AGENDA

I. Roll Call/Pledge of Allegiance
   A. Consideration of and Possible Actions on Any Requests for Participation in Meeting by Other Means

II. Public Participation

III. *Superintendent’s Report - Consent Agenda
   All action consideration items listed with an asterisk (*) are considered to be routine and will be enacted in one motion and vote. Any board member who wishes separate discussion on any item listed on the consent agenda may remove that item from the consent agenda, in which event, the item will be considered in its normal sequence.
   A. *Approval of Minutes:
      1. Plenary Minutes: June 20-21, 2012 (pp. 3-10)
   B. *Rules for Initial Review
      1. Part 25 (Certification) (pp. 11-26)
      2. Part 75 (Agricultural Education Program) (pp. 27-31)
      3. Part 140 (Calculation of Excess Cost Under Section 18-3 of the School Code) (pp. 32-37)
   C. *Rules for Adoption
      1. Part 475 (Contested Cases and other Formal Hearings) NEW PART (pp. 38-68)
      2. Part 475 (Contested Cases and other Formal Hearings) REPEAL (pp. 69-86)
      3. Part 485 (Appeal Proceedings before the State Teacher Certification Board) (pp. 87-95)
      4. Part 650 (Charter Schools) (pp. 96-125)
   D. *Contracts and Grants Over $1 Million
      1. Request to amend contract with Franczek Radelet PC (pp. 126-128)
      2. Request to extend agreement with Board of Regents of the University of Wisconsin-SALSA Grant (pp. 129-131)
      3. Other Contracts & Grants to be determined
   E. *Approve NASBE Dues for 2013 (pp. 132-134)
   F. *Statewide Single Audit (pp. 135-136)

   End of Consent Agenda
G. Appointment of State Educator Preparation Licensure Board Members (pp. 137-138)
H. Parent Mentor Program / Illinois Coalition for Immigration & Refugee Rights (pp. 139-141)
I. Superintendent’s Contract Renewal

IV. Discussion Items
   A. Budget Update (pp. 142-151)
   B. District Oversight – Monthly Update (Superintendent Koch)
   C. Other Items for Discussion

V. Announcements
   A. IBHE Liaison Report (Dr. Proshanta Nandi)
   B. P-20 Council Liaison Report (Joyce Karon)
   C. Superintendent’s/Senior Staff Announcements
   D. Chairman’s Report
   E. Member Reports

VI. Information Items
   A. ISBE Fiscal & Administrative Monthly Reports (available online at http://isbe.net/board/fiscal_admin_rep.htm)

VII. Closed Session (as needed)

VIII. Adjourn

This meeting will be accessible to persons with disabilities. Persons planning to attend who need special accommodations should contact the Board office no later than the date prior to the meeting. Contact the Superintendent’s office at the State Board of Education. Phone: 217-782-2221; TTY/TDD: 217-782-1900; Fax: 217-785-3972.

NOTE: Chairman Chico may call for a break in the meeting as necessary in order for the Board to go into closed session.
Illinois State Board of Education Meeting  
via video conference  
June 20, 2012

**Chicago Location:** ISBE Video Conference Room, 14th Floor  
100 W. Randolph, Chicago, IL  
**Springfield Location:** ISBE Video Conference, 3rd Floor  
100 N. First Street, Springfield, IL

**ROLL CALL**

Mr. Gery Chico, Chairman, called the meeting to order at 12:15 p.m. Chairman Chico asked Ms. Marsha Moffett to call the roll. Dr. Christopher Koch, State Superintendent of Education, was in attendance in Springfield. A quorum was present.

<table>
<thead>
<tr>
<th>Members Present in Springfield</th>
<th>Members Present in Chicago</th>
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<tbody>
<tr>
<td>Mr. James Baumann</td>
<td>Mr. Gery Chico</td>
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<tr>
<td>Dr. Andrea Brown</td>
<td>Mr. Steven Gilford, Vice Chairman</td>
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<tr>
<td>Dr. David Fields</td>
<td>(joined meeting at 1:07 p.m.)</td>
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<tr>
<td>Dr. Vinni Hall, Secretary</td>
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<tr>
<td>Ms. Melinda LaBarre</td>
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<tr>
<td>Ms. Lanita Koster</td>
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**PUBLIC PARTICIPATION**

Chairman Chico announced that the meeting would be for the purpose of receiving testimony principally on the following matters: the Proviso Township High School District #209 Financial Oversight Panel; the North Chicago Community Unit School District #187 School Board; and the East St. Louis School District #189 School Board. Chairman Chico invited the public participants from both Chicago and Springfield who wished to speak on issues other than Proviso, North Chicago and East. St. Louis. Those participants included the following:

**TAP (Test of Academic Proficiency) Testimonies**

Michael Rodriguez, Executive Director, Enlace of Chicago was accompanied by Rod Wilson from the Kenwood Open Community Organization. They shared with the Board data provided by GYO and also shared GYO Illinois’ recommendations regarding the TAP pass rates. (See Board Services for Mr. Rodriguez detailed handout.)

Paul Strauss, of the Chicago Lawyers’ Committee for Civil Rights spoke on the TAP test and noted that the Lawyers Committee has been carefully watching the affect of the cut scores that were set for the last basic skills test and the work now being done to cut scores for the TAP. Mr. Strauss stated ISBE should lower its standards as passing scores for TAP and require schools to adopt other means to measure the character traits that make good candidates for teaching positions.

**District Oversight Testimony**

*Springfield*

Ed Geppert, Illinois Federation of Teachers President Emeritus expressed his concerns about the possibility the ISBE could remove the elected school boards in East St. Louis and North Chicago for the educational failures in those districts.
Michael DeBartolo, General Counsel to the Board of Education for Proviso Township High Schools District 209 stated that he had come before the Board to provide the legal rationale and support for the district petition for dissolution of the Financial Oversight Panel (FOP) and to provide the basis for the school board objection to the District 209 FOP petition for reorganization of the panel under Section 1H-15(c) of the Illinois School Code.

(*Michael DeBartolo’s testimony is available by contacting the Illinois State Board of Education, Board Services.*)

24 individuals testified with regards to the Proviso Township Financial Oversight Panel. Testimony included those in favor eliminating the existing FOP and those wishing to reconstitute it with additional powers. Those testifying included members of the FOP, local school board and residents of the district.

**RECESS/RECONVENE**

The Board recessed at 2:08 p.m. for a short break. The Board reconvened at 2:15 p.m.

**NORTH CHICAGO DISCUSSION**

Superintendent Koch recommended that the Board authorize him to direct the regional superintendent of schools to remove each of the school board members of the North Chicago Community Unit School District #187 pursuant to Section 2-3.25f(b) of the Illinois School Code (105 ILCS 5/2-3.25f(b). He further asked that the State Board direct him to appoint an Independent Authority, and name a Chairperson of the Authority, that shall exercise the powers and duties necessary to operate the district for purposes of improving student performance and to achieve school improvement. North Chicago is now in its fifth year of academic watch and it has now failed to make AYP for 9 years.

**North Chicago Testimony**

*Ms. Jill Janezich*, North Chicago School Board Member stated she felt the Intergovernmental Agreement between North Chicago and the State Board allowed the State Board to have the power to make all the final decision in the last year and believes that North Chicago Board has not been given adequate reason as to why they should be removed.

*Mr. Anthony Coleman*, a resident of North Chicago spoke on his disappointment of the current North Chicago Board and thanked Superintendent Koch for the assistance he has tried to give the district. He feels that it has forced the community to come together because community’s voice is not being heard and as a community they are willing to fight.
Superintendent Koch recommended that the Board authorize him to direct the regional superintendent of schools to remove each of the school board members of the East St. Louis School District #189 pursuant to Section 2-3.25f(b) of the Illinois School Code (105 ILCS 5/2-3.25f(b)). He further asked that the State Board direct him to appoint an Independent Authority, and name a Chairperson of the Authority, that shall exercise the powers and duties necessary to operate the district for purposes of improving student performance and to achieve school improvement. East St. Louis is now in its fifth year of academic watch and it has now failed to make AYP for 9 years.

_East St. Louis Testimony_

Garrett Hoerner, Legal Counsel for the East St. Louis School District #189 and Lonzo Greenwood, local School Board President urged the State Board permit East St. Louis School District #189 to remain under the intergovernmental cooperative agreement. (Mr. Garret P. Hoerner’s written comments are available by contacting the Illinois State Board of Education, Board Services.)

Two other individuals addressed the ISBE urging the removal of the local board.

Chairman Chico thanked everyone for their testimonies and noted that these matters will be considered tomorrow for final consideration and action.

Dr. Hall moved that the meeting be adjourned. Dr. Fields seconded the motion and it passed with a unanimous roll call vote. The meeting adjourned at 2:52 p.m.

**Illinois State Board of Education Meeting**

June 21, 2012

100 N. First Street

Springfield, IL

Mr. Gery Chico, Chairman reconvened the meeting at 8:51 a.m. Chairman Chico asked Ms. Marsha Moffett to call the roll. Dr. Christopher Koch, State Superintendent of Education, was in attendance. A quorum was present.

**Members Present**

Mr. Gery Chico, Chairman

Mr. Steven Gilford, Vice Chairman

Dr. Vinni Hall, Secretary

Mr. James Baumann

Dr. Andrea Brown

Dr. David Fields

Ms. Lanita Koster

Ms. Melinda LaBarre

Dr. Hall moved that the Board enter into closed session under the exceptions set forth in the Open Meetings Act of the State of Illinois as follows:

Section c 1 for the purpose of considering the appointment, employment, compensation, performance or dismissal of an employee;
Section c 3 for the purpose of considering the selection of a person to fill a public office, and

Section c 11 for the purpose of considering pending or probable litigation against or affecting the Board, and

The Board entered into closed session at 8:53 a.m. and reconvened from closed session at 11:01 p.m.

**PUBLIC PARTICIPATION**

Representatives from the Illinois Association of School Nurses, the Illinois Nurses Association (INA), and the Illinois Statewide School Management Alliance provided their positions on Part 226 compromised language.

**STUDENT ADVISORY COUNCIL PRESENTATION**

The Student Advisory Council (SAC) presented its report to the ISBE on Cyber-bullying which has become a significant issue for students in Illinois.

The Student Advisory Council Power Point Presentation can be found on the Illinois State Board of Education Website: [http://www.isbe.state.il.us/SAC/pdf/SAC-2012-Presentation.pdf](http://www.isbe.state.il.us/SAC/pdf/SAC-2012-Presentation.pdf)

**RESOLUTIONS & RECOGNITION**

**Recognition of Student Advisory Council Members**

Chairman Chico presented the following graduating seniors with Certificates of Appreciation: Abhinav Brahmamdam, Emily Chesser, Austin Evans, Myles Gearon, Aaron Grayslake, Massie Mahoney, Erin Martell, Neshal Patel, Sarah Reising-Rechner, Conor Reilley, and Andrew VanTreeck.

**Recognition of Linda Mitchell**

Mr. Baumann moved that the Illinois State Board of Education adopt a resolution recognizing Linda Mitchell. Dr. Fields seconded the motion and it passed with a unanimous roll call vote.

**CONSENT AGENDA**

**Motion:** Ms. Koster moved that the State Board of Education hereby approves the consent agenda, as presented. Ms. LaBarre seconded the motion and it passed with a unanimous roll call vote.

The following motions were approved by action taken in the consent agenda motion.

**Approval of Minutes**

The State Board of Education hereby approves the minutes for the June 20-21, 2012, board meeting.

**Rules for Initial Review**

Part 60 (“The Grow Your Own” Teacher Education Initiative)

Part 65 (New Teacher Induction & Mentoring)

**Rules for Adoption**

Part 25 (Certification)

Part 51 (Dismissal of Tenured Teachers under Article 24 Tenured Teachers and
Contracts and Grants Over $1 Million

Contract Renewal

ROE #48-Peoria County for the Illinois Virtual School
The State Board hereby authorizes the Agency staff to renew the contract with the Regional Office of Education #48 – Peoria County through June 30, 2013, and to increase the contract’s amount by $1,200,000, such that the total amount of the contract shall be $5,804,822. This contract is for the administration and management of the Illinois Virtual School.

Request to Extend
American Institutes for Research (AIR)
formally known as Learning Point Associates (LPA)
The State Board hereby authorizes the Agency staff to extend the contract with the Regional American Institutes for Research (A/K/A Learning Points Associates) through August 31, 2012, and to increase the contract’s amount by $25,000 such that the total amount of the contract shall be $2,456,504. This contract is to provide technical assistance and monitoring of the 21st Century Learning Center grantees.

Approval to Release RFSP
Performance Evaluation Reform Act (PERA) Research-Based Study
The State Board hereby authorizes the State Superintendent to release a Request For Sealed Proposals (RFSP) to obtain an entity to conduct the PERA Research Based Study whereby, upon further State Board approval, one eligible entity will be selected to receive a contract in an amount not to exceed $1,454,900, over the term of the contract. The contract term is anticipated to be September 1, 2012 through June 30, 2013, with 2 possible renewal periods.

Request to Release RFSP
Mentoring and Induction Technical Assistance
to Race to the Top (RttT) Local Education Agencies (LEAs)
The State Board hereby authorizes the State Superintendent to release a Request For Sealed Proposals (RFSP) to obtain entities to provide technical assistance for the induction and mentoring programs developed by the participating Local Education Agencies (LEA) and for the development of mechanisms to ensure program quality and accountability whereby, upon further State Board approval, one eligible entity will be selected to receive a contract in an amount not to exceed $1,053,424, over the term of the contract. The contract term is anticipated to be November 1, 2012, through June 30, 2013, with 2 possible renewal periods.

School Improvement Grant 1003G
The Board hereby authorizes the State Superintendent to enter into three (3)
respective grant agreements for the provision of School Improvement Grants (SIG) with Cahokia USD 187 in the amount not to exceed $6,000,000; with Chicago Public Schools 299 in an amount not to exceed $36,179,625; and with East St. Louis SD 189 in an amount not to exceed $6,000,000 over three (3) year grant term (i.e., FY 2013 through FY 2015).

Appointments to the Department of Juvenile Justice

The State Board of Education hereby approves the following recommended appointments to the Board of Education for Department of Juvenile Justice School District:

- Mr. James Gunnell, Executive Director of A.E.R.O Special Education Cooperative, Chicago, IL
- Tersa Dunbar Garrett Ed.D., Principal, Nash School, Chicago Public Schools, Chicago, IL
- Mr. Carl Ellis, Telecommunications Specialist, AT&T, Chicago, IL
- Mr. Donald E. Smoot, Retired Director of Three Rivers Education for Employment System, Oakwood, IL

Update to the Strategic Plan

The State Board of Education hereby approves the Draft 2012 Strategic Plan Progress Report as presented per discussion in the June Board meeting.

New Leaders New Schools

Unit Recognition and Program Approval

The State Board of Education hereby recognizes New Leaders an educational unit and approves New Leaders to Provide their Principal Preparation Program in accordance with Section 25.65 of Part 23 of the Illinois Administrative Code.

FY11 Financial Audit Report


FY13 Internal Audit Plan

The State Board of Education hereby accepts the FY2013/FY2014 Audit Plan.

END OF THE CONSENT AGENDA

SCALE SCORES RANGES FOR ACADEMIC PROFICIENCY

Ms. LaBarre moved that the State Board of Education hereby sets the passing scores for the sub tests of the TAP as follows:

TAP Writing sub test passing score is set at a scaled score of 8; Reading Comprehension passing score 37; Language Arts passing score 37; and Mathematics passing score 29.

The State Board of Education sets a composite score of 22 or above on the ACT to meet the requirement for passing a test of basic skills if an individual requests to use this assessment. The ISBE should align timelines for the ACT to be considered valid with the timelines considered valid for the TAP.

The State Board of Education understands that higher education institutions may need more time to remediate students so that they can pass the TAP. Therefore, institutions may establish requirements for provisionally admitting students into their programs. Further, institutions must commit to assist these students so that
they can be successful with the TAP. Institutions shall establish policies for informing their students of any requirements for provisional admission. Students must pass the TAP or have an ACT of 22 or above for “full admission” into teacher education and individuals must be fully admitted one semester prior to student teaching.

Dr. Brown seconded the motion and it passed with a unanimous roll call vote. 8-0

TRANSFER OF PRAIRIE CROSSING CHARTER SCHOOL AND SOUTHLAND COLLEGE PREP CHARTER SCHOOL FROM ISBE TO ILLINOIS STATE CHARTER SCHOOL COMMISSION

Dr. Hall moved that the State Board of Education hereby approves the transfer of authorization of Southland College Prep Charter High School and Prairie Crossing Charter School from the State Board of Education to the State Charter School Commission, effective July 1, 2012.

Dr. Fields seconded the motion and it passed with the previous unanimous roll call vote.

DISSOLUTION OF THE VENICE OVERSIGHT PANEL

Jim Baumann moved that the State Board of Education approves the dissolution of the Venice School District Financial Oversight Panel, effective July 1, 2012, and that all controls and powers are relinquished back to the Venice School Board and their administrators in accordance to the Illinois School Code.

Dr. Hall seconded the motion and it passed with the previous unanimous roll call vote.

APPROVAL OF EAST ST. LOUIS FINANCIAL OVERSIGHT PANEL REQUEST

Dr. Brown moved that the Board hereby approves the East St. Louis School District #189 Financial Oversight Panel’s petition for an Emergency Financial Assistance Loan in an amount not to exceed $29,876,000 in accordance with 105 ILCS 5/1B-8 and authorizes Agency staff to present the petition to the Illinois Finance Authority at its July 2012 Board Meeting.

Dr. Hall seconded the motion and it passed with the previous unanimous roll call vote. 8-0

DISTRICT OVERSIGHT PANEL EAST ST. LOUIS

Dr. Fields moved that the Board hereby authorizes the State Superintendent of Education to direct the regional superintendent of schools to remove each of the school board members of East St. Louis School District 189 pursuant to Section 2-3.25f(b) of the Illinois School Code [105 ILCS 5/2-3.25f(b)]. The Board further directs the State Superintendent to appoint an Independent Authority and shall name one of the Independent Authority members to serve as its chair. The Independent Authority shall exercise the powers and duties necessary to operate the district for purposes of improving student performance and to achieve school improvement. The Board further directs the State Superintendent to establish performance criteria to determine measures of district progress and eventual restoration of local control.

Dr. Hall seconded the motion and it passed with the previous unanimous roll call vote. 8-0

DISTRICT OVERSIGHT

Mr. Gilford moved that the Board hereby authorizes the State Superintendent of Education to direct the regional superintendent of schools to remove each of the
school board members of North Chicago Community Unit School District #187 pursuant to Section 2-3.25f(b) of the Illinois School Code [105 ILCS 5/2-3.25f(b)]. The Board further directs the State Superintendent to appoint an Independent Authority and shall name one of the Independent Authority members to serve as its chair. The Independent Authority shall exercise the powers and duties necessary to operate the district for purposes of improving student performance and to achieve school improvement. The Board further directs the State Superintendent to establish performance criteria to determine measures of district progress and eventual restoration of local control.

Ms. Koster seconded the motion and it passed with a unanimous roll call vote. 8-0

Mr. Baumann moved that the Illinois State Board of Education hereby approve the appointment of the Financial Oversight Panel under Section 1H-15(c) [105 ILCS 5/1H-15(c) of the School Code for Proviso Township High School District 209 effective this date July 1, 2012.

Dr. Fields seconded the motion and it passed with a unanimous roll call vote. 8-0

Dr. Hall moved that the meeting be adjourned. Mr. Gilford seconded the motion and it passed with a unanimous voice vote. The meeting adjourned at 12:31 p.m.

Respectfully Submitted,

Dr. Vinni Hall
Board Secretary

Mr. Gery J. Chico
Chairman
ILLINOIS STATE BOARD OF EDUCATION MEETING
August 16, 2012

TO: Illinois State Board of Education

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

Agenda Topic: Action Item: Proposed Amendments for Initial Review: Part 25 (Certification)

Materials: Recommended Rules

Staff Contacts: None

Purpose of Agenda Item
The purpose of the 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 proposal relates to Goal 2 (highly prepared and effective teachers and school leaders), as it addresses options a candidate for educator preparation programs or applicants for educator licenses may consider when providing evidence of possessing basic academic skills.

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

Background Information
On June 21, 2012, the Illinois State Board of Education adopted a policy to allow candidates for entry into educator preparation programs and applicants for Illinois educator licenses to use a minimum composite score received on the ACT® or SAT® in lieu of passing the Illinois test of basic skills (i.e., Test of Academic Proficiency). In order to allow candidates and applicants currently applying for programs and licenses to choose this alternative method, the Board’s policy must be placed in administrative rules.

On July 24, 2012, an emergency rulemaking incorporating this change went into effect. Concurrent ordinary rulemaking is needed so that these provisions will be in place when the 150-day effectiveness of the emergency amendments comes to an end. The ordinary rulemaking will be published in the Illinois Register for public comment and once adopted, would replace the emergency amendments.

Analysis and Implications for Policy, Budget, Legislative Action and Communications
Policy Implications: Section 21B-30 of the School Code requires that each candidate for entry into an educator preparation program or applicant for an educator license provide evidence of passing a test of basic skills. The Illinois State Board of Education identifies the test to be used to assess basic skills, as well as establishes the minimum scores a candidate or applicant must achieve in order to pass the test. In April, following a standard score-setting process, an outside panel recommended the cut scores to be used on the basic skills test, or Test of Academic Proficiency, and presented those scores to the State Educator Preparation and Licensure Board and the State Board of Education for their adoption.

This rulemaking responds to concerns expressed by representatives of institutions of higher education that a portion of candidates for educator preparation programs are unable to garner a passing score on all components (i.e., reading, language arts, mathematics and writing) of Illinois’ test of basic skills, based on the new cut scores adopted by the State Board of Education. As a result, the Board supported an alternative method of showing competency in basic skills by accepting a score on either the ACT® or SAT® that is considered to be “college ready”. The candidate or applicant may use only a composite score from an ACT® or SAT® test that included a writing component. As with the test of basic skills, no score on the ACT® or SAT® may be more than five years old at the time it is used for program admission or when applying for an educator license. The minimum score for either the ACT® or SAT® that will be accepted as “college ready” has been posted on the State Board’s website, and any modifications to those scores will be posted no later than January 1 of the year in which the minimum composite score take effect.

Providing a second option for admission into educator preparation programs has the potential to benefit a large number of candidates, especially those who have been unable to pass a particular component, or subtest (i.e., reading, language arts, mathematics and writing), of Illinois’ test of basic skills. Additionally, high school students entering postsecondary programs could use their ACT® score, if it is at or above the minimum, for admission to an educator preparation program rather than having to take the basic skills test at a cost of $125. Students from Illinois public high schools have taken the ACT® test as part of the State assessment, so it is likely that no further testing would be needed for these students.

Finally, the proposed amendments allow an institution to provisionally admit a candidate who has taken the basic skills test but has not passed all four subtests, when the institution provides the candidate with the supports and remediation needed to pass the subtest and the candidate is fully admitted at least one full semester before he or she begins student teaching.

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

Pros and Cons of Various Actions
The goal of the basic skills test is to assure educator preparation programs that their candidates have the knowledge and skills in English language arts and mathematics that a competent teacher must possess. Therefore, it is reasonable to use other measures, such as results of college entrance exams, as evidence of possessing those basic skills.

On the other hand, a minimum composite score on the ACT® or SAT® does not guarantee that the student has achieved a basic level in each of the subareas of reading comprehension, language arts, mathematics and writing. A candidate unable to pass a certain subtest, such as
mathematics, could be admitted to an educator preparation program based on his or her composite ACT® or SAT® score even if he or she has a low score in mathematics. Allowing other options also may encourage candidates to forgo the test of basic skills altogether and rely only on their college entrance exam score.

**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:

> Certification (23 Illinois Administrative Code 25),

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

**Next Steps**

With the Board’s authorization, staff will submit the proposed amendments to the Administrative Code Division for publication in the *Illinois Register* to elicit public comment. Additional means, such as the *Superintendent’s Weekly Message* and the agency’s website, will be used to inform interested parties of the opportunity to comment on this rulemaking.
STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

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 (Through December 31, 2012)
25.32 Teacher Leader Endorsement (Beginning September 1, 2012)
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
STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

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 Educator Preparation and Licensure 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)
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

Section
25.300 Relationship Among Credentials in Subpart E
25.310 Definitions (Repealed)
25.311 Administrative Certificate (Repealed)
25.313 Alternative Route to Administrative Certification (Through August 31, 2013)
25.314 Alternative Route to Administrative Certification for Teacher Leaders
25.315 Renewal of Administrative Certificate
25.320 Application for Approval of Program (Repealed)
25.322 General Supervisory Endorsement (Repealed)
25.330 Standards and Guide for Approved Programs (Repealed)
25.333 General Administrative Endorsement (Repealed)
25.335 General Administrative Endorsement (Through June 30, 2014)
25.337 Principal Endorsement (2012)
STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

25.338 Designation as Master Principal (Repealed)
25.344 Chief School Business Official Endorsement (Repealed)
25.355 Superintendent Endorsement (Repealed)
25.365 Director of Special Education

SUBPART F: GENERAL PROVISIONS

Section
25.400 Registration of Certificates; Fees
25.405 Military Service
25.410 Revoked Certificates
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AUTHORITY: Implementing Articles 21 and 21B and Section 14C-8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5(Art. 21, Art. 21B, 14C-8, and 2-3.6].


SUBPART I: ILLINOIS CERTIFICATION TESTING SYSTEM

Section 25.720 Applicability of Testing Requirement and Scores

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

b) Basic Skills Test (Test of Academic Proficiency)

Except as provided in subsections (b)(1) and (2) of this Section, each candidate seeking an Illinois certificate (teaching, administrative, or school service personnel) or license (professional educator license or educator license with
stipulations), whether it is his or her first certificate or license or a subsequent certificate or license, shall be required to pass a test of basic skills authorized under Section 21B-30 of the School Code [105 ILCS 5/21B-30]. Further, Section 21B-30(c) of the School Code requires passage of this test as a prerequisite to enrollment in an Illinois teacher preparation program.

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

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

3) A person who has passed another state’s test of basic skills as a condition of licensure certification or admission to a teacher preparation program shall be required to take the Illinois basic skills test before receiving a certificate or license. (See Section 21B-35 of the School Code.)

4) The Illinois test of basic skills test will be administered as four separate subtests: reading comprehension, language arts, mathematics, and writing.

   A) Individuals may take all four subtests or any combination of the individual subtests during a single test administration.

   B) Scores on basic skills subtests can be “banked,” and an individual will not be required to take a subtest again once he or she has achieved a passing score on that subtest.

   C) Each test administration of the Illinois test of basic skills test in which an examinee participates shall count toward the testing limit established under subsection (i) of this Section, regardless of the number of subtests the examinee includes as part of that particular test administration.

5) In lieu of passing the Illinois test of basic skills, a candidate seeking admission to an Illinois educator preparation program or applicant for an educator license may submit for consideration his or her composite score from either the ACT® or the SAT® test.
A) The State Superintendent shall determine and post on the State Board’s website no later than August 1, 2012 the minimum composite score on each test that will be accepted under this subsection (b)(5). Should either of the minimum scores be modified, the State Superintendent shall inform educator preparation programs no later than January 1 of the score to be used and shall modify the State Board’s website accordingly.

B) The candidate or applicant may apply to the State Board of Education for consideration of his or her ACT® or SAT® results, using a form provided by the State Superintendent of Education for this purpose. The candidate or applicant shall direct ACT® or the College Board to send an official score report of his or her composite score to the address provided on the application form.

C) A composite score meeting the minimum shall be accepted only if the ACT® or the SAT® test that the candidate or applicant completed included a writing component or subtest for which a score is provided.

D) ACT® or SAT® results are subject to the requirements of subsection (f) of this Section.

E) ACT® or SAT® results are subject to the requirements of subsection (i) of this Section only to the extent that an individual who has failed the Illinois test of basic skills five times shall not rely upon achievement of the minimum composite score on the ACT® or SAT® to be admitted to the educator preparation program or to receive an educator license.

6) An educator preparation program may provisionally admit a candidate who is unable to pass each of the four subtests of Illinois’ test of basic skills, provided the following conditions are met:

1) the candidate has taken Illinois’ test of basic skills and has passed at least one of the four subtests of reading comprehension, language arts, mathematics, and writing; and
2) the educator preparation program provides supports and remediation designed to assist the candidate in passing the remaining subtests; and

3) the candidate is fully admitted into the educator preparation program at least one semester before he or she is scheduled to begin student teaching.

c) Content-Area Tests

1) Each candidate seeking an Illinois certificate or professional educator license or endorsement on that license, whether his or her first certificate or license or endorsement or a subsequent certificate or license or endorsement, shall be required to pass a content-area test for each endorsement area for which there is an applicable test (see Section 21B-30(d) of the School Code; also see Section 25.710 of this Part). Further, Section 21B-30(d) of the School Code requires passage of this test before a candidate begins student teaching or an internship or residency required for licensure, or begins serving as a teacher of record. No waivers or exemptions are available.

2) A person who has passed a test of language proficiency, authorized under Section 21B-30 of the School Code, in order to qualify for a transitional bilingual certificate or an educator license with stipulations endorsed for transitional bilingual educator education, and received that certificate or license shall not be required to retake that test in order to qualify for a bilingual education credential on another certificate or professional educator license received later. A person who has passed a test of language proficiency as a condition of admission to an Illinois preparation program shall also not be required to retake that test.

d) Assessment of Professional Teaching (APT)

In order to complete an educator preparation program, each candidate seeking his or her first Illinois early childhood, elementary, secondary, or special certificate or a professional educator license endorsed in a teaching field shall be required to pass the APT relevant to the certificate or endorsement sought (see Section 25.710 of this Part). A candidate seeking a subsequent teaching certificate or endorsement on a professional educator license of one of these types must also
pass the APT relevant to the certificate or endorsement sought, unless he or she either:

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

2) already holds another Illinois professional educator teaching certificate or a license endorsed in a teaching field that encompasses the grade levels of the certificate or endorsement sought.

e) Teacher Performance Assessment (TPA)

Beginning September 1, 2015, each candidate completing a teacher preparation program shall be required to pass the TPA (see Section 21B-30(f) of the School Code).

1) Each recognized institution offering approved teacher preparation programs shall administer the TPA during a candidate’s student teaching experience.

2) No later than July 1, 2013, each recognized institution offering an approved teacher preparation program shall begin using the TPA with at least some of its students; however, before September 1, 2015, an institution shall not require passage of the TPA as a condition for program completion for students participating in any limited implementation required under this subsection (e)(2) unless the institution requires that all candidates pass the assessment.

f) Except as provided in subsections (b)(1), (b)(2), (c)(2), and (d)(1) of this Section, for each person seeking an Illinois certificate or license, no passing score on a content area test or the APT may be more than five years old at the time application is made. (See Section 21B-30 of the School Code.) The five-year period shall be calculated from the date the test was taken to the date of receipt of the application by the State Board of Education. Scores more than five years old will not be accepted as part of an application.

1) The five-year period discussed in this subsection (f) shall apply to each score that forms part of an application received on or after July 1, 2012.
2) The five-year period discussed in this subsection (f) shall also apply to each score that forms part of an application that is pending as of June 30, 2012, and to each score that forms part of an application for which an evaluation is still valid as of that date pursuant to Section 25.427 of this Part.

g) Subject to registration in accordance with the provisions of this Subpart I, the provisions of Section 25.755(g)(1) of this Part, and the limitations of subsection (i) of this Section, an individual who has taken a paper-and-pencil test may retake that test during any subsequent, regularly scheduled administration of that test in paper-and-pencil format and may retake that test by computer during any subsequent computer-based test administration.

h) Subject to registration in accordance with the provisions of this Subpart I, the provisions of Section 25.755(g)(1) of this Part, and the limitations of subsection (i) of this Section, an individual who has taken a computer-based test may retake that test by computer after no fewer than 60 days but also may retake that test during any subsequent, regularly scheduled administration of the test in paper-and-pencil format.

i) Subsequent to January 12, 2010, no individual may attempt to pass the same test more than five times in any combination of the two formats (i.e., computer-based test or paper-and-pencil format). A score that is voided or cancelled under Section 25.755 of this Part shall be counted toward this five-time limit.

(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 Academic Officer
Nicki Bazer, General Counsel

Agenda Topic: Action Item: Proposed Amendments for Initial Review: Part 75
(Incentive Grants for Agricultural Science Teacher Education)

Materials: Recommended Rules

Staff Contacts: Dora Welker, Interim Division Administrator

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

Relationship to/Implications for the State Board’s Strategic Plan
The proposed amendments do not relate directly to the Board’s Strategic Goals since it is a technical modification necessitated by a change in the process by which grant applications are submitted.

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

Background Information
Starting in the FY2013 grant cycle, staff in the Career and Technical Education Division will begin using the agency’s Electronic Grant Management System (eGMS) to process grant applications for the Incentive Grants for Secondary Agricultural Education program. The eGMS is a self-contained secure system used to submit grant applications, modify budgets and sign certifications and assurances forms required for receipt of a grant. Agency staff also access the system when rating applications and making grant awards. The primary goal of submitting grants through eGMS is to reduce grant preparation time for school districts and other eligible applicants, improve data quality and communications, standardize agency grant applications, and improve the efficiency of the grant review and approval processes.

Analysis and Implications for Policy, Budget, Legislative Action and Communications
Policy Implications: Please see "Background" above.
Budget Implications: None.
Legislative Action: None needed.
Communication: Please see "Next Steps" below.
**Pros and Cons of Various Actions**  
This technical change is necessary to accurately convey the process by which grantees will submit their final project reports to the State Board. Not proceeding with the rulemaking will cause confusion for grantees and result in the rules being in conflict with agency policy.

**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:

- Incentive Grants for Agricultural Science Teacher Education (23 Illinois Administrative Code 75),

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’s website, will be used to inform interested parties of the opportunity to comment on this rulemaking.
TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER b: PERSONNEL

PART 75
AGRICULTURAL EDUCATION PROGRAM

SUBPART A: INCENTIVE GRANTS FOR AGRICULTURAL SCIENCE TEACHER EDUCATION

Section
75.10 Purpose and Applicability
75.20 Eligible Applicants
75.30 Application Procedure
75.40 Program Specifications; Allowable Expenditures
75.50 Criteria for the Review of Proposals; Allocation of Funds

SUBPART B: INCENTIVE GRANTS FOR SECONDARY AGRICULTURAL EDUCATION

Section
75.200 Purpose and Applicability
75.210 Eligible Applicants
75.220 Program Goals and Minimum Standards
75.230 Quality Indicators
75.240 Determination of Individual Grant Allocations
75.250 Application Procedure
75.260 Terms of the Grant

SUBPART C: INCENTIVE GRANTS FOR AGRICULTURAL TEACHER PREPARATION PROGRAMS

Section
75.300 Purpose and Eligible Applicants
75.310 Program Goals and Minimum Standards
75.320 Quality Indicators
75.330 Determination of Individual Grant Allocations
75.340 Application Procedure
75.350 Terms of the Grant
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SUBPART D: FACILITATING THE COORDINATION OF AGRICULTURAL EDUCATION

Section
75.400 Purpose and Objectives
75.410 Eligible Applicants
75.420 Application Procedure for Initial Proposals
75.430 Criteria for the Review of Initial Proposals; Allocation of Funds
75.435 Application Content and Approval for Continuation Programs
75.440 Terms of the Grant

AUTHORITY:  Implementing Sections 2-3.80 and 2-3.80a of the School Code and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.80, 2-3.80a and 2-3.6].


SUBPART B: INCENTIVE GRANTS FOR SECONDARY AGRICULTURAL EDUCATION

Section 75.260 Terms of the Grant

a) The grantee shall maintain on file documentation specific to its achievement of each quality indicator set forth on the application for funding; the documentation shall be made available for programmatic review and auditing purposes. Up to 10 percent of grantees receiving funding under this Subpart B in each fiscal year may be selected for an on-site review and/or audit.

b) In the event that the grantee closes its agricultural education department, all instructional materials, tools and equipment purchased with funds provided under this Subpart B shall be relocated by the grantee’s Education for Employment Regional Delivery System to other agricultural education programs located in that system upon approval of the State Superintendent of Education or designee.

c) No subcontracting will be allowed without the prior written approval of the State Superintendent of Education.

d) Reporting
STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

1) Each grantee shall complete electronically a final performance report that summarizes the grant activities completed during the term of the grant and the accomplishments achieved. The report shall be completed and submitted to the State Board of Education’s Division of Career and Technical Education, no later than 90 days after the end of the grant period. Funding in any subsequent grant period shall not be approved until the performance report is received, a final budget; this document will serve as the grantee’s final report for the year.

2) Prior to the final reporting deadline specified in subsection (d)(1) of this Section, each grantee shall submit to its Education for Employment Regional Delivery System director documentation of expenditures and/or information regarding the activities provided with funds awarded under this Subpart B.

e) A grantee that employs any teacher who holds a temporary provisional vocational certificate shall ensure that the teacher submits documentation to the State Board of Education of his or her completion during the grant year of the coursework that is required under 23 Ill. Adm. Code 25.72 (Temporary Provisional Vocational Certificate).

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

Plenary Packet - Page 31
TO: Illinois State Board of Education

FROM: Christopher A. Koch, Ed.D., State Superintendent of Education
      Robert Wolfe, Acting Chief Financial Officer
      Nicki Bazer, General Counsel

Agenda Topic: Action Item: Proposed Amendments for Initial Review: Part 140
              (Calculation of Excess Cost under Section 18-3 of the School Code)

Materials: Recommended Amendments

Staff Contact(s): Tim Imler, Division Administrator

Purpose of Agenda Item
The purpose of the 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 agenda item does not relate specifically to the Strategic Plan Goals, as it makes two technical corrections in the rules.

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

Background Information
The Illinois Administrative Procedure Act authorizes the Joint Committee on Administrative Rules (JCAR) to conduct periodic reviews of the rules of state agencies and to suggest rulemaking when it finds that any agency’s rules are “incomplete, inconsistent, or otherwise deficient”. As a result of such a review, JCAR has asked the agency to make two technical changes in Part 140.

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

Policy Implications. Please see “Background” above.
Budget Implications. None.
Legislative Action. None.
Communication. Please see “Next Steps” below.

Pros and Cons of Various Actions
The proposed amendments respond to a request by JCAR, the legislative body with responsibility for reviewing administrative rules, and promulgating the changes that it has identified will not increase any mandates on school districts nor contribute appreciably to the work load of the agency. On the other hand, failure to promulgate the amendments could result in further action being taken by JCAR.

**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 for:

- Calculation of Excess Cost under Section 18-3 of the School Code (23 Illinois Administrative Code 140),

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’s website, will be used to inform interested parties of the opportunity to comment on this rulemaking.
Section 140.30 Requirements for Submission of Claims

Each school district shall certify to the State Superintendent of Education, using a format specified by the State Superintendent, its report of claims for tuition payments no later than July 15. (Section 18-3 of the School Code) Claims shall reflect the costs incurred by the school district for the regular school term.

a) When a district files a claim for excess costs relative to individual students who are served in an off-site program, the claim must include:

1) a description of the regular program for which the district also claims reimbursement under Section 18-3 of the School Code that includes:

   A) The name and address of the off-site program;

   B) The total number of students who received any services in the regular program;
C) The total days of attendance of all the students claimed;

D) The total number of days for which the program was in session;

E) The amount of instruction time offered daily;

F) The name, certificate number, and assignment of each professional staff member who served the students being claimed; and

G) A brief description of the curriculum and support services that are offered in the regular program;

2) a report of the expenditures incurred by the district for the regular off-site program described pursuant to subsection (a)(1) of this Section, on forms supplied by the State Superintendent of Education;

3) the number of students in average daily attendance in the regular off-site program described in subsection (a)(1) of this Section during the term to which the claim applies;

4) a record for each student with respect to whom excess cost is being claimed, indicating:

   A) the student’s name and date of birth,

   B) the services provided to the student that are not included in or that exceed the level provided in the regular off-site program,

   C) the amount, intensity, and/or frequency of the services,

   D) the total hours of service provision, and

   E) the total cost of the services.

b) When a district files a claim for excess costs relative to students who are served in the district’s on-site programs, the claim must include:
1) a description of the services provided that exceed those otherwise provided to students served in the regular program within the attendance center in question, e.g., services not provided to the other students in that attendance center or services provided for more time than to other students within that attendance center; and

2) a record for each student containing the information specified in subsection (a)(4) of this Section.

c) Each district shall submit any additional information the State Superintendent of Education may require for the purposes of clarifying the basis for its claim.

(Source: Amended at 37 Ill. Reg. ______, effective ____________)

Section 140.40 Calculation of Reimbursement

a) The cost per student in average daily attendance (“ADA”) in the regular off-site program provided to students pursuant to Section 18-3 of the School Code will be calculated by dividing the total cost of that program as reported under Section 140.30(a)(2) of this Part by the number of students in average daily attendance in the program.

b) Reimbursable excess cost shall exist with respect to a given student only if the total costs attributable to that student exceed 120 percent of the district’s per capita tuition charge. The total costs attributable to a student who is served in an off-site program consist of the cost per student in ADA in the program the student attends, derived from the information called for in Section 140.30(a)(1) through (3) of this Part, plus any individual cost for that student. The total costs attributable to a student who is served in an on-site program consist of the district’s per capita tuition charge plus any individual cost for that student. In other words:

\[
\text{Cost per student in ADA in the program or district’s per capita tuition charge, as applicable} \\
+ \text{Individual cost for Student X} \\
= \text{Subtotal} \\
\text{Subtotal from above} \\
- 120\% \text{ of district’s per capita charge}
\]
c) If the remainder resulting from the calculation set forth in subsection (b) of this Section is a positive number, that number represents excess cost and shall be reimbursed. If the remainder is a negative number, the district’s cost has been captured by the reimbursement at 120 percent of the per capita tuition charge provided under Section 18-3 of the School Code, and no reimbursable excess cost exists.

d) The State Superintendent may decline to reimburse costs that are not adequately documented or are inappropriate to a particular student’s placement.

(Source: Amended at 37 Ill. Reg. ______, effective _____________)
TO: Illinois State Board of Education

FROM: Christopher A. Koch, Ed.D., State Superintendent of Education
Nicki Bazer, General Counsel

Agenda Topic: *Action Items: Proposed Rules for Adoption*
New Part 475 (Contested Cases and Other Formal Hearings)
Repeal of Old Part 475 (Contested Cases and Other Formal Hearings)

Materials: Recommended Rules

Staff Contacts: Jessica Riddick, Assistant General Counsel

**Purpose of Agenda Item**
The purpose of this agenda item is to present the proposed rules and repealer for adoption.

**Relationship to/Implications for the State Board’s Strategic Plan**
This set of rules links to Goal 2, supporting every student by highly prepared and effective teachers.

**Expected Outcome of Agenda Item**
The Board will be asked to adopt New Part 475 and the repeal of Old Part 475.

**Background Information (repeat from earlier Board packet)**
The overall goal of the repeal of old Part 475 and its replacement with new language is to ensure a timely administration of cases and application of due process in order to provide a fair hearing and just outcome. Part 475 rules (Subpart A) required revision to update them in keeping with several changes that were effected by P.A. 96-431, to improve and streamline the State Superintendent’s ability to investigate allegations of misconduct by license holders and, where warranted, to initiate an action before the State Educator Preparation and Licensure Board (SEPLB) to suspend or revoke a teaching license.

**Subpart A: Hearings before the State Educator Preparation and Licensure Board**

Sections in Subpart A of new Part 475 were reordered to reflect the chronological flow of a contested case, from the Issuance of a Notice of Opportunity for Hearing (the charges or compliant filed against an educator) through the final decision issued by the SEPLB and applicable reporting of that decision and sanction to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse. The reorder should also assist an educator who is charged with misconduct to better understand the process in which he or she will be involved.

The following procedural changes have been made to conform the new rules to the law:
The State Superintendent (the complainant) will serve the complaint on the educator, a change from the former practice of having the SEPLB serve the complaint;

Electronic filing of most documents associated with the hearing process (with the exception of the Notice of Opportunity for Hearing) is allowed and encouraged;

The process for the filing of and responses to motions, and the resolution of all pre-hearing matters, has been set forth more clearly;

The hearing officer is required to hold at least one pre-hearing conference;

The discovery process has been limited. The State Superintendent will disclose his or her investigative file (minus privileged documents) as a matter of course, but the process for evidence, discovery and expert witness depositions and all other written discovery has been clarified:

1. Evidence depositions will be allowed by application to the hearing officer showing that the witness will be unavailable to testify at hearing;
2. Discovery depositions will be allowed by application to the hearing officer and limited to witnesses who have not previously testified or made a statement on the relevant evidence or charges;
3. Expert witness depositions will be allowed with notice to the other party and hearing officer; and
4. Interrogatories and Requests to produce will be allowed with certain limitations.

Obtaining testimony by witness via videoconference for good cause and with adequate safeguards has been incorporated in conformance with new Illinois Supreme Court Rule 241;

The grounds on which the SEPLB can reject settlement or consent agreements entered into by the parties have been limited; and

The timelines under which the hearing officer must issue his or her recommendation, and by which the SEPLB must issue an order for its decision, have been specified.

These changes to the process should improve the State Superintendent’s ability to initiate charges against educators and to resolve these cases in a timelier manner, using agency resources judiciously.

**Subpart B: Hearings for Other Contested Cases**

Subpart B of Part 475 is proposed to govern all other kinds of contested cases that may arise under the School Code or other laws and involve the State Superintendent or the State Board of Education. The processes set forth in Subpart B are similar to those in Subpart A, but more streamlined in certain places, such as the default limitation of one hour for each party to present its case in chief.

The proposed rules were published in the Illinois Register March 9, 2012, to elicit public comment; one comment was received, from the Illinois Education Association – NEA. A summary and analysis of the public comment, and any recommendations for changes as a result, is attached.

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

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

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

Pros and Cons of Various Actions
The proposed new rules and repealer will conform agency rules to state law by incorporating the many changes to the process of formal teacher hearings promulgated through Public Act 96-431.

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 and repealer for:

Contested Cases and Other Formal Hearings (23 Illinois Administrative Code 475)

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.
Summary and Analysis of Public Comment
23 Ill. Adm. Code 475 (Contested Cases and Other Formal Hearings)

Section 475.80, Motions

Comment
The commenter asked for the addition of language to Section 475.80(i) to clarify that the hearing officer have the authority to stay or delay the time for an action for reasons other than the filing of a motion by the State Superintendent to amend the Statement of Charges. The commenter suggested that the word “granting” be used in place of the first use of the word “filing” and that “and” be changed to “or” in the following sentence.

Analysis
The comment has brought forth the need to amend language in two parts of Section 475.80(i), as only the granting of a motion as opposed to just the filing of a motion, should allow for a stay in the proceeding or an extension of time. The suggested substitution of “or” for “and” is not recommended, as such a revision could allow parties to file motions with the sole purpose of delaying the hearing date.

Recommendation
Section 475.80(i) should be amended as follows:

Subject to the filing granting of a motion to amend the Statement of Charges, as referenced in subsection (g) of this Section, and unless otherwise ordered by the hearing officer, the filing of an answer or granting of a motion shall not stay the proceeding or extend the time for the performance of any act.

Section 475.90, Discovery

Comment
The commenter disagreed with the language in Section 475.90(a) stating that documents protected by a specific privilege are to be excluded from the full investigative file given to the licensee. The writer asked that a list of those documents excluded as privileged should also be provided to the licensee, along with a process for challenging the rationale for such exclusions.

Analysis
The commenter requests a “privilege log” of items that are not disclosed as part of the Superintendent’s investigation file. Since any item deemed privileged will not be relied on as evidence to recommend that the State Superintendent pursue action and sanction against a teaching certificate, or as evidence to be introduced at hearing, there is no need to provide a privilege log. Moreover, items that may be privileged would include consultation with agency counsel; the disclosure of which could negatively affect the State Superintendent’s ability to pursue the action.

Recommendation
No change is recommended in response to this comment.

Comment
The writer asks that Section 475.90(b) (evidence depositions could be taken upon written interrogatories) be eliminated, as it would prevent cross-examination and ‘seriously impact a licensee’s due process rights.’ It is presumed that the writer would prefer evidence depositions to occur only in a live question-and-answer scenario.

**Analysis**
Staff believe that the advantages to be gained by having a written interrogatory available from a party not otherwise available to participate in a hearing should be retained in these rules.

**Recommendation**
No change is recommended in response to this comment.

**Comment**
The writer objected to the provision in Section 475.90(c)(1)(A) that in a discovery deposition situation the hearing officer is to consider whether the witness to be deposed has not testified previously in a related matter or given the State Board a statement regarding his or her relevant knowledge. The writer states that retention of this language would unfairly limit the licensee’s discovery rights, as information gathered by the State Superintendent in support of his case may not intersect with the information sought by the licensee in preparation of his or her case. Moreover, this wording would directly contradict past implementation of discovery rules as well as agreements reached by various parties in earlier discussions of School Code reform.

**Analysis**
State Board staff believe that the commenter may have misunderstood the purpose or intent of the rule. If the witness has testified in a formal matter, meaning another hearing, trial, or deposition, where there is a transcript available on the same subject, then a discovery deposition should not be permitted. If the person has never testified about the underlying issues of the current matter, then there may be grounds to permit such deposition. The proposed rule states what would constitute prior testimony: documentary evidence, testimony in a related matter, or a statement provided to the State Board (which would have been disclosed, either in the investigation file or through discovery).

**Recommendation**
No change is recommended in response to this comment.

**Comment**
In Section 475.90(c)(1)(E), the writer objects to the provision that the subject matter of a discovery deposition be included in the application for same, noting that this requirement may be difficult to meet and that it would preclude the often-important element of surprise in a deposition. The writer requests elimination of this requirement or amendment to ensure that the attorney will not be limited to only the subject-matter listed in the motion for deposition.

**Analysis**
Staff do not agree with the commenter, that the language is meant to unduly restrict the deposition process. This section lays the groundwork for the hearing officer to determine whether the deposition should occur. The party requesting the deposition must give the hearing officer some information as to why a particular witness should be deposed and why the process should be permitted. Therefore, the rationale must include the basis on which the witness is expected to testify. There is no limitation stated in this section on the actual testimony delivered by the witness or on the questions that may be posed during the deposition.
Some amendments to this section should clarify the intent.

**Recommendation**
Section 475.90(c)(1)(E) should be amended as follows:

- **c)** Discovery depositions may be taken with approval of the hearing officer, under the following circumstances.
  - 1) A party desiring to take the discovery deposition of a witness may make application in writing to the hearing officer, setting forