

4) An eligible student may elect to enroll in a 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 a 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 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 (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 375.10.

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 Organization -- 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 instruction each must be scheduled regularly throughout a period of not less than six complete weeks (four weeks allowable in summer courses and for schools using block scheduling).

2) Behind-the-wheel instruction shall not begin until the student has started classroom instruction; however, a student may be enrolled in both portions of the course 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. At least one hour of observation time is required for each hour of behind-the-wheel instruction.
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.

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. Schools offering a driver education course shall not contract for the course from any individual or commercial driver training school, except as provided in subsection (f) of this Section.

f) A public school district may contract for the provision of the behind-the-wheel portion of the course for students who have physical limitations that would require the use of a specially equipped car or for students who require other specialized instruction (e.g., vision or hearing impairments, cognitive disabilities) provided that:

1) the facility is approved by the Illinois Secretary of State (SOS) as meeting all of the requirements of Chapter 6, Article IV of the Illinois Vehicle Code [625 ILCS 5/Art. IV] and of rules promulgated by SOS (see 92 Ill. Adm. Code 1030 (Issuance of Licenses));

2) each instructor providing instruction to the public school district’s students is certified as a Driver Rehabilitation Specialist by the ADED – the Association for Driver Rehabilitation Specialists (see http://www.driver-ed.org/i4a/pages/index.cfm?pageid=1), 2425 N. Center Street, #369, Hickory, North Carolina 28601; and

3) the facility conducts an evaluation of the student’s physical and cognitive abilities to determine the individualized course of instruction.

(Source: Amended at 33 Ill. Reg. ______, effective _____________)

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

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 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 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 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) 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) Contracting – School districts providing the driver education course through a contract as provided under Section 252.20(f) of this Part or under a waiver granted pursuant to Section 2-3.25g of the School Code [105 ILCS 5/2-3.25g] shall make a claim for reimbursement by submitting, in a format specified by the State Superintendent of Education, the names of the students successfully completing the course and the date of course completion for each.

e) 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, 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 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.
Section 252.40  Driver Education Personnel Requirements

a) Qualifications of Teachers -- All persons who teach a driver education course 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) through January 31, 2012. Each individual first assigned to teach safety and driver education on or after February 1, 2012 shall be required to hold a certificate valid for the secondary grades and an endorsement received pursuant to 23 Ill. Adm. Code 25.100(n).

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) through January 31, 2012. Each individual first assigned to teach safety and driver education on or after February 1, 2012 shall meet the course requirements of 23 Ill. Adm. Code 25.100(n).

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 or judicial driving permit under Section 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 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 a driver education course 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, failure to pay traffic fines, not possessing a mandatory insurance card).

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

(Source: Amended at 33 Ill. Reg. ______, effective _______________)

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

Agenda Topic: Action Items: Rules for Adoption – Amendments to Part 401 (Special Education Facilities Under Section 14-7.02 of the School Code)

Materials: Recommended Rules

Staff Contacts: David Andel

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

Relationship to/Implications for the State Board’s Strategic Plan
This rulemaking has no relationship to the strategic plan, as it represents technical clean-up only.

Expected Outcome of Agenda Item
The Board will be asked to adopt the proposed amendments to Part 401.

Background Information
As noted above, this amendment is a technical change to update terminology and a cross-reference to Part 226 (Special Education).

The proposed amendments were published July 6, 2009, in the Illinois Register to elicit public comment. None was received, and the version being presented for adoption at this time is identical to that originally proposed.

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

Pros and Cons of Various Actions
Promulgation of these nonsubstantive revisions will bring the rules up to date, while failure to make the changes will leave a minor error present in Section 401.270.

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:
Nonpublic Special Education Facilities Under Section 14-7.02 of the School Code (23 Illinois Administrative Code 401).

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**
Notices 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.
**ILLINOIS REGISTER**

**STATE BOARD OF EDUCATION**

**NOTICE OF ADOPTED AMENDMENT**

**TITLE 23: EDUCATION AND CULTURAL RESOURCES**

**SUBTITLE A: EDUCATION**

**CHAPTER I: STATE BOARD OF EDUCATION**

**SUBCHAPTER 1: NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS**

**PART 401**

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

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NOTICE OF ADOPTED AMENDMENT

AUTHORITY: Implementing and authorized by Sections 14-7.02 and 14-8.01 of the School Code [105 ILCS 5/14-7.02 and 14-8.01].


SUBPART C: OPERATIONAL REQUIREMENTS

Section 401.270 Student Records

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

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

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


4) The student's current IEP developed for the placement in accordance with 23 Ill. Adm. Code 226, Subpart C (The Individualized Education Program (IEP)).
5) Reports of review procedures conducted with respect to the student's progress as specified in Section 401.230(b) of this Part, including copies of all progress reports provided to parents and the sending school district.

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

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

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

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

2) Other records of an academic or instructional nature that have accumulated during the student's enrollment at the nonpublic facility, including:

   A) Records of behavior management plans; and

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

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

4) Records of the student's attendance while served at the facility.
STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

(Source: Amended at 33 Ill. Reg. _____, effective _____)
TO: Illinois State Board of Education

FROM: Christopher A. Koch, Ed.D., State Superintendent of Education
       Susie Morrison, Deputy Superintendent
       Darren Reisberg, General Counsel

Agenda Topic: Action Items: Rules for Adoption – Part 675 (Providers of Supplemental Educational Services)

Materials: Recommended Rules

Staff Contacts: Gina Hopper, Division Administrator
               Marci Johnson, Division Supervisor
               Dr. Gary Greene, Principal Consultant

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

Relationship to/Implications for the State Board’s Strategic Plan
This rulemaking is not specifically related to the strategic plan. The needed changes are nonsubstantive, as explained below.

Expected Outcome of Agenda Item
The Board will be asked to adopt the proposed amendments to Part 675.

Background Information
It has come to staff’s attention that one provision relating to certain providers is not necessary and may be counterproductive. Consequently, the requirement for experience serving youth in the same community where SES will be offered should be deleted from Section 675.50(b)(2)(B)(i). In addition, one change is needed in two places within Appendix B (Evaluation Rubric). As part of the amendments to Part 675 that were completed earlier this year, this same change was made in the discussion of parental satisfaction, under the heading “Below Standards”. However, due to a failure of communication between ISBE staff and staff of the Joint Committee on Administrative Rules, it was not included in the columns for “Meets Standards” and “Above Standards”. This amendment will simply repair that omission and will have no effect on the next scheduled evaluations of providers.

The proposed amendments were published July 6, 2009, in the Illinois Register to elicit public comment. None was received, and the version being presented for adoption at this time is identical to that originally proposed.

Analysis and Implications for Policy, Budget, Legislative Action and Communications
Policy Implications: Please see “Background” above.
Budget Implications: None.
Legislative Action: None needed.
Communication: Please see “Next Steps” below.
Pros and Cons of Various Actions
Promulgation of these amendments will bring the rules up to date, while failure to amend the rules would result in a mismatched combination of evaluation standards in Part 675.

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:

Providers of Supplemental Educational Services (23 Illinois Administrative Code 675).

Further, the Board authorizes the State Superintendent 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.
STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER o: MISCELLANEOUS

PART 675
PROVIDERS OF SUPPLEMENTAL EDUCATIONAL SERVICES

SUBPART A: GENERAL PROVISIONS

Section 675.10 Purpose and Scope
675.20 Definitions
675.30 Code of Ethics
675.40 Programmatic Requirements
675.50 Application Requirements
675.60 Application Process
675.65 Mid-Year Changes
675.70 Reporting Requirement
675.80 Retention of Records; Access to Premises
675.90 Evaluation of Providers’ Performance, Providers’ Status, Sanctions, and Removal
675.100 Public Information
675.110 Removal When No Services Offered
675.150 Provider’s Relationship with District
675.175 Timetable for Implementation of the Program

SUBPART B: FINANCIAL REQUIREMENTS

Section 675.200 Financial Framework for SES
675.210 District Program Cost
675.220 Non-Reimbursable Expenses and Revenue Offsets
675.230 Reports of Actual Costs
675.245 Basis for Invoices and Payments
675.250 Appeals

675.APPENDIX A Calculation of Effect Size
675.APPENDIX B Evaluation Rubric
675. APPENDIX C Decision Matrix

AUTHORITY: Implementing Section 1116(e) of Public Law 107-110, the No Child Left Behind Act of 2001 (20 USC 6316(e)) (34 CFR 200.45 through 200.48), and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.6].


SUBPART A: GENERAL PROVISIONS

Section 675.50 Application Requirements

Each application for approval to provide SES in Illinois shall consist of the components described in this Section and shall be submitted as specified by the State Superintendent.

a) A summary of services that indicates:

1) the subject areas available (i.e., reading and/or mathematics);

2) the grade levels served;

3) the total program hours per student, provided that, for any program proposing fewer than 30 instructional hours per subject, the applicant must supply specific evidence that the program has resulted in increased student achievement in that subject, including verification from school district administrators in which the program has been previously provided;

4) the proposed locations of service delivery;

5) the minimum number of students required by the eligible applicant in order to offer SES to a district and an indication of any districts in which that minimum will apply to each site served rather than to the district in the aggregate;
STATE BOARD OF EDUCATION
NOTICE OF ADOPTED AMENDMENTS

6) whether the eligible applicant can provide services to students of limited English proficiency and, if so, the languages in which the eligible applicant provides instruction and the maximum number of LEP students the eligible applicant can serve in each district;

7) whether the eligible applicant can provide services to students with disabilities and, if so, the accommodations or modifications the eligible applicant can offer and the maximum number of students with disabilities the eligible applicant can serve in each district;

8) the time of day and months during which SES will be offered;

9) the ratio of instructors to children, as determined by the provider; and

10) the districts the eligible applicant seeks to serve.

b) A rationale for the eligible applicant’s SES program, including:

1) Evidence that the program complies with Section 675.40 of this Part; and

2) Evidence of effectiveness that complies with either subsection (b)(2)(A) or subsection (b)(2)(B) of this Section.

A) General Method

i) Evidence that the curriculum and pedagogy proposed for each subject area encompassed in the application have a positive impact on students’ achievement in that subject, particularly for low-income, underachieving students, as demonstrated by scores on the State assessment or on a nationally recognized assessment; and

ii) At least five but no more than ten letters of reference from previous clients (families, districts, or teachers) offering testimonial information on the positive impact of the program proposed in the application and including contact information, starting and ending dates of service provided, and school and district names for each reference.
B) Alternate Method

i) Evidence that the eligible applicant has a minimum of three years’ experience serving youth in the community where the eligible applicant intends to offer SES, through activities such as tutoring, mentoring or other extracurricular programs;

ii) Evidence that the curriculum and pedagogy to be used by the eligible applicant in a given subject have been demonstrated to have a positive impact on students’ achievement in that subject, particularly for low-income, underachieving students, as demonstrated by scores on the State assessment or on a nationally recognized assessment;

iii) At least five but no more than ten letters of reference from previous clients (families, districts, or teachers) offering testimonial information on the positive impact of the youth services provided by the eligible applicant and including contact information, starting and ending dates of service provided, and school and district names for each reference; and

iv) An agreement to limit services to no more than 200 children during the first two years of SES.

c) The specific procedures to be used and frequency of reports of student progress to teachers, district staff, and parents/families (including a description of how information will be provided to parents and families in a format and language they can understand).

d) A description of the qualifications of instructional staff, including such resumes and other information on qualifications as ISBE may require. If the applicant intends to assign tutors who reside outside the United States, the application shall identify their countries of residence and, for each of those countries, the national and either regional or local law enforcement authorities from which fingerprint-based checks of criminal history records will be obtained that will be comparable to those required under Section 10-21.9 of the School Code [105 ILCS 5/10-21.9].
Individuals residing in countries where checks of these types are not available shall not be assigned as tutors.

e) Proof of liability insurance in amounts deemed sufficient by ISBE to protect the district and ISBE in light of the number of students to be served by the provider.

f) Evidence that the eligible applicant possesses a sound management structure.

g) Evidence that the provider has adequate financial, organizational and technical resources to administer the proposed program. This evidence shall include, but need not be limited to, completed federal tax returns (or the equivalent for non-profit entities) for the two most recent years and either an audit report or audited financial statements completed within two years prior to submission of the application.

h) Proof of legal authority to conduct business in Illinois.

i) Information on the eligible applicant’s estimated per-pupil program cost, calculated as set forth in Section 675.210 of this Part for a sample or hypothetical district for which the provider assumes cost factors to be representative. If the provider’s costs will vary based on the number of students enrolled, costs must be provided for various enrollment ranges. Providers must specify the assumptions upon which occupancy costs are shown for services in district facilities.

j) Such certifications, assurances, and/or additional information as ISBE may require in order to verify any information reported by the eligible applicant or otherwise to fulfill its duties with respect to the administration of SES.

(Source: Amended at 33 Ill. Reg. _____, effective _____________)
Section 675. APPENDIX B Evaluation Rubric

<table>
<thead>
<tr>
<th>Criterion</th>
<th>Insufficient Information</th>
<th>Below Standards</th>
<th>Meets Standards</th>
<th>Above Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student Achievement (See Note 1)</td>
<td>There is insufficient information available to determine student achievement outcomes.</td>
<td>The effect size for students in the provider’s program can be identified and does not demonstrate any gains that can be attributed to tutoring received from the provider.</td>
<td>The effect size for students in the provider’s program can be identified and does demonstrate gains that can be attributed to tutoring received from the provider.</td>
<td>The effect size for students in the provider’s program can be identified and is in the top one-third of those providers demonstrating gains that can be attributed to tutoring received from the provider.</td>
</tr>
<tr>
<td>Attendance (See Notes 2 and 3)</td>
<td>Not applicable. Providers that do not submit attendance data will not be included on the list of eligible providers for the following SES reporting period.</td>
<td>(1) The provider’s average attendance is one full standard deviation below the overall average attendance; and (2) The provider cannot demonstrate satisfactorily that it has made dedicated efforts to encourage student attendance.</td>
<td>The provider’s average attendance is between one full standard deviation below and one full standard deviation above the overall average attendance.</td>
<td>The provider’s average attendance is one standard deviation or more above the overall average attendance.</td>
</tr>
<tr>
<td>Parent Satisfaction</td>
<td>There is insufficient information available to determine parent satisfaction outcomes.</td>
<td>More than 25% of respondents indicate: (1) overall dissatisfaction with the provider; or (2) the provider did not consult with the parent regarding results of the student’s diagnostic test and plans for the program of the student’s study.</td>
<td>More than 10% but no more than 25% of respondents indicate: (1) overall dissatisfaction with the provider; and (2) the provider did not consult with the parent regarding results of the student’s diagnostic test and plans for the program of the student’s study.</td>
<td>No more than 10% of respondents indicate: (1) overall dissatisfaction with the provider; and (2) the provider did not consult with the parent regarding results of the student’s diagnostic test and plans for the program of the student’s study they were not.</td>
</tr>
</tbody>
</table>
Note 1: The evaluation shall be limited to students who have received at least 18 hours of instruction from a given provider.
Note 2: Calculated based on attendance rate for sessions scheduled by the provider.
Note 3: A “provider’s average attendance” is calculated by dividing the total number of hours the provider served by the total number of students the provider served. The “overall average attendance” is calculated by dividing the sum of all the “provider’s average attendances” by the total number of providers.

(Source: Amended at 33 Ill. Reg. _____, effective _____________)