A. Board Member Participation by Other Means

B. Public Participation

C. *Rules for Initial Review
   1. Part 30, Programs for the Preparation of Principals in Illinois *Vicki Phillips* *(pp. 2-9)*

D. *Rules for Adoption
   1. Part 25, Certification *Linda Jamali, Vicki Phillips* *(pp. 10-38)*
   2. Part 375, School Records *Darren Reisberg* *(pp. 39-63)*
   3. Part 425, Voluntary Registration and Recognition of Nonpublic Schools *(pp. 64-80)* *Mark Williams*

E. Additional Items

* Items listed with an asterisk (*) will be discussed in committee and action may be taken during plenary session.
TO: Illinois State Board of Education

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

             (Programs for the Preparation of Principals in Illinois)

Materials: Recommended Rules

Staff Contacts: Vicki Phillips, Interim Division Administrator

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

Relationship to/Implications for the State Board’s Strategic Plan
This item is not specific to any of the Strategic Plan Goals, as it conforms the agency’s rules to newly enacted legislation.

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

Background Information
P.A. 97-607, effective August 26, 2011, amended Section 21-7.6 of the School Code (105 ILCS 5/21-7.6) to require that institutions of higher education could no longer entitle principals with a general administrative endorsement after August 31, 2014. Previous to this amendment the effective date had been June 30, 2014. Section 30.20(d) is being amended to incorporate this change.

In addition, the reference in Section 30.45(a)(2) to the 2001 National Staff Development Council’s (NSDC) Standards for Staff Development is being changed to reflect the new standards, which were updated in 2011 and are now titled Standards for Professional Learning.

Analysis and Implications for Policy, Budget, Legislative Action and Communications
Policy Implications: Please see above.
Budget Implications: None.
Legislative Action: None needed.
Communication: Please see ‘Next Steps’ below.
Pros and Cons of Various Actions
Adopting the proposed amendments will bring the rules up to date, while failure to amend the rules would result in the persistence of an incorrect date and an incorrect cross-reference.

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

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

Programs for the Preparation of Principals in Illinois (23 Illinois Administrative Code 30),

Including publication of the proposed amendments in the Illinois Register.

Next Steps
With the Board’s authorization, staff will submit the proposed amendments to the Administrative Code Division for publication in the Illinois Register to elicit public comment. Additional means, such as the Superintendent’s Weekly Message and the agency website, will be used to inform interested parties of the opportunity to comment on this rulemaking.
Section 30.10 Definitions
30.20 Purpose and Applicability
30.30 General Program Requirements
30.40 Internship Requirements
30.45 Assessment of the Internship
30.50 Coursework Requirements
30.60 Staffing Requirements
30.70 Candidate Selection
30.80 Program Approval and Review
30.APPENDIX A Internship Assessment Rubric

AUTHORITY: Implementing and authorized by Section 21-7.6 of the School Code [105 ILCS 5/21-7.6].


Section 30.20 Purpose and Applicability

a) This Part sets forth the requirements for the approval of programs to prepare individuals to be highly effective in leadership roles to improve teaching and learning and increase academic achievement and the development of all students [105 ILCS 5/21-7.6].

b) Requirements of this Part are in addition to the requirements for the approval of new educator preparation programs set forth in 23 Ill. Adm. Code 25.Subpart C. Any program offered in whole or in part by a not-for-profit entity also must be approved by the Board of Higher Education [105 ILCS 5/21-7.1].
c) Candidates successfully completing a principal preparation program shall obtain a principal endorsement on an administrative certificate and are eligible to work as a principal, assistant principal, assistant or associate superintendent, and junior college dean (Section 21-7.1 of the School Code; also see 23 Ill. Adm. Code 25.337).

d) No later than September July 1, 2014, all programs for the preparation of principals shall meet the requirements set forth in this Part.

e) Beginning September 1, 2012, institutions or not-for-profit entities may admit new candidates only to principal preparation programs that have been approved under this Part.

(Source: Amended at 36 Ill. Reg. _______, effective ______________)

Section 30.45 Assessment of the Internship

a) The principal preparation program shall rate each candidate’s level of knowledge and abilities gained and dispositions demonstrated as a result of the candidate’s participation in the internship required under Section 30.40 of this Part. The candidate shall demonstrate competencies listed in subsections (a)(1) through (4) of this Section by the completion during the course of the internship of the tasks specified.

1) The candidate conveys an understanding of how the school’s mission and vision affect the work of the staff in enhancing student achievement. He or she understands and is able to perform activities related to data analysis and can use the results of that analysis to formulate a plan for improving teaching and learning. As evidence of meeting this competency, the candidate shall:

A) review school-level data, including, but not limited to, State assessment results or, for nonpublic schools, other standardized assessment results; use of interventions; and identification of improvement based on those results;

B) participate in a school improvement planning (SIP) process, including a presentation to the school community explaining the SIP and its relationship to the school’s goals; and
C) present a plan for communicating the results of the SIP process and implementing the school improvement plan.

2) The candidate demonstrates a comprehensive understanding of the process used for hiring staff who will meet the learning needs of the students. The candidate presents knowledge and skills associated with clinical supervision and teacher evaluation, including strong communication, interpersonal and ethics skills. The candidate can apply the Learning Forward’s National Staff Development Council’s Standards for Professional Learning (2011) and Staff Development (2001) posted at [www.learningforward.org/standards/index.cfm](http://www.learningforward.org/standards/index.cfm). No later amendments to or editions of these standards are incorporated by this Section. As evidence of meeting this competency, the candidate shall:

A) create a job description, including development of interview questions and an assessment rubric, participate in interviews of candidates, make recommendations for hiring (i.e., rationale for action and supporting data), and prepare letters for candidates not selected;

B) participate in a model evaluation of a teacher, to include at least notes, observations, student achievement data, and examples of interventions and support, as applicable, based on the evaluation results, with the understanding that no candidate will participate in the official evaluation process for any particular teacher; and

C) create a professional development plan for the school to include the data used to develop the plan, the rationale for the activities chosen, options for participants, reasons why the plan will lead to higher student achievement, and a method for evaluating the effect of the professional development on staff.

3) The candidate demonstrates the ability to understand and manage personnel, resources and systems on a schoolwide basis to ensure adequacy and equity, including contributions of the learning environment to a culture of collaboration, trust, learning and high expectations; the impact of the budget and other resources on special-needs students, as well as the school as a whole; and management of various systems (e.g., curriculum, assessment, technology, discipline, attendance, transportation)
in furthering the school’s mission. As evidence of meeting this competency, the candidate shall:

A) investigate two areas of the school’s learning environment (i.e., professional learning community, school improvement process, professional development, teacher leadership, school leadership teams, cultural proficiency, curriculum, and school climate), to include showing connections among areas of the learning environment, identification of factors contributing to the environment’s strengths and weaknesses, and recommendations for improvement of areas determined to be ineffective;

B) analyze the school’s budget, to include a discussion of how resources are used and evaluated for adequacy and effectiveness; recommendations for improvement; and the impact of budget choices, particularly on low-income students, students with disabilities, and English language learners; and

C) review the mission statement for the school, to include an analysis of the relationship among systems that fulfill the school’s mission, a description of two of these systems (i.e., curriculum, instruction, assessment, discipline, attendance, maintenance, and transportation) and creation of a rating tool for the systems, and recommendations for system improvement to be discussed with the school’s principal.

4) The candidate demonstrates a thorough understanding of the requirements for, and development of, individualized education programs pursuant to 23 Ill. Adm. Code 226.Subpart C (The Individualized Education Program (IEP)), individual family service plans (IFSP) pursuant to 23 Ill. Adm. Code 226 and 34 CFR 300.24 (2006), and plans under Section 504 of the Rehabilitation Act of 1973 (29 USC 794), including the ability to disaggregate student data, as well as employ other methods for assisting teachers in addressing the curricular needs of students with disabilities. The candidate can work with school personnel to identify English language learners (ELLs) and administer the appropriate program and services, as specified under Article 14C of the School Code [105 ILCS 5/Art. 14C] and 23 Ill. Adm. Code 228 (Transitional Bilingual Education) to address the curricular and academic needs of English language learners. As evidence of meeting this competency, the candidate shall:
A) use student data to work collaboratively with teachers to modify
curriculum and instructional strategies to meet the needs of each
student, including ELLs and students with disabilities, and to
incorporate the data into the School Improvement Plan;

B) evaluate a school to ensure the use of a wide range of printed,
visual, or auditory materials and online resources appropriate to the
content areas and the reading needs and levels of each student
(including ELLs, students with disabilities, and struggling and
advanced readers);

C) in conjunction with special education and bilingual education
teachers, identify and select assessment strategies and devices that
are nondiscriminatory to be used by the school, and take into
consideration the impact of disabilities, methods of
communication, cultural background, and primary language on
measuring knowledge and performance of students leading to
school improvement;

D) work with teachers to develop a plan that focuses on the needs of
the school to support services required to meet individualized
instruction for students with special needs (i.e., students with IEPs,
IFSPs, or Section 504 plans, ELLs, and students identified as
gifted);

E) proactively serve all students and their families with equity and
honor and advocate on their behalf, ensuring an opportunity to
learn and the well-being of each child in the classroom;

F) analyze and use student information to design instruction that
meets the diverse needs of students and leads to ongoing growth
and development of all students; and

G) recognize the individual needs of students and work with special
education and bilingual education teachers to develop school
support systems so that teachers can differentiate strategies,
materials, pace, levels of complexity, and language to introduce
concepts and principles so that they are meaningful to students at
varying levels of development and to students with diverse learning needs.

5) A principal preparation program shall rate a candidate’s demonstration of having achieved the competencies listed in this subsection (a)(1) through (3) as “meets the standards” or “does not meet the standards” in accordance with Section 30.Appendix A of this Part.

   A) A candidate must achieve a “meets the standards” on each competency in order to successfully complete the internship.

   B) A candidate who fails to achieve a “meets the standards” on any of the three areas of competency may repeat the tasks associated with the failed competency at the discretion of the principal preparation program.

b) Each candidate shall participate in, and demonstrate mastery of, the 36 activities listed in Appendix 3 of the document referenced in Section 30.30(b)(3) of this Part. The principal preparation program shall implement a process to assess both the candidate’s understanding of school practices that foster student achievement and his or her ability to provide effective leadership. The assessment process and any rubrics to be used shall be submitted as part of the program’s application for approval under Section 30.80 of this Part.

   1) Programs shall ensure that each candidate demonstrates the participation level in 100 percent of the activities associated with the critical success factors described and defined in Section 30.30(b)(3) of this Part.

   2) The assessment shall at least determine at what point a candidate demonstrates leadership in conducting the activities. Each candidate must demonstrate leadership in at least 80 percent of the activities associated with the critical success factors described and defined in Section 30.30(b)(3) of this Part in order to successfully complete the internship.

(Source: Amended at 36 Ill. Reg. ______, effective _____________)
TO: Illinois State Board of Education

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

Agenda Topic: Action Item: Amendments for Adoption – Part 25 (Certification)

Materials: Recommended Rules

Staff Contacts: Linda Jamali, Division Administrator
               Vicki Phillips, Interim Division Administrator

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 proposal relates to Goal 2 (highly prepared and effective teachers and school leaders), as it addresses the various sections of rules governing certification and approval of educator preparation programs.

Expected Outcome of Agenda Item
The Board will be asked to adopt amendments to Part 25.

Background Information
This set of proposed amendments addresses several sections of Part 25 to incorporate changes necessitated by recent legislation and to update requirements specific to educator program approval and speech-language pathologists. The remaining changes are nonsubstantive and technical in nature. A more complete explanation of each is provided under “Policy Implications” below.

The proposed amendments were published October 14, 2011, in the Illinois Register to elicit public comment; six comments were received. A summary and analysis of the public comment, along with any recommendations for changes in the proposed amendments as a result, is attached.

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

Policy Implications: Section 25.115 is being amended to require that educator preparation programs incorporate into their programs the State Board’s Social and Emotional Learning Standards. These standards can be found in Part 555 (Children's Mental Health Initiative Grants), and school districts receiving grant funds under that initiative are required to incorporate these standards into their educational programs. Additionally, school districts not receiving grants are required under the Children's Mental Health Act of 2003 to address social and emotional development in their educational programs.

During the promulgation of rules governing principal preparation programs (Part 30), several commenters requested that the agency require these programs to incorporate the Social and Emotional Learning Standards. The agency also received a request from the Illinois Children’s Mental Health Partnership to incorporate the social and emotional standards into all educator preparation programs.
preparation programs. Given the mandate of the Act for school districts to address students’ social and emotional development, it is appropriate for educator preparation programs to address social and emotional learning as part of their programs. Requiring incorporation of the standards into educator preparation programs will ensure that teachers, administrators and school service personnel have the knowledge and skills necessary to provide instruction specific to social and emotional development; assess students’ social and emotional skills; and respond to children with social, emotional, or mental health problems that have an impact on their ability to learn.

Section 25.252, which addresses requirements for non-teaching speech-language pathologists, is being clarified to define acceptable master’s or doctoral programs as those that are accredited (as is required under Section 14-1.09b of the School Code) as well as those that hold status as “accreditation candidate”. This change acknowledges that a program seeking accreditation from the Council on Academic Accreditation in Audiology and Speech Language Pathology (CAA) remains in “accreditation status” for five years before being recognized as fully accredited. This has caused difficulty for individuals seeking certification who have completed post-graduate studies in programs that hold “accreditation candidate” status. The proposed change is based upon a request from CAA in June to consider programs holding “accreditation candidate” status as “approved” for the purposes of meeting Illinois’ certification requirements.

Finally, two new public acts have affected Sections 25.275 and 25.345 of the rules. P.A. 97-233, effective August 1, 2011, added a fifth purpose of continuing professional development for school service personnel, necessitating a change in Section 25.275(d).

P.A. 97-255, effective August 4, 2011, now allows individuals with master’s degrees in public administration to apply for a chief school business official certification, provided that certain other requirements have been met (see Section 25.345). Staff also are proposing a modification to one of those requirements, a six-hour internship in school business management, to allow institutions of higher education to consider an individual’s time employed in a school business office as contributing to the number of hours required for the internship. The standard being proposed – one semester hour being equivalent to a minimum of 15 clock-hours – mirrors the conversion standard typically used in the field and is similar to what is currently required under the rules for converting semester hours into continuing professional development units. Additionally, in recognition of the limited availability of opportunities to complete the internship under the supervision of certified staff from the higher education institution awarding the credit, it is proposed that the internship be supervised by the school district’s chief school business officer or financial officer. The intent of the rule is to ensure that the candidate is supervised during the internship by someone knowledgeable about the position, and this change will preserve that intent while broadening options for appropriately qualified individuals to obtain the endorsement.

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

Pros and Cons of Various Actions
Overall, this set of proposed amendments updates existing requirements specific to educator preparation program approval and speech-language pathologists. These changes will help to improve the quality of candidates seeking certification. Other technical changes are needed to clarify the rules’ provisions or to align the rules to statutory requirements.

Not proceeding with the rulemaking would result in public policy not being set forth in the rules, which could lead to challenges by applicants and others to the agency’s authority to prescribe such standards.
Superintendent’s Recommendation
The State Superintendent recommends that the State Board of Education adopt the following motion:

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

   Certification (23 Illinois Administrative Code 25),

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 rules will be submitted to the Joint Committee on Administrative Rules to initiate JCAR’s review. When that process is complete, the rules will be filed with the Secretary of State and disseminated as appropriate.
Comment
Several commenters asked that educator preparation programs be given additional time to implement the State Board of Education’s social and emotional learning standards into their curricula.

Analysis
Many educator preparation programs currently address instruction specific to social and emotional development, but they may need time to make any changes in the curricula necessary to properly align the instruction to the State Board of Education’s social and emotional learning standards. Staff agree that a delayed implementation will assist these programs, and those not yet addressing social and emotional learning, to make program improvements that are relevant and of high quality.

Recommendation
It is recommended that Section 25.115(e)(4) be amended as follows:

(e)(4) beginning July 1, 2014, meets the State Board of Education’s Social and Emotional Learning Standards set forth at 23 Ill. Adm. Code 555.Appendix A.

Comment
One individual pointed out that candidacy for accreditation of a speech-language pathologist program by the Council on Academic Accreditation in Audiology and Speech-Language Pathology of the American Speech-Language-Hearing Association is for a period of time that is no longer than five years. She noted that materials accompanying the rulemaking stated that candidacy is for eight years and asked that this statement be corrected.

Analysis
The proposed change at Section 25.252(b) does not provide the period of time in which a speech-language pathologist program may hold candidacy status, instead relying on the procedures prescribed by the association; therefore no change in the current rulemaking is needed. Staff will correct materials discussing this change before they are provided to the Joint Committee on Administrative Rules and published in the Illinois Register.

Recommendation
No change is recommended in response to this comment.

Comment
The Illinois School Counselor Association asked that references to “guidance” counselor be changed to “school” counselor to align with Section 10-22.24a of the School Code.

Analysis
The commenter is correct that the more up-to-date term for a counselor is “school counselor”. To avoid a piecemeal approach to updating the rules, however, staff will include this change when it overhauls Part 25 in response to P.A. 97-607, effective August 26, 2011. That rulemaking is expected to be provided to the Board for its consideration in early 2012.

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 b: PERSONNEL

PART 25
CERTIFICATION

SUBPART A: DEFINITIONS

Section 25.10 Accredited Institution

SUBPART B: CERTIFICATES

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

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

Section
25.110  System of Approval:  Levels of Approval (Repealed)
25.115  Recognition of Institutions and Educational Units, and Approval of Programs
25.120  Standards and Criteria for Institutional Recognition and Program Approval (Repealed)
25.125  Accreditation Review of the Educational Unit (Repealed)
25.127  Review of Individual Programs (Repealed)
25.130  Interventions by the State Board of Education and State Teacher Certification Board
25.135  Interim Provisions for Continuing Accreditation and Approval – July 1, 2000, through Fall Visits of 2001 (Repealed)
25.137  Interim Provisions for Continuing Accreditation and Approval -- July 1, 1999, through June 30, 2000 (Repealed)
25.140  Requirements for the Institution’s Educational Unit Assessment Systems
25.142  Assessment Requirements for Individual Programs
25.145  Approval of New Programs Within Recognized Institutions
25.147  Approval of Programs for Foreign Language Beginning July 1, 2003
25.150  The Periodic Review Process (Repealed)
STATE BOARD OF EDUCATION
NOTICE OF ADOPTED AMENDMENTS

25.155 Procedures for the Initial Recognition of an Institution as an Educator Preparation Institution and Its Educational Unit
25.160 Notification of Recommendations; Decisions by State Board of Education
25.165 Discontinuation of Programs

SUBPART D: SCHOOL SERVICE PERSONNEL

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

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

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25.313 Alternative Route to Administrative Certification
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STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

25.338 Designation as Master Principal
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Section
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25.489 Certification of Persons Who Are in Default on Student Loans
25.490 Certification of Persons Who Have Been Convicted of a Crime
## STATE BOARD OF EDUCATION

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


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

Section 25.115 Recognition of Institutions and Educational Units, and Approval of Programs

As used in this Subpart C, “institution” shall be defined as an Illinois institution of higher education, an out-of-state college or university granted authorization to operate by the Illinois Board of Higher Education as an out-of-state institution, an out-of-state college or university granted authorization to operate by the state in which it is located, or a not-for-profit educational entity subject to the General Not For Profit Corporation Act of 1986 [805 ILCS 105] or incorporated as a not-for-profit entity in another state but registered to do business in the State of Illinois pursuant to the Business Corporation Act of 1983 [805 ILCS 5].
a) In order for an institution to offer one or more programs that prepare professional educators, that institution must be recognized, and the educational unit responsible for such programs must be recognized, by the State Board of Education in consultation with the State Teacher Certification Board. “Educational unit” means the institution or college, school, department, or other administrative body within the institution that is primarily responsible for the initial and continuing preparation of teachers and other education professionals. Each program that is offered by a recognized institution must also be individually approved by the State Board of Education in consultation with the State Teacher Certification Board. “Program” or “preparation program” means a program that leads to certification. Electronic transmission of written materials pursuant to this Subpart C is required.

b) In order to be considered for recognition under Section 25.155 of this Part, a degree-granting institution of higher education shall:

1) be regionally accredited;

2) be approved by the Illinois Board of Higher Education to operate as a postsecondary degree-granting institution under the provisions of the Private College Act [110 ILCS 1005] and the Academic Degree Act [110 ILCS 1010] or, if the out-of-state institution is not required to seek authorization to operate from the Illinois Board of Higher Education, be approved to offer educator preparation programs by the state that granted it operating authority; and

3) sponsor a course of study leading to a certificate issued under Article 21 of the School Code [105 ILCS 5/Art. 21] and this Part.

c) In order to be considered for recognition under Section 25.155 of this Part, an eligible not-for-profit educational entity shall conduct or propose to conduct at least one approved program that will prepare professional educators and leads to a certificate issued pursuant to Article 21 of the School Code and this Part.

d) In order to be considered for recognition under Section 25.155 of this Part, an educational unit shall meet the standards enumerated in “Professional Standards for the Accreditation of Teacher Preparation Institutions” (2008), published by the National Council for the Accreditation of Teacher Education (NCATE), 2010
Massachusetts Avenue, N.W., Suite 500, Washington, D.C. 20036-1023 (no later amendments to or editions of these standards are incorporated by this Section).

e) In order to be considered for approval under Section 25.145 of this Part, a recognized institution shall propose a preparation program that:

1) meets the national content standards accepted by the State Board of Education and listed on the State Board of Education’s website at www.isbe.net or, if no national content standards are specified, then the applicable content standards set forth at 23 Ill. Adm. 23, 26, 27, or 29;

2) meets the standards set forth at 23 Ill. Adm. Code 24 (Standards for All Illinois Teachers) or the Educational Leadership Policy Standards: ISLLC 2008, adopted by the National Policy Board for Educational Administration and posted at http://www.npbea.org/projects.php (no later additions to or editions of these standards are incorporated by this Part), as applicable; and

3) will produce candidates for certification in areas defined as “shortage areas” by the State Superintendent of Education (e.g., the number of individuals holding a particular certificate and the number of positions that are currently vacant or predicted to be available in the next five years; the number of approved programs in Illinois and their capacity). Evidence of need shall be presented in the application submitted under Section 25.145 of this Part; and

4) beginning July 1, 2014, meets the State Board of Education’s Social and Emotional Learning Standards set forth at 23 Ill. Adm. Code 555.Appendix A.

f) In the case of a not-for-profit entity, all advertising materials, candidate handbooks, catalogues, and candidate contracts shall display prominently the fact that the entity does not offer higher education credit and that there is no guarantee that the Illinois certificate or endorsement earned by the candidate will be honored or accepted for exchange in another state.

g) The recognition of an educational unit shall be subject to review every four years beginning in 2012. This cycle shall begin in accordance with a timeline established by the State Superintendent of Education or designee. The approval of
the educational unit’s programs shall be subject to review in each year after the
unit receives initial State recognition.

h) Each recognized educational unit shall submit a separate annual program report
for each approved program to the State Superintendent of Education, in a format
defined by the State Superintendent, no sooner than October 1 and no later than
November 30. Subject-area designations (see Section 25.100(a) of this Part) shall
be considered separate programs for reporting purposes. The annual program
report shall:

1) update any information previously provided;

2) summarize data about the program’s overall structure, faculty, and
candidates, and the results of various assessments, including the
effectiveness of the completers of the program from the performance
evaluations conducted under Article 24A of the School Code [105 ILCS
5/Art. 24A] (to be provided for principals beginning in 2014 and for
teachers beginning in 2018):

   A) If at least 80 percent of an institution’s teacher preparation
      program completers have passed the content area test and
      applicable form of the assessment of professional teaching (APT)
      in each of the preceding three years, the institution shall be deemed
      to be adequately addressing the Standards for All Illinois Teachers
      set forth at 23 Ill. Adm. Code 24;

   B) If at least 80 percent of an institution’s administrative certification
      program completers have passed the applicable content-area
      examinations for administrative certification in each of the
      preceding three years, the institution shall be deemed to be
      adequately addressing the standards set forth in subsection (c)(2)
      of this Section; and

3) as relevant to the institution, report on all programs provided by the
   institution that have been approved as an alternative route to certification
   under Sections 25.65 and 25.67 of this Part.

i) In conjunction with the review set forth in subsection (g) of this Section, each
   educational unit shall submit a unit report to the State Superintendent, in a format
   specified by the State Superintendent, no sooner than October 1 and no later than
November 30 of the academic year (i.e., September 1 through August 31) in which the review is scheduled. The report shall include:

1) a description of how the unit has addressed any concerns about applicable standards identified in any of the program reports produced pursuant to subsection (h) of this Section submitted in each of the last four years preceding the review;

2) any changes in the institution or in the educational unit that affects the operation of the unit;

3) any new programs approved in the last four years;

4) the percentage of individuals in the last four years who completed the program and received a certificate or endorsement who were hired into a related school position in the field for which the certificate or endorsement was issued; and

5) data regarding the effectiveness of the completers of the program from the performance evaluations conducted under Article 24A of the School Code [105 ILCS 5/Art. 24A] (to be provided for principals beginning in 2014 and for teachers beginning in 2018).

j) No later than April 7 of each year, each institution shall report to the State Board of Education, using a form supplied by the Board, on its program completers’ pass rates on the examinations required for initial certification pursuant to this Part and other information required by Title II of the Higher Education Act (20 USCA 1027). Further, each institution shall make this information readily available to the public on an annual basis and shall include it in or with publications routinely sent to potential applicants, guidance counselors, and prospective employers of the institution’s program completers.

k) State Board of Education staff may visit a recognized institution at any time with one day’s advance notice and may ask to speak with faculty, candidates, or administrators. All records shall be made available to State Board of Education staff upon request.

(Source: Amended at 36 Ill. Reg. ______, effective ____________ )
Section 25.130 Interventions by the State Board of Education and State Teacher Certification Board

The provisions of this Section shall apply when the State Superintendent of Education receives information through the annual program report or unit report required under Section 25.115 of this Part, or by other means indicating that any educational unit recognized pursuant to this Subpart C or any approved preparation program may not be addressing any applicable standard or may otherwise be failing to offer candidates any of the learning opportunities that are necessary to their preparation as professional educators.

a) The State Superintendent or designee shall inform the affected educational unit of the areas of concern and invite the unit’s representatives to appear on a date specified by the State Superintendent before the State Teacher Certification Board (“STCB”) to discuss the concerns identified.

b) If the STCB determines, either after the educational unit’s appearance or in advance of the appearance, that the concerns raised were unfounded or that the issues have been remedied, the STCB shall recommend to the State Superintendent that no further action is needed with regard to the matter, and the State Superintendent or designee shall notify the institution accordingly.

c) If the institution does not respond to or declines the invitation to appear before the STCB, or if the STCB concludes that the institution, after its appearance, has not satisfied the concerns raised, the STCB shall recommend to the State Superintendent or designee that the program or unit and one or more of its programs be placed on probation. “Probation” is the period of time in which no new candidates shall be enrolled in the unit or any of its programs, regardless of whether an individual program has received “probation” status. The State Superintendent shall notify the institution of the probation status of the program or unit and one or more of its programs.

1) A program, a unit, or a unit and one or more of its programs placed on probation shall submit the applicable report required under subsection (c)(1)(A) or (c)(1)(B) of this Section (in a format to be specified by the State Superintendent) to the State Superintendent or designee, who shall forward the report to the STCB for consideration. The required report shall be submitted within one year after the date on which the program or unit was scheduled to appear before the STCB pursuant to subsection (a) of this Section. If no report is received within this year, then the approval
of the program or recognition of the unit and approval of all of its programs shall be revoked. (See subsection (c)(2)(C) of this Section.)

A) In the case of one or more individual programs being placed on probation, each program about which concerns have been identified shall submit to the STCB a program report, with special emphasis on the areas of concern identified by the STCB and how those concerns will be addressed.

B) In the case of only a unit being placed on probation, the unit shall submit a report that details the concerns identified about any of the NCATE unit standards and the solutions that have been put into place to remedy those concerns.

C) In the case of both a unit and one or more of its programs being placed on probation, both subsections (c)(1)(A) and (B) shall apply.

2) The STCB, after considering the report submitted by the program or unit and the actions the program or unit has taken in response to the concerns identified, shall:

A) determine that the concerns have been remedied and recommend to the State Superintendent that the program or unit and any of its programs for which concerns have been identified be removed from probation and that no further action is needed with regard to the matter, and the State Superintendent or designee shall notify the institution accordingly; or

B) determine that the concerns have been acted upon but have not been remedied and recommend to the State Superintendent that the probation period be extended for not more than an additional 12 months, beginning on the date on which the STCB met to consider the report submitted under subsection (c)(1)(A) or (c)(1)(B):

i) Within the 12-month extension period, the program, or the unit and any of its programs for which concerns have been identified shall resubmit the program proposal required under Section 25.145 of this Part or a report (in the case of
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a program or unit, respectively), and reappear before the STCB;

ii) If at the time that the program or unit reappears before the STCB or at the end of the 12-month extension period, the program or the unit and any of its programs for which concerns have been identified have not sufficiently addressed the concerns, then the STCB shall recommend to the State Superintendent that approval of the program or recognition of the unit and approval of all of its programs be revoked pursuant to the provisions of subsection (c)(2)(C) of this Section; and

iii) The State Superintendent shall notify the program or the unit and each of its programs of any action taken pursuant to this subsection (c)(2)(B); or

C) determine that the concerns have not been acted upon and that the program proposal or actions taken as identified in the report indicate that the standards are not being met or that the program or unit may be failing otherwise to offer candidates any of the learning opportunities that are necessary to their preparation as professional educators and that these concerns cannot be remedied before the end of the 12-month extension period and recommend to the State Superintendent that the State Board of Education revoke approval of the program or recognition of the unit and approval of all of its programs. The actions to be taken upon the recommendation of the STCB to the State Superintendent under this subsection (c)(2)(C) shall be as described in Section 25.160 of this Part. Discontinuation of a program pursuant to revocation of its approval or revocation of recognition, in the case of an educational unit, shall be subject to the requirements of Section 25.165(b) of this Part.

3) The State Superintendent may accept, modify or reject any of the recommendations of the STCB issued in accordance with this subsection (e). In cases where the State Superintendent’s modification or rejection results in an action that has negative consequences for the program or the unit and one or more of its programs, then the actions to be taken shall be as described in Section 25.160 of this Part.
SUBPART D: SCHOOL SERVICE PERSONNEL

Section 25.252 Certification of Non-Teaching Speech-Language Pathologists

Certain individuals may qualify for a school service personnel certificate with a non-teaching speech-language pathologist’s endorsement, as provided in Section 14-1.09b of the School Code [105 ILCS 5/14-1.09b].

a) Each applicant shall hold one of the licenses identified in Section 14-1.09b(b)(1) of the School Code [105 ILCS 5/14-1.09b(b)(1)].

b) Each applicant shall hold a master’s or doctoral degree earned through completion of a program that meets the requirements of Section 14-1.09b(b)(2) of the School Code [105 ILCS 5/14-1.09b(b)(2)]. For the purposes of this subsection (b), a course of study or program approved or accredited (Section 14-1.09b(b)(2) of the School Code) includes those courses of study or programs that hold either accreditation or the status of “accreditation candidate” issued by the Council on Academic Accreditation in Audiology and Speech-Language Pathology of the American Speech-Language-Hearing Association at the time that the applicant completed the program.

c) Each applicant shall have met the requirements of Section 14-1.09b(b)(3) of the School Code [105 ILCS 5/14-1.09b(b)(3)].

1) A program of study that meets the content-area standards for speech-language pathologists approved by the State Board of Education in consultation with the State Teacher Certification Board is a relevant preparation program that has been approved pursuant to Subpart C of this Part.

2) A comparable out-of-state program is one that leads to qualification as either a teaching or a non-teaching speech-language pathologist.

3) A comparable out-of-state certificate is one authorizing employment in the public schools in either capacity.
4) The required 150 clock hours of supervised, school-based professional experience shall consist of activities related to the aspects of practice that are addressed in the content-area standards for speech-language pathologists (see Section 25.250 of this Part and 23 Ill. Adm. Code 28 (Standards for Certification in Special Education the policies of the State Board of Education, posted at www.isbe.net/rules, related to certification in special education under the federal court order of February 27, 2001, in the matter of Corey H., et al., v. Board of Education of the City of Chicago, et al.) with respect to:

A) planning and intervention;
B) the learning environment;
C) service delivery;
D) professional conduct and ethics; and
E) facilitation and advocacy.

5) The required evidence of completion for the 150 clock hours of supervised, school-based professional experience shall be a letter signed by the chief administrator or other designated official of the employing school district or nonpublic school documenting the nature and duration of the individual’s experience with students with disabilities in a school setting. This letter shall indicate how the experience related to the knowledge and/or performance aspects of each of the standards identified in subsection (c)(4) of this Section.

d) Each candidate shall be required to pass the applicable content-area test (see Section 25.710 of this Part), as well as the test of basic skills, subject to the provisions of Section 25.720 of this Part.

e) Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code.

(Source: Amended at 36 Ill. Reg. ______, effective ____________)

Section 25.275 Renewal of the School Service Personnel Certificate
The requirements set forth in this Section apply to renewal of school service personnel (SSP) certificates in accordance with Section 21-25 of the School Code [105 ILCS 5/21-25].

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

1) possession of one of the State licenses identified in Section 21-25(e) of the School Code, that is:
   
   A) current licensure as either a clinical professional counselor or a professional counselor under the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107];
   
   B) current licensure as either a clinical social worker or a social worker under the Clinical Social Work and Social Work Practice Act [225 ILCS 20]; or
   
   C) current licensure as a speech-language pathologist under the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]; or

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

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

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

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

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

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

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

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

3) references to the classroom shall be understood to mean the setting where services are provided;

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

5) references specific to the supervision or preparation of candidates for teaching certificates (Section 25.875(h) and (m) of this Part) shall be understood to mean the supervision or preparation of candidates for the school service personnel certificate;
6) references to content-area standards (Section 25.875(i) of this Part) shall be understood to mean the relevant standards set forth at 23 Ill. Adm. Code 23 (Standards for the School Service Personnel Certificate); and

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

f) The provisions of Sections 25.855, 25.860, 25.865, and 25.872 of this Part shall apply to the awarding of CPDUs for activities offered by providers, provided that, as necessary to the context:

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

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

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

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

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

2) a certificate-holder who is employed as a substitute on a part-time basis or a day-to-day basis shall only be required to pay the registration fee in order to renew his or her certificate (Section 21-25(e) of the School Code).
h) Credit earned for any activity that is completed (or for which the certificate-holder receives evidence of completion) on or after April 1 of the final year of a certificate’s validity, if not claimed with respect to that period of validity, may be carried over and claimed in the subsequent period of validity, provided that the activity in question is relevant to the requirements that apply to that period.

i) Each certificate-holder shall:

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

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

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

1) When an Illinois certificate-holder successfully renews his or her National Board certification, he or she shall be entitled to renew the Illinois master SSP certificate and any other SSP certificate held if the applicable requirements of this Section have also been met.

2) The holder of an Illinois master certificate whose certification through the NBPTS is not renewed shall nevertheless be entitled to renew the master certificate when it expires, provided that the applicable requirements of this Section have been met during the master certificate’s period of validity.

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

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

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

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

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

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

2) If the recommendation is not to renew the certificates held, or if information provided on the application makes the individual subject to the requirements of any of Sections 25.485 through 25.490 of this Part, the certificate-holder’s copy shall be sent concurrently by certified mail, return receipt requested. Each recommendation for nonrenewal shall include the regional superintendent’s rationale.

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

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

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

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

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

4) In verifying whether the certificate-holder has met the renewal criteria set forth in Section 21-25 of the School Code, the State Teacher Certification Board shall review the recommendation of the regional superintendent of schools and all relevant documentation.

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

p) An individual whose certificate is not renewed because of his or her failure to meet the requirements of Section 21-25 of the School Code and this Section may apply for a reinstated certificate valid for one year. After the one-year period of validity of the reinstated certificate, the individual shall receive a renewable SSP certificate only if he or she presents evidence of having:
completed the balance of the professional development activities that were required for renewal of the certificate previously held; and

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

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

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

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

(Source: Amended at 36 Ill. Reg. ______, effective ____________)

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


This endorsement is required for chief school business officials. (See also 23 Ill. Adm. Code 29.110.)

a) Each candidate for the chief school business official’s endorsement shall hold a master’s degree or equivalent awarded by a regionally accredited institution of higher education. For the purposes of this subsection (a), “equivalent” shall mean the completion of a degree beyond the bachelor’s degree level (e.g., juris doctor (J.D.), doctor of philosophy (Ph.D.), doctor of education (Ed.D.)).

b) Each candidate, other than a candidate whose master’s degree was earned in public administration, business administration, finance, or accounting (Section 21-7.1(e)(3) of the School Code [105 ILCS 5/21-7.1(e)(3)]), shall:

1) have completed an Illinois program approved for the preparation of school business officials pursuant to Subpart C of this Part or a comparable
approved program in another state or country or hold a comparable certificate issued by another state or country (see Section 25.425 of this Part); and

2) have two years’ administrative experience in school business management (Section 21-7.1(e)(3) of the School Code).

c) Each candidate whose master’s degree was earned in public administration, business administration, finance, or accounting shall complete an internship in school business management equivalent to six semester hours from a regionally accredited institution of higher education (Section 21-7.1(e)(3) of the School Code) that is conducted under the supervision of an individual instructor who holds a current Illinois endorsement for chief school business official or who serves as the school district’s chief financial officer. Institutions may consider a candidate’s work experience in a school business office that is comparable to the responsibilities of a chief school business office as meeting a portion or all of the six-semester-hour internship requirement. For purposes of this subsection (c), one semester hour shall be equivalent to a minimum of 15-clock hours of experience that a candidate documents as completing.

d) Each candidate shall be required to pass the applicable content-area test (see Section 25.710 of this Part), as well as the test of basic skills if its passage would be required for receipt of a standard certificate pursuant to Section 25.720(a) of this Part.

e) Nothing in this Section is intended to preclude the issuance of a provisional certificate under Section 21-10 of the School Code.

(Source: Amended at 36 Ill. Reg. _______, effective ____________)
TO: Illinois State Board of Education

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

Agenda Topic: Action Item: Amendments for Adoption – Part 375 (Student Records)

Materials: Recommended Amendments

Staff Contacts: Marcy Dutton, Deputy General Counsel

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 does not link directly to any Strategic Goal as it deals with the retention, maintenance and transfer of students’ school records.

Expected Outcome of Agenda Item
The Board will be asked to adopt amendments to Part 375.

Background Information
Part 375 implements the Illinois School Student Records Act [105 ILCS 10], which sets forth procedures specific to retention, maintenance and transfer of educational records of students in public elementary and secondary schools, including state-funded preschools and daycare centers. As more information is generated about students, and communication systems have become more sophisticated, the number of questions from school district personnel about record requirements has increased.

The primary purpose of this rulemaking is to incorporate into Part 375 direction to school districts to help them comply with the requirements of the Illinois School Student Records Act (ISSRA) and to provide consistency between ISSRA and federal Family Educational Rights and Privacy Act (FERPA). Additionally, changes have been made in response to recently enacted legislation. The specifics of the rulemaking are explained under “Policy Implications” below.

The proposed amendments were published October 14, 2011, in the Illinois Register to elicit public comment; five comments were received. A summary and analysis of the public comment, along with any recommendations for changes in the proposed amendments as a result, is attached.

Analysis and Implications for Policy, Budget, Legislative Action and Communications
The majority of the changes being proposed in Part 375 can be found in Section 375.10, “Definitions”, and Section 375.80, “Directory Information”.

The group of changes under Section 375.10 is intended to clarify the type of information that is required in the student’s permanent record, which a school must retain for 60 years, and the
student’s temporary record, which must be retained for five years. Proposed modifications that are of particular significance include:

- reiterating the need for each school to designate an official records custodian;
- distinguishing between certain health information necessary for a student’s enrollment, such as examinations and immunization data, that is to be included in the permanent record, and other health and accident information that must be retained in the temporary record;
- providing a definition of “individually identifiable” information that aligns to FERPA requirements; and
- addressing limitations on the consideration of video- or other electronic recordings as student records, and incorporating the provisions of P.A. 95-352, effective August 23, 2007, regarding recordings on school buses.

Section 375.80, last amended in 1986, includes substantial updating that acknowledges the proliferation of electronic and digital images and enables school districts to use these images on their websites and in other publications without having to first secure parental approval for their use. The proposed amendments also prohibit the use of a student’s social security number or unique student identifier as directory information. In accordance with FERPA, changes are proposed to provide flexibility to determine at the local level the procedures that parents should use to request that directory information not be released.

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

Pros and Cons of Various Actions
The proposed updates and clarifications conform the rules to current procedures, as well as requirements set forth in recently enacted legislation. Not proceeding with the changes will result in continued confusion among those being regulated by these requirements.

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

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

   Student Records (23 Illinois Administrative Code 375),

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

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

Comments submitted by several attorneys and representatives of school social workers took exception to the inclusion in a student's temporary record of those records generated by school social workers, school counselors and school psychologists. (See Section 375.10, “Definitions”.) The commenters suggested that such a broadly written rule conflicts with the provisions of the Mental Health and Developmental Disabilities Confidentiality Act (MHDDCA; 740 ILCS 110), since these professionals would be considered “therapists” subject to the Act who provide mental health and developmental services to students and their families in a school setting. For this reason, the records of these professionals relating to privileged and confidential communications between students and such professionals are governed by the MHDDCA and its more restrictive provisions regarding the inspection, copying and disclosure of the mental health records rather than the broader Illinois School Student Records Act.

Similarly, the commenters questioned inclusion of a comprehensive definition for “health-related information”, also to be included in the student’s temporary record. As defined in the proposed rules, health-related information could include records that are protected by the MHDDCA or other privacy laws, they said.

Analysis

Due to numerous questions posed over the years from school district personnel, in addition to suggestions from school attorneys, staff included more specific definitions of the contents of a student’s temporary record in order to better assist school personnel in determining the information and records to be maintained as part of a student’s school records. While staff received a recommendation to reference the MHDDCA under the requirement to retain records of school social workers, school counselors and school psychologists, the recommended change did not clearly amplify the relationship between the MHDDCA and the Illinois School Student Records Act and seemed to confuse rather than clarify a school district’s responsibilities under both laws. The proposed definition’s failure to reference the MHDDCA, however, leaves unanswered questions about the competing privacy interests of recipients of mental health or developmental disabilities services and the confidentiality of records protected under MHDDCA and by other privacy laws. Furthermore, by protecting these records under the Illinois School Student Records Act, their inadvertent disclosure would be likely.

Additionally, staff recognize that the State Board of Education has limited authority to further regulate mental health records or interpret the MHDDCA via Part 375. Given the complexity of the MHDDCA, particularly with ascertaining whether a record is a mental health record or a school record, Part 375 should be modified to eliminate provisions that would inadvertently create apparent conflicts with the MHDDCA. Staff also urge the commenters and others with expertise regarding the inspection, copying and disclosure of mental health records to provide guidance to school districts concerning their responsibilities under the MHDDCA. Finally, it should be noted that Part 375 can be amended further in the future as the MHDDCA matures.

Recommendation

It is recommended that Section 375.10 be amended, as follows.
“Health-related Information” means current documentation of a student’s health information, not otherwise governed by the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110] or other privacy laws, which includes identifying information, health history, results of mandated testing and screenings, medical diagnoses (e.g., diabetes, seizures, life-threatening allergies, severe asthma, depression, attention deficit disorder), medication dispensation records and logs (e.g., glucose readings), long-term medications administered during school hours, and summary of relevant health office interactions and referrals, as well as other health-related information that is relevant to school participation (e.g., nursing services plan, failed screenings, yearly sports physical exams, interim health histories for sports).

(…)

"Student Temporary Record" means all information not required to be in the student permanent record and shall consist of the following, as limited by Section 2(d) of the Act:

(…)

May also consist of: (…)

Records associated with plans developed under section 504 of the Rehabilitation Act of 1973 (29 USC 701 et seq.);

Records of social workers, counselors and psychologists who are employed by, under contract to, or otherwise acting on behalf of the school that are of clear relevance to the education of the student; and

Any verified reports or information from non-educational persons, agencies or organizations of clear relevance to the education of the student.

Comment

Several commenters pointed out that a court order cannot be signed by an attorney; it must be issued by a judge. (See Section 375.40(a)(2)). Additionally, they indicated that the proposed rules, by providing that a subpoena signed by an attorney would constitute a court order, exceed the agency’s authority under the Illinois School Student Records Act, which allows release of student records “pursuant to a court order”. Further, the commenters said such a broad definition could result in attorneys being able to access student records without the consent of the parent or through a “traditional” court order.

Analysis

The intent of the rules was to clarify for school district personnel what documents would constitute a “court order”; however, the commenters are accurate in stating that an attorney cannot sign a court order and this error should be corrected. The additional comments also are well-taken, and staff agree that the rules as now proposed have the potential to raise serious privacy concerns relative to the confidentiality of a student’s school records. The definition also should apply to the entire Part, since the term “court order” is used later in the rules.
Recommendation

It is recommended that Section 375.40(a) be amended, as follows.

a) The provisions within the Act and this Part requiring the official records custodian to separate school student records into permanent and temporary categories shall apply only to records of students who are enrolled in the school on or after the effective date of this Part. Records of students who have graduated or permanently withdrawn prior to the effective date of this Part are not subject to these classifications except:

1) In compliance with the request of a parent or eligible student that this categorization occur; and

2) The official records custodian shall ensure that information characterized by the Act and this Part as "temporary" shall not be disclosed except as provided by Section 5 or 6 of the Act or by court order [105 ILCS 10/4(f)]. For the purposes of this subsection (a)(2), a court order is a document signed by a judge or an attorney. A subpoena signed by a court clerk, an attorney or an administrative agency official shall not be considered a court order unless signed by a judge or attorney.

Comment

Several commenters questioned the responsibility of the official records custodian to make a determination of what constitutes a school record. (See Section 375.10, "Definitions"). In many districts, they said, the official records custodian is a clerical staff person who lacks the education and training required to exercise the professional judgment needed to determine whether a record is "created and maintained for a clear, educational purpose and (is) accurate, relevant, not misleading and reflective of a student’s education".

Analysis

The purpose of the proposed definition was to remind school districts of their obligation to appoint a record custodian in each of their schools. Staff agree, however, that the definition, as proposed, could be misinterpreted if a principal, an assistant principal or other appropriately qualified administrator is not identified as the official records custodian and that a clarification is needed.

Recommendation

It is recommended that Section 375.10 be amended, as follows.

“Official Records Custodian” means the individual appointed in each school in accordance with Section 4 of the Act [105 ILCS 10/4] who has responsibility for the maintenance, care and security of all school student records, whether or not the records are in his or her personal custody or control shall determine the records to be maintained in the student temporary record in accordance with the Act and this Part, provided that the records are created and maintained for a clear, educational purpose and are accurate, relevant, not misleading and reflective of official decision making in relation to the student’s education.
Comment

One commenter asked for clarification on requirements for student directory records and the accessibility of these records to staff for purposes of providing services to a student. She emphasized that staff would keep confidential any contents of the records that were reviewed.

Analysis

The commenter was confusing the student directory requirements outlined in Section 375.80 with other records of students maintained by the school district. Section 375.80 addresses more general directory information that can be shared with the school community, such as a student’s name and address, without violating confidentiality requirements contained in the Illinois School Student Records Act, unless a parent or guardian, or eligible student has opted out of providing such information.

Recommendation

No change is recommended in response to this comment.
Section 375.10  Definitions

“Accident Report” means documentation of any reportable student accident that results in an injury to a student, occurring on the way to or from school or on school grounds, at a school athletic event or when a student is participating in a
school program or school-sponsored activity or on a school bus and that is severe enough to cause the student not to be in attendance for one-half day or more or requires medical treatment other than first aid. The accident report shall include identifying information, nature of injury, days lost, cause of injury, location of accident, medical treatment given to the student at the time of the accident, or whether the school nurse has referred the student for a medical evaluation, regardless of whether the parent, guardian or student (if 18 years or older) or an unaccompanied homeless youth (as defined by 42 USC 11434a) has followed through on that request.

“Act” means the Illinois School Student Records Act [105 ILCS 10].

“Health Record” means medical documentation necessary for enrollment and proof of dental examinations, as may be required under Section 27-8.1 of the School Code [105 ILCS 5/27-8.1].

“Health-related Information” means current documentation of a student’s health information, not otherwise governed by the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110] or other privacy laws, which includes identifying information, health history, results of mandated testing and screenings, medication dispensation records and logs (e.g., glucose readings), long-term medications administered during school hours, and other health-related information that is relevant to school participation (e.g., nursing services plan, failed screenings, yearly sports physical exams, interim health histories for sports).

“Individually Identified” means information that would enable a reasonable person in the school community to identify the student and includes, but is not limited to, the following:

Student’s first and last name:

The initials of the student’s first and last name when combined with other information that is specific to a student (e.g., grade level, teacher);

Student’s date of birth:

Student’s school identification number or Social Security Number;
Name of the student’s parent or guardian or of other immediate family members;

Home address of the student or his or her immediate family; and

Telephone numbers of the student or his or her parents.

“Official Records Custodian” means the individual appointed in each school in accordance with Section 4 of the Act [105 ILCS 10/4] who has responsibility for the maintenance, care and security of all school student records, whether or not the records are in his or her personal custody or control.

“School Student Record” shall have the meaning set forth in Section 2(d) of the Act [105 ILCS 10/2(d)], except that school student records shall not include:

- Video or other electronic recordings created and maintained by law enforcement professionals working in the school or for security or safety reasons or purposes, provided the information was created at least in part for law enforcement or security or safety reasons or purposes; and

- Electronic recordings made on school buses, as defined in Section 14-3 of the Criminal Code of 1961 [720 ILCS 5/14-3].

“Special Education Records” means school records that relate to identification, evaluation, or placement of, or the provision of a free and appropriate public education to, students with disabilities under the Individuals with Disabilities Education Act (20 USC 1400 et seq.) and Article 14 of the School Code [105 ILCS 5/Art. 14], to include the report of the multidisciplinary staffing conference on which placement or nonplacement was based, and all records and audio recordings in any format relating to special education placement hearings and appeals.

"Student Permanent Record" means and shall consist of the following, as limited by Section 2(d) of the Act [105 ILCS 10/2(d)]:

- Basic identifying information, including the student’s name and address, birth date and place, and gender, and the names and addresses of the student’s parents;
Academic transcript, including grades, class rank, graduation date, grade level achieved, scores on college entrance examinations, and the unique student identifier assigned and used by the Student Information System established pursuant to Section 1.75 of rules governing Public Schools Evaluation, Recognition and Supervision (see 23 Ill. Adm. Code 1.75); Attendance record;

Accident reports and health record;

Record of release of permanent record information in accordance with Section 6(c) of the Act [105 ILCS 10/6(c)]; and

Scores received on all State assessment tests administered at the high school level (i.e., grades 9 through 12) (see 105 ILCS 5/2-3.64(a)); and

If not maintained in the temporary record, may also consist of:

Honors and awards received; and

Information concerning participation in school-sponsored activities or athletics, or offices held in school-sponsored organizations.

No other information shall be placed in the student permanent record.

"Student Temporary Record" means all information not required to be in the student permanent record and shall consist of the following, as limited by Section 2(d) of the Act:

A record of release of temporary record information in accordance with Section 6(c) of the Act [105 ILCS 10/6(c)];

Scores received on the State assessment tests administered in the elementary grade levels (i.e., kindergarten through grade 8) (see 105 ILCS 5/2-3.64(a));

The completed home language survey form (see 23 Ill. Adm. Code 228.15);
Information regarding serious disciplinary infractions (i.e., those involving drugs, weapons, or bodily harm to another) that resulted in expulsion, suspension or the imposition of punishment or sanction;

Information provided under Section 8.6 of the Abused and Neglected Child Reporting Act [325 ILCS 5/8.6], as required by Section 2(f) of the Act [105 ILCS 10/2(f)]; and

Any biometric information that is collected in accordance with Section 10-20.40 or 34-18.34 of the School Code [105 ILCS 5/10-20.40 or 34-18.34]; and

Health-related information; and

Accident Reports; and

May also consist of:

Family background information;

Intelligence test scores, group and individual;

Aptitude test scores;

Reports of psychological evaluations, including information on intelligence, personality and academic information obtained through test administration, observation, or interviews;

Elementary and secondary achievement level test results;

Participation in extracurricular activities, including any offices held in school-sponsored clubs or organizations;

Honors and awards received;

Teacher anecdotal records;
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Other disciplinary information;

Special education records files, including the report of the multidisciplinary staffing on which placement or nonplacement was based, and all records and tape recordings relating to special education placement hearings and appeals;

Records associated with plans developed under section 504 of the Rehabilitation Act of 1973 (29 USC 701 et seq.); and

Any verified reports or information from non-educational persons, agencies or organizations; and

Other verified information of clear relevance to the education of the student.

"Substitute" means a person designated by the school to temporarily serve in the event of absence of a person employed by the school.

(Source: Amended at 36 Ill. Reg. ______, effective ____________)

Section 375.30 Notification

a) Upon the initial enrollment or transfer of a student to the school, the school shall notify the student and the student's parents of their rights under the Act as specified in subsection (d) of this Section and of their rights with respect to the collection, distribution, and retention of biometric information under Section 10-20.40 or 34-18.34 of the School Code, if the school collects student biometric information.

b) All notification under this Part to parents of children classified under Section 14C-3 of the School Code [105 ILCS 5/14C-3] to be of limited English-speaking ability shall be in English and in the language of the child's primary speaking ability. All notifications shall be in a manner that is accessible to parents with disabilities.

c) This notification may be delivered by any means likely to reach the parents, including direct mail or email, parent-teacher conferences, delivery by the student
d) The notification shall consist of:

1) The types of information contained in the permanent and temporary records;

2) The right to inspect and copy permanent and temporary records, the limitations on the right of access established under Sections 10-22.3c and 34-18.6a of the School Code [105 ILCS 5/10-22.3c and 34-18.6a] and Section 5(a) of the Act, and the cost of copying these records;

3) The right to control access and release of school student records, except to the extent the records are authorized by law to be released without consent, and the right to request a copy of information released;

4) The rights and procedures for challenging the contents of the school student record;

5) The persons, agencies or organizations having access to student records without parental consent;

6) The right to copy any school student record or information contained therein proposed to be destroyed or deleted and the school's schedule for reviewing and destroying this information;

7) The categories of information the school has designated as "directory information" and the right of the parents to prohibit the release of this information;

8) A statement informing the parents that no person may condition the granting or withholding of any right, privilege or benefits or make as a condition of employment, credit or insurance the securing by any individual of any information from a student's temporary record that the individual may obtain through the exercise of any right secured under the Act or this Part.
9) The right of the parents, as limited by Section 7 of the Act, to inspect and challenge the information contained in a school student record prior to transfer of the record to another school district, in the event of the transfer of the student to that district; and

10) Any policies of the school relating to school student records that are not included in the Act or this Part, including any policy related to the collection of biometric information as permitted under Section 10-20.40 or 34-18.34 of the School Code.

e) The principal of each school or the person with like responsibilities or his or her designate shall take all action necessary to assure that school personnel are informed of the provisions of the Act and this Part, either orally or in writing [105 ILCS 10/3].

(Source: Amended at 36 Ill. Reg. _____, effective ____________)

Section 375.40 Maintenance and Destruction of School Student Records

a) The provisions within the Act and this Part requiring the official records custodian to separate school student records be separated into permanent and temporary categories shall apply only to records of students who are enrolled in the school on or after the effective date of this Part. Records of students who have graduated or permanently withdrawn prior to the effective date of this Part are not subject to these classifications except:

1) In compliance with the request of a parent or eligible student that such categorization occur; and

2) The official records custodian shall ensure that information characterized by the Act and this Part as "temporary" shall not be disclosed except as provided by Section 5 or 6 of the Act or by court order [105 ILCS 10/4(f)]. For the purposes of this Part, a court order is a document signed by a judge. A subpoena signed by a court clerk, an attorney or an administrative agency official shall not be considered a court order unless signed by a judge.

b) Pursuant to Section (4)(g) of the Act [105 ILCS 5/4(g)], student temporary Student records shall be reviewed every four years or upon a student's change in
attendance centers, whichever occurs first, to verify entries and to eliminate or correct all out-of-date, misleading, inaccurate, unnecessary or irrelevant information pursuant to Section 375.10 of this Part. The records review is required in any given school year at the time a student first changes attendance centers within a district, but it does not need to be conducted if the student enrolls in a different attendance center later in that same school year.

c) Upon graduation, transfer or permanent withdrawal of a student from a school, the school shall notify the parents and the student of the destruction schedule for the student permanent record and the student temporary record and of the right to request a copy of the student’s such records at any time prior to their destruction. Notification shall consist of the following: date of notification, name of parent, name of official records custodian, name of student, and the scheduled destruction date of temporary and permanent records. Biometric information collected pursuant to the district’s policy, if any, shall not be subject to the retention requirements applicable to the remainder of students’ temporary records under Section 4(f) of the Act, and its destruction shall not be subject to authorization by the appropriate Local Records Commission under Section 7 of the Local Records Act [50 ILCS 205/7]. Instead, the destruction of students’ biometric information shall conform to the requirements of Section 10-20.40 or 34-34.18 of the School Code, as applicable.

d) Upon graduation or permanent withdrawal of a handicapped student with a disability, as defined in Article 14 of the School Code [105 ILCS 5/Atr.14] and 23 Ill. Adm. Code 226: Subpart A (Special Education), psychological evaluations, special education files special education records, and other information contained in the student temporary record that may be of continued assistance to the student may, after five years, be transferred to the custody of the parent or to the student if the student has succeeded to the rights of the parents. The school shall explain to the student and the parent the future usefulness of these records.

e) If a certified copy of an order of protection has been filed with a school district, then the district shall notify its school employees that the student records or information in those records of a protected child identified in the order shall not be released to the person against whom the order was issued (see Section 222(f) of the Illinois Domestic Violence Act of 1986 [750 ILCS 60/222(f)]).

f) Any final finding report required by Section 8.6 of the Abused and Neglected Child Reporting Act that has been filed in a student’s temporary record shall be
removed from the student’s record and returned to the Department of Children and Family Services upon written request made by the Department pursuant to Section 8.6 of the Abused and Neglected Child Reporting Act. If a school that receives such a request from the Department has transferred the report to another school as part of the transfer of the student’s records, the sending school shall forward a copy of the Department’s request to the receiving school, which shall comply with this subsection (f). No report other than what is required under Section 8.6 of the Abused and Neglected Child Reporting Act shall be placed in the school student record.

g) School student records shall be maintained for at least the period of time set forth in Section 4 of the Act. With the exception of material eliminated in accordance with subsections (b), (d) and (f) of this Section, the destruction or disposal of any records or information contained in those records shall be subject to the provisions of the Act and authorization by the appropriate Local Records Commission (see Section 7 of the Local Records Act).

(Source: Amended at 36 Ill. Reg. _____, effective ____________)

Section 375.60 Emergency Release of Information

a) Information may be released without parental consent, in connection with an articulable and significant threat to the health or safety of a student or other individuals or other emergency, to appropriate persons if the knowledge of the requested such information is necessary to protect the health or safety of the student or other individuals persons, provided that the parents are notified, no later than the next school day after the date that as soon as possible of the information is released, of the date of the release; the person, agency, or organization receiving the information; and the purpose of the release.

b) Factors to be considered in determining whether records should be released pursuant to this Section include:

1) The seriousness of the threat to the health or safety of the student or other individuals persons;

2) The need for the requested such records to meet the emergency;
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3) Whether the individuals persons to whom the requested such records are released are in a position to deal with the emergency;

4) The extent to which time is of the essence in dealing with the emergency.

c) When an emergency release of information is provided under this Section, the school or school district shall make a record of the nature of the threat that formed the basis for the disclosure and the parties to whom the school or district disclosed the information. The requirements and criteria for release of information pursuant to this Section are to be strictly construed.

(Source: Amended at 36 Ill. Reg. _____, effective ____________)

Section 375.70 Release of Information

a) Except as otherwise provided in Section 375.75 of this Part, the records of a student shall be transferred by the official records custodian of a school to another school in which the student has enrolled or intends to enroll upon the request of the official records custodian of the other school or the student, provided that the parent receives prior written notice of the nature and substance of the information to be transferred and opportunity to inspect, copy, and challenge the such information to be released.

1) If the address of the parents is unknown, notice may be served upon the official records custodian of the requesting school for transmittal to the parents. This service shall be deemed conclusive, and ten calendar days after this service, if the parents make no objection, the records may be transferred to the requesting school.

2) Biometric information collected pursuant to a district’s policy, if any, shall not be transferred to another school district in which a student has enrolled and shall be destroyed as provided in Section 10-20.40 or 34-18.34 of the School Code, as applicable.

3) A copy of records transmitted pursuant to this subsection (a) shall be transferred back to the sending school upon request of the sending school without parental or student notice and consent.
b) The school shall grant access to information contained in school student records to persons authorized or required by State or federal law to gain such access, provided that:

1) The person making the request shall provide the school with appropriate identification and a copy of the statute authorizing such access; and

2) The parent receives prior written notice of the nature and substance of the information to be released and an opportunity to inspect, copy and/or challenge such information. If this release of information relates to more than 25 students, this prior notice may be given in a local newspaper of general circulation or other publication directed generally to parents.

c) The school shall grant access to, or release information from, school student records without parental consent or notification only in accordance with the provisions of Section 6(a) of the Act [105 ILCS 10/6(a)] and Section 10-20.40 or 34-18.34 of the School Code, where applicable.

d) Pursuant to Section 6(a)(5) of the Act, parents of students who are named in a court order shall be deemed to have received the required written notice. The school shall respond to the order no earlier than five school days after its receipt in order to afford parents the opportunity to review, inspect and challenge the records if the parents choose to do so.

e) Any release of information other than specified in subsections (a) through (c) of this Section requires the prior, specific, dated, written consent of the parent designating the person to whom the records may be released, the reason for the release, and the specific records to be released. At the time consent is requested or obtained, the school shall inform the parents of the following rights:

1) To inspect and copy the records;

2) To challenge the contents of the records; and

3) To limit any consent to designated records or designated portions of information within the records.
Release of information by school personnel shall conform to the requirements of Sections 10-22.3c and 34-18.6a of the School Code [105 ILCS 5/10-22.3c and 34-18.6a] and Section 5(a) of the Act, as limited by Section 5(f) of the Act.

(Source: Amended at 36 Ill. Reg. ______, effective ____________)

Section 375.75 Public and Nonpublic Schools: Transmission of Records for Transfer Students

a) This Section implements Section 2-3.13a of the School Code [105 ILCS 5/2-3.13a], Section 5 of the Missing Children Records Act [325 ILCS 50/5] and Section 5 of the Missing Children Registration Law [325 ILCS 55/5]. This Section is applicable to all public, private or nonpublic elementary and secondary schools in the State of Illinois.

b) Within 14 days after enrolling a transfer student, an elementary or secondary school shall comply with the requirements of Section 5 of the Missing Children Records Act and Section 5 of the Missing Children Registration Law regarding the records of such transfer student. The transfer of the record by a public school is subject to the prior notice to parents required by Section 375.70(a) of this Part.

c) The school district or private school holding the records shall transfer a certified copy of student’s record, as defined in subsection (h) of this Section, to the school district or private school requesting the records and shall retain the original records in accordance with the requirements of Section 4 of the Act.

d) A request made pursuant to subsection (b) of this Section for a certified copy of a student’s record shall satisfy the requirement of Section 2-3.13a(c) of the School Code regarding documentation of enrollment of a transfer student.

e) If, on or before July 31 following the school year in which a student leaves a school, that the student’s school or school district has not received a request for the student’s record, or been presented with other documentation that the student has enrolled in another school, then the student shall be counted in the school’s or school district’s calculation of its annual dropout rate (see Section 2-3.13a(c) of the School Code). The school or school district from which a student transfers shall maintain any documentation of the
student’s transfer, including records indicating the school or school district to which the student transferred, in that student’s temporary record.

f) As used in this Section, "Unofficial Record of Student Grades" means written information relative to the grade levels and subjects in which a student was enrolled and the record of academic grades achieved by that student prior to transfer. These records shall also include the name and address of the school, the name of the student to whom the records pertain, the name and title of the school official transmitting the records, and the date of transmittal.

g) As used in this Section, "Official Transcript of Scholastic Records" means the formal record showing dates of enrollment; courses studied; grades, credits, and awards received; and the unique student identifier assigned and used by the Student Information System; and bearing the signature and title of the certifying official, the seal of the school, if any, and the date of issue.

h) As used in this Section, "Certified Copy of Student's Record" means:

1) for public schools, the student's permanent and temporary record as defined in Section 375.10 of this Part; and

2) for private and nonpublic schools, the individual student information maintained by the schools for all of their students. This information may include:

A) Basic identifying information, including the student’s name and address, birth date and place, and gender, and the names and addresses of the student’s parents;

B) Academic transcript, including grades, class rank, graduation date, grade level achieved and scores on college entrance examinations;

C) Attendance record;

D) Accident reports and health record;

E) Honors and awards received; and
F) Information concerning participation in school-sponsored activities or athletics, or offices held in school-sponsored organizations.

If the student has unpaid fines, fees, or tuition charged pursuant to Section 10-20.12a of the School Code [105 ILCS 5/10-20.12a] and is transferring to a public school located in Illinois or any other state, the school may elect to include in the student's record transferred pursuant to this Section the unofficial record of the student's grades in lieu of the student's official transcript of scholastic records. If the school so elects, the school shall within 10 calendar days after the student has paid all of his or her unpaid fines or fees and at its own expense forward the student's official transcript of scholastic records to the student's new school.

If the student is transferring to another public school located in Illinois or any other state and at the time of the transfer is currently serving a term of suspension or expulsion for any reason, then the transferring school shall include with the transferred records:

1) the date and duration of the period of any current suspension or expulsion; and

2) whether the suspension or expulsion is for knowingly possessing in a school building or on school grounds a weapon as defined in the Gun Free Schools Act (20 USC 8921 et seq.), for knowingly possessing, selling, or delivering in a school building or on school grounds a controlled substance or cannabis, or for battering a staff member of the school. (Section 2-3.13a of the School Code)

(Source: Amended at 36 Ill. Reg. _____, effective ____________)

Section 375.80 Directory Information

a) Information that may be designated as directory information shall be limited to:

1) Identifying information: student’s name, address, gender, grade level, and birth date and place, and parents' names, mailing and addresses, electronic mail addresses, and telephone numbers;

2) Photograph, videos, or digital images used for informational or news-related purposes (whether by a media outlet or by the school) of a student.
participating in school or school-sponsored activities, organizations, and athletics that have appeared in school publications, such as yearbooks, newspapers, or sporting or fine arts programs, except that:

A) No photograph highlighting individual faces shall be used for commercial purposes, including solicitation, advertising, promotion or fundraising without the prior, specific, dated and written consent of the parent or student, as applicable [765 ILCS 1075/30]; and

B) No image on a school security videotape recording shall be designated as directory information;

3) Academic awards, degrees, and honors;

4) Information in relation to school-sponsored activities, organizations, and athletics;

5) Major field of study; and,

6) Period of attendance in the school.

b) No student Social Security Number (SSN) or student identification (ID) or unique student identifier can be designated as directory information.

c) "Directory Information" may be released to the general public, unless a parent requests that any or all the directory such information not be released on his/her child. School districts shall notify parents annually of the information that is considered to be “directory information” and of the procedures to be used by parents to request that specific information not be released. Prior to the release of directory information, school districts must notify affected parents in writing. The notification must include the following: date of notification, parents' names, name of student, directory information to be released, and the scheduled date of release. The district may provide this notification in the manner specified in Section 375.30(c) and (d) of this Part.

(Source: Amended at 36 Ill. Reg. ______, effective ____________)

Section 375.90 Challenge Procedures
a) Parents shall be notified both of their right to a hearing to challenge any entry in the school student records except for academic grades and of the name and contact information for the official records custodian. If the challenge is made at the time the student’s school records are being forwarded to another school to which the student is transferring, then parents shall not have the right to challenge references in those records to expulsions or out-of-school suspensions or to academic grades. Challenges to any other entry in the school student records can be made on the basis of:

1) accuracy;

2) relevance; or

3) propriety.

b) The request for a hearing shall be submitted in writing to the school district’s official records custodian and shall contain notice of the specific entry or entries to be challenged and the basis of the challenge.

c) Each school shall establish administrative procedures for parents to challenge the contents of student records. These procedures shall include:

1) An initial informal conference with the parents, within 15 school days of receipt of the request for a hearing.

2) If the challenge is not resolved by the informal conference, formal procedures shall be initiated.

   A) A hearing officer, who shall not be employed in the attendance center in which the student is enrolled, shall be appointed by the school.

   B) The hearing officer shall conduct a hearing within a reasonable time, but no later than 15 days after the informal conference, unless an extension of time is agreed upon by the parents and school officials. The hearing officer shall notify parents and school officials of the time and place of the hearing.
C) At the hearing each party shall have the rights outlined in Section 7(b)(1) through 7(b)(4) of the Act.

D) A verbatim record of the hearing shall be made by a tape recorder or a court reporter. A typewritten transcript may be prepared by either party in the event of an appeal of the hearing officer's decision. However, a typewritten transcript is not required in an appeal.

E) The written decision of the hearing officer shall, no later than 10 school days after the conclusion of the hearing, be transmitted to the parents and the school district. It shall be based solely on the information presented at the hearing and shall be one of the following:

i) To retain the challenged contents of the student record;

ii) To remove the challenged contents of the student record; or

iii) To change, clarify or add to the challenged contents of the student record.

d) Any party shall have the right to appeal the decision of the local hearing officer to the Regional Superintendent within 20 school days after the decision is transmitted. If the parent appeals, the parent shall so inform the school and within 10 school days the school shall forward a transcript of the hearing, a copy of the record entry in question and any other pertinent materials to the Regional Superintendent. The school may initiate an appeal by the same procedures. Upon receipt of the documents, the Regional Superintendent shall examine the documents and record to determine whether the school district's proposed action in regard to the student's record is in compliance with the Act and this Part, make findings and issue a written decision to the parents and the school within 20 school days of the receipt of the appeal documents. If the subject of the appeal involves the accuracy, relevance or propriety of any entry in special education records, the Regional Superintendent should seek advice from special education personnel:

1) who were not authors of the entry, and
2) whose special education skills are relevant to the subject(s) of the entry in question.

e) The school shall be responsible for implementing the decision of the Regional Superintendent.

f) Final decisions of the Regional Superintendent may be appealed to the circuit court of the county in which the school is located (see Section 7(c) of the Act).

(Source: Amended at 36 Ill. Reg. _______, effective ____________)

Section 375.110 Enforcement

a) The State Board of Education shall collect and maintain information concerning compliance with the provisions of the Act and this Part and shall take action as specified by the Act to secure compliance in the event of violation.

b) Complaints arising from violations of the Act or this Part, other than challenges of the contents of the school student records as specified in Section 375.90 of this Part, shall be directed to the Regional Superintendent of Schools responsible for the area where the school is located and then to the State Superintendent of Education as specified in Sections 3-10 and 2-3.8 of the School Code [105 ILCS 5/3-10 and 2-3.8].

(Source: Amended at 36 Ill. Reg. _______, effective ____________)
TO: Illinois State Board of Education

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

Agenda Topic: Action Item: Amendments for Adoption: Part 425
(Voluntary Registration and Recognition of Nonpublic Schools)

Materials: Recommended Rules

Staff Contacts: Mark Williams, Division Administrator
               Gayle Johnson, Division Administrator

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 set of proposed amendments is not specifically related to the strategic plan. However, various portions of the rules comport with each of the goals, in that the rules establish requirements related not only to schools’ academic programs but also to the qualifications of their staff and the safety of their facilities.

Expected Outcomes of Agenda Item
The Board will be asked to adopt amendments to Part 425.

Background Information
The proposed modifications respond to concerns voiced by representatives of recognized Catholic and other religious schools in the State as well as to staff concerns over administration of the nonpublic school recognition program.

The existing rules state that a nonpublic school may apply for initial registration at any time from October 1 through June 30 during the school year but must apply for registration renewal in the subsequent year no sooner than October 1 and no later than December 31. The rules further stipulate that a school must be registered in the current year before the school may apply for State recognition. Once a school has completed its application for State recognition, an on-site visit with a review team will be scheduled to verify compliance with the requirements of these rules and to observe school operations. Only after the presentation of evidence from this visit and the accompanying recommendations of the review team and staff members will the State Superintendent take action to afford State recognition to the facility or to identify deficiencies that prevent such recognition.

The Catholic Conference of Illinois notes that these existing registration deadlines have the unintended consequence of excluding half of the school year from State recognition visits, since
a school seeking State recognition but not applying for registration renewal until the end of December has 'lost' time in the fall when a State recognition visit could have otherwise been scheduled. Staff members agree that scheduling of site visits beginning only in January does not serve well those schools seeking State recognition, nor is it consistent with how nonpublic school recognition procedures have operated in past years. A modification to Section 425.20 will move the deadline for registration renewal back from December 31 to November 15, the date by which all nonpublic schools applying for State recognition must furnish to the State Board required reports regarding the extent to which students have received required health examinations and immunizations in accordance with 105 ILCS 5/27-8.1 [Health examinations and immunizations]. Language added to Section 425.30 will stipulate that schools applying for first-time State recognition must meet the November 15 deadline for re-registration if they wish to be considered for recognition during the current school year.

In addition, amendments are proposed to Sections 425.30, 425.40 and 425.50 that would allow a recognized school to retain its status at the start of a new school year if it was registered the previous school year. This modification would allow such schools to keep their ‘recognized’ classification until their status is determined during the new school year, instead of automatically losing that status at the end of the previous school year. This amendment also reflects past agency procedures with schools that have obtained State-recognition status.

A modification to Section 425.50(a)(1) is suggested by personnel in the Division of Career and Technical Education to acknowledge that current agency staffing levels do not allow for on-site visits of recognized schools to be conducted every seven years.

Finally, staff in the Division of Data Analysis and Progress Reporting has recommended that schools applying for initial registration (as opposed to registration renewal or recognition) submit materials to the State Board by June 25 in order for an applying school to be registered by June 30. This deadline allows the time necessary for a State code to be assigned to the school and for the school’s registration information to be entered into the agency’s Nonpublic Registration, Enrollment, and Staff Report IWAS (ISBE Web Application Security) system database by June 30, the end of the fiscal year.

The proposed amendments were published October 14, 2011, 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 above.

*Budget Implications:* None.

*Legislative Action:* None needed.

*Communication:* Please see ‘Next Steps’ below.

**Pros and Cons of Various Actions**

Adopting the proposed amendments to these rules will allow for on-site visits to schools seeking recognition earlier in the school year and will permit schools previously recognized to retain that status at the beginning of the new school year until such time as the school’s application for renewal of State recognition has been reviewed.
Not proceeding with these modifications will delay the on-site review process for schools first applying for recognition and will cause State-recognized schools to lose that status at the beginning of each school year.

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

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

Voluntary Registration and Recognition of Nonpublic Schools (23 Illinois Administrative Code 425).

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

PART 425
VOLUNTARY REGISTRATION AND RECOGNITION OF NONPUBLIC SCHOOLS

Section
425.10 Purpose and Applicability
425.20 Requirements for Registration
425.30 Requirements for Recognition
425.40 Process for Initial Recognition
425.50 Renewal of Recognition
425.60 Changes in Recognition Status
425.70 Appeals
425.80 Block Grant Funds

AUTHORITY: Implementing Sections 2-3.25o and 2-3.51.5 and authorized by Sections 2-3.6 and 2-3.51.5 of the School Code [105 ILCS 5/2-3.25o, 2-3.51.5, and 2-3.6].

SOURCE: Adopted at 33 Ill. Reg. 17123, effective December 7, 2009; amended at 36 Ill. Reg. __________, effective ______________

Section 425.20 Requirements for Registration

a) The State Superintendent of Education shall make available a form to be used for nonpublic schools’ voluntary registration. A school’s initial registration may occur at any time from October 1 through June 30 of the relevant school year. The application for renewal of a school’s registration in any subsequent year must be submitted no sooner than October 1 and no later than December 31 of that school year. Initial registration of a school shall occur by means of a paper submission, while annual renewal of a school’s registration shall be performed electronically. Each paper registration form shall bear the signature of the school’s chief administrative officer and must be received by the Illinois State Board of Education no later than June 25 for the school to be registered by June 30. The required electronic format shall be submitted only by the authorized administrator.
1) (a) Descriptive information that must be submitted shall include:

A) the name of the school, its location and telephone number, its affiliation, and the name of the chief administrator;

B) data on the students enrolled, by race, ethnicity, and grade level; and

C) data on the staff employed in various capacities.

2) (b) The chief administrator of each school shall provide assurances that:

A) the school offers an academic term of at least 176 days of pupil attendance annually, with at least five clock hours of instruction daily or at least 880 clock hours of instruction annually;

B) the school provides instruction in English, except as otherwise permitted pursuant to Section 27-2 of the School Code [105 ILCS 5/27-2], in the branches of education taught to children of corresponding age and grade in the public schools (Section 26-1 of the School Code [105 ILCS 5/26-1]), including the language arts, mathematics, the biological, physical and social sciences, the fine arts, and physical development and health (Section 27-1 of the School Code [105 ILCS 5/27-1]);

C) the school requires the students who are enrolled to attend daily during the entire regular school term;

D) the physical facilities occupied by the school comply with the applicable local building code and fire safety requirements;

E) the school will require evidence that, and will furnish to the State Superintendent of Education the required reports regarding the extent to which, students have complied with the requirements of Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] and the rules of the Illinois Department of Public Health at 77 Ill. Adm. Code 665 with respect to health examinations, immunizations, eye examinations, and dental examinations; and will cooperate in the implementation of the Child Vision and Hearing Test Act [410 ILCS 205] and the rules of the Illinois Department of Public
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Health at 77 Ill. Adm. Code 675 and 685 regarding hearing and vision screenings, respectively; and


b) Upon receipt of complete information for initial registration, including the required assurances, the State Superintendent shall assign a unique identifying number to the school. This number shall be evidence of completed registration and shall permit the school’s chief administrator to apply for a user account affording access to the Illinois Web Application Security (IWAS) System, which the school may then use to exchange information with the State Superintendent of Education as relevant to its situation.

c) The application for renewal of a school’s registration in any subsequent year must be submitted no sooner than October 1 and no later than November 15 of that school year. Annual renewal of a school’s registration shall be performed electronically and shall be submitted only by the chief administrator.

d) The chief administrator of each school applying to renew its registration shall submit to the Illinois State Board of Education the same information and assurances required in subsection (a) of this Section.

(Source: Amended at 36 Ill. Reg. _______, effective ________________)

Section 425.30 Requirements for Recognition

No nonpublic school shall apply for recognition until it has been registered for at least one full calendar year and unless it was registered for the previous school year, except that a school whose educational program is delivered via correspondence may seek recognition without registration, in acknowledgment of the fact that students participating in a school of this type do not gather in a physical location and thus the school does not provide assurances about their
compliance with requirements for health examinations, as required for registration under Section 2-3.25o(b) of the School Code. Recognition shall be granted only to schools that meet the requirements of this Section. A nonpublic school applying for recognition that has not applied for registration renewal by November 15 of the year in which the recognition application is submitted shall not be considered for recognition during the remainder of that school year.

a) Administrative Requirements

1) Each school’s recognition shall be contingent upon evidence of compliance with the administrative requirements that are made applicable to nonpublic schools by relevant statutes.

A) The school shall offer an academic term of at least 176 days of pupil attendance annually, with at least five clock hours of instruction daily or at least 880 clock hours of instruction annually.

B) The school shall require the students who are enrolled to attend daily during the entire regular school term.


D) The school shall comply with the requirements of Section 4 of the Abused and Neglected Child Reporting Act [325 ILCS 5/4], Section 5 of the Missing Children Records Act [325 ILCS 50/5], Section 5 of the Missing Children Registration Law [325 ILCS 55/5], and the rules of the State Board of Education promulgated pursuant to Section 2-3.13a of the School Code [105 ILCS 5/2-3.13a] (see 23 Ill. Adm. Code 375.75, Public and Nonpublic Schools: Transmission of Records for Transfer Students).
E) The school shall comply with the requirements of the School Reporting of Drug Violations Act [105 ILCS 127].

F) The school shall comply with the requirements of Sections 10-27.1A and 10-27.1B of the School Code [105 ILCS 5/10-27.1A and 10-27.1B] regarding firearms and drug-related incidents in schools.

G) The school shall comply with the requirements of Section 10-21.7 of the School Code [105 ILCS 5/10-21.7] regarding the reporting of attacks on school personnel.

2) Recognition shall also be contingent upon evidence of compliance with the additional administrative requirements of this subsection section (a)(2).

A) The school shall maintain written descriptions of its governance structure and its policy-making procedure, shall maintain its policies in written form, and shall make its policies routinely available to parents of the students enrolled and to school staff, as well as to other individuals upon request.

B) The school shall maintain a written description of its methods for complying with the nondiscrimination requirements identified in subsection (a)(1)(C) of this Section section.

b) Educational Program

Each school’s recognition shall be contingent upon evidence of compliance with the programmatic requirements that are made applicable to nonpublic schools by relevant statutes.

1) Instruction shall be provided in English, except as otherwise permitted pursuant to Section 27-2 of the School Code [105 ILCS 5/27-2], in the branches of education taught to children of corresponding age and grade in the public schools (Section 26-1 of the School Code), including the language arts, mathematics, the biological, physical and social sciences, the fine arts, and physical development and health (Section 27-1 of the School Code).
2) Each school...shall provide instruction in American patriotism, the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag, and shall require pupils to recite the Pledge of Allegiance daily. (Sections 27-3 and 27-4 of the School Code [105 ILCS 5/27-3 and 27-4]) Not less than one hour per week, or the equivalent, shall be devoted to the study of this subject matter in the seventh and eighth grades or their equivalent and in all high school grades. No student shall receive a certificate of graduation from the eighth grade or from high school without passing an examination on these subjects. No student shall be graduated from the eighth grade unless he or she has received instruction in the history of the United States and has given evidence of a comprehensive knowledge of the subject. (Section 27-21 of the School Code [105 ILCS 5/27-21])

3) The school shall provide health education as required by the Critical Health Problems and Comprehensive Health Education Act [105 ILCS 110].

c) Personnel Requirements

1) Each school’s recognition shall be contingent upon evidence of compliance with the requirements of subsection (c-5) of Section 2-3.25o of the School Code.

2) Each school shall require of each new employee evidence of freedom from communicable disease, including tuberculosis. This evidence shall consist of a tuberculin skin test and, if appropriate, an x-ray, performed by a physician licensed in Illinois or any other state to practice medicine in all its branches, an advanced practice nurse who has a written collaborative agreement with a collaborating physician that authorizes the nurse to perform health examinations, or a physician assistant who has been delegated the authority to perform health examinations by his or her supervising physician, not more than 90 days preceding the date on which the report of the test results is presented to the school’s chief administrator.

3) Each school’s personnel policies shall require:
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A) monitoring the performance of each employee who provides or assists with instruction or has other instructional responsibilities (e.g., teachers, teacher aides, administrators, department chairs); and

B) formal evaluation at least every two years in terms of proficiency and competency.

4) Students’ needs for support services such as counseling and social work shall be evaluated when school staff believe consideration is needed, such as when there are changes in the student body or stresses within the surrounding community, and the school’s staffing configuration shall reflect decision-making about how those needs should be addressed.

5) Each individual first assigned to a full-time teaching or administrative position at or after the beginning of the 2011-12 school year shall hold a bachelor’s or higher degree.

6) Each individual first assigned to a full-time teaching or administrative position prior to the beginning of the 2011-12 school year who does not hold a bachelor’s or higher degree shall participate annually in professional development that is demonstrably designed to strengthen his or her knowledge and skills in areas directly related to job duties (e.g., content-area knowledge or pedagogy for teaching staff, and administration, supervision, evaluation, or school management for administrators).

7) Each individual employed in a field requiring licensure shall hold and practice within the scope of the relevant license.

d) Health and Safety

Each school’s recognition shall be contingent upon evidence of compliance with the health and safety requirements that are made applicable to nonpublic schools by the following relevant statutes.

1) The physical facilities occupied by the school shall comply with the applicable local building code and fire safety requirements.
2) If the school provides food service, the nutrition program and the facilities used shall comply with the Richard B. Russell National School Lunch Act (42 USC 1751 et seq.), the Child Nutrition Act of 1966 (42 USC 1771 et seq.), and the School Breakfast and Lunch Program Act [105 ILCS 125].

3) The school shall have a wellness policy on file that complies with the requirements of the Child Nutrition and WIC Reauthorization Act of 2004 (section 204 of Public Law 108-265; 42 USC 1751 note).

4) The school shall require evidence that, and shall furnish to the State Superintendent of Education the required reports regarding the extent to which, students have complied with the requirements of Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] and the rules of the Illinois Department of Public Health at 77 Ill. Adm. Code 665 with respect to health examinations, immunizations, eye examinations, and dental examinations; and shall cooperate in the implementation of the Child Vision and Hearing Test Act [410 ILCS 205] and the rules of the Illinois Department of Public Health at 77 Ill. Adm. Code 675 and 685 regarding hearing and vision screenings, respectively.

5) The school shall comply with the requirements of the School Safety Drill Act [105 ILCS 128].

6) The school shall comply with the requirements of the Eye Protection in School Act [105 ILCS 115].

7) The school shall comply with the requirements of the Toxic Art Supplies in Schools Act [105 ILCS 135].

8) The school shall comply with the applicable requirements of the Asbestos Abatement Act [105 ILCS 105].

(Source: Amended at 36 Ill. Reg. _______, effective ________________)

Section 425.40 Process for Initial Recognition

A nonpublic school may choose whether to seek recognition under subsection (a) or subsection (b) of this Section. An application for initial recognition may be submitted at any time.

a) Direct Recognition
1) The chief administrator of a registered nonpublic school shall submit an application for recognition, using a format specified by the State Superintendent of Education. The application shall include summary information about the school, including but not limited to its educational program and its intended calendar for the upcoming school year, as well as a report of the most recent fire inspection conducted by or on behalf of the relevant local authority.

A) For each school whose geographic location falls within the jurisdiction of a code authority, a copy of a certificate of occupancy issued by that authority and valid for the upcoming school year shall be included with the application.

B) For each school not located within the jurisdiction of any code authority, the application shall include a letter provided by a design professional, indicating that that individual has evaluated the facility and found no condition that would constitute a threat to the health and safety of the occupants and no condition that would constitute an obvious violation of the building code incorporated at 23 Ill. Adm. Code 180.60.

C) For each school whose most recent fire inspection report is more than one year old, the application shall include a letter provided by either a design professional or an individual who meets the requirements of the rules of the Office of the State Fire Marshal at 41 Ill. Adm. Code 111.30 (General Requirements for a Qualified Fire Official), indicating that that individual has evaluated the facility and found no condition that would constitute a fire hazard.

2) Upon receipt of a complete application, the State Superintendent shall schedule a recognition visit and empanel a review team, whose members shall include at least a representative of the State Superintendent, a representative of a public educational entity such as a school district or regional office of education, and either a representative of a nonpublic school, other than the school whose recognition is being considered, or another individual who is familiar with the nonpublic educational milieu. The team shall visit the school to verify its compliance with the requirements of this Part. The chief administrator shall be notified in advance of the visit regarding the documentation that must be presented relative to each requirement of Section 425.30 of this Part.

3) The team shall observe the operations of the school, review the required documentation, and prepare a report of its findings, including a recommendation regarding recognition of the school, for the consideration of the State Superintendent.

4) Upon consideration of the evidence presented and the recommendations of the review team and relevant staff members, the State Superintendent shall recognize the school if it meets the requirements of Section 425.30 of this Part. If recognition is not granted, the State Superintendent’s notice to the chief administrative officer shall identify the deficiencies leading to that determination and Section 425.70 of this Part shall apply.

b) Recognition via External Accrediting Organizations

1) The State Superintendent of Education shall review the processes used by various accrediting organizations to identify those entities whose approval, recognition, or accreditation of schools is granted on the basis of compliance with at least the requirements of Section 425.30 of this Part. A nonpublic school shall receive State recognition upon presentation of evidence that it has received approval, recognition, or accreditation from any of these entities. Probationary recognition shall be assigned if the accrediting body has assigned a comparable status to the school.
2) The State Superintendent shall maintain on the agency’s web site a list of all entities whose determinations are accepted pursuant to subsection (b)(1) of this Section.

c) Each school that is recognized shall receive a Certificate of Nonpublic School Recognition reflecting that status.

d) Recognition shall be valid until the school’s recognition status is determined in the following school year for one school year and shall be subject to renewal as provided in Section 425.50 of this Part.

e) Recognition that is granted pursuant to this Part shall not be extended to any additional campus, site, or school, nor shall it affect students who are not in attendance at the site to which recognition was specifically granted.

(Source: Amended at 36 Ill. Reg. _______, effective ________________)

Section 425.50 Renewal of Recognition

a) Cycle for On-Site Review

1) Each school recognized pursuant to Section 425.40(a) of this Part and seeking continued recognition shall receive periodic visits by a review team in preparation for every seventh year for which continued recognition is sought. On those occasions, the team shall observe the school’s operations, confirm compliance with applicable requirements and prepare a report as provided in Section 425.40 of this Part. When the school’s application for renewal of its recognition is received, the State Superintendent shall consider the evidence presented and proceed as discussed in subsection (c) of this Section.

2) Each school recognized pursuant to Section 425.40(b) of this Part shall be visited in keeping with the review cycle of the relevant accrediting organization. When the school’s application for renewal of its recognition is received, the State Superintendent shall:

A) renew the school’s recognition, if the accrediting organization has renewed the school’s accreditation; or
B) assign another status as provided in subsection (c) of this Section, if the accrediting organization has not renewed the school’s accreditation.

b) Renewal in Intervening Years

1) For each school year between on-site reviews, the chief administrator of a school recognized pursuant to Section 425.40(a) of this Part shall apply for renewal of the school’s recognition by submitting, in an electronic format specified by the State Superintendent of Education, assurances that the school continues to comply with the requirements of this Part and that no significant changes have been made in its operations, its facilities, or its programs. If annual professional development is required for any staff member pursuant to Section 425.30(c)(6) of this Part, the school’s chief administrator shall also submit a written plan for ensuring that the affected individuals complete relevant activities.

2) For each school year between on-site reviews, the chief administrator of a school recognized pursuant to Section 425.40(b) of this Part shall apply for renewal of the school’s recognition by submitting evidence that the school’s accreditation from the relevant organization is in effect for that school year.

c) Upon consideration of the application materials and the report, and recommendation of the review team if a visit was conducted, the State Superintendent shall assign a recognition status to the school.

1) A school shall be fully recognized if it meets the requirements of this Part, including each school whose accreditation by the relevant organization is in effect until the school’s recognition status is determined in the following school year for the school year in question.

2) A school 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 (c)(3) of this Section; and

   B) can be corrected prior to the end of the school year following the school year in which they are identified.
3) A school shall be placed on probation if it:

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;

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

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

d) When a school is recognized pending further review, the chief administrator may, within 30 days after receipt of notification to this effect, request a conference at which representatives of the school will have an opportunity to discuss compliance issues with representatives of the State Board of Education.

e) When a school is placed on probation, the State Superintendent shall schedule a conference at which representatives of the school will discuss compliance issues with representatives of the State Board of Education, unless the chief administrator has appealed the school’s status as provided in Section 425.70 of this Part. Within 60 days following a conference under this subsection (e), the school’s chief administrator shall submit to the State Superintendent a plan for corrective action that conforms to the requirements of subsection (f) of this Section.

f) The State Superintendent of Education shall respond to the submission of a plan within 15 days after receiving it. The State Superintendent shall approve a plan if it:

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

2) provides evidence that the school 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 school’s plan is not approvable under subsection (f) of this Section, the State Superintendent shall notify the chief administrator to this effect. If no plan is submitted, or if no approvable plan is received within 60 days after the conference with representatives of the State Board, the school’s recognition shall be withdrawn, subject to appeal under Section 425.70 of this Part.

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 State Superintendent shall withdraw the school’s recognition, subject to appeal under Section 425.70 of this Part.

(Source: Amended at 36 Ill. Reg. _______, effective ________________)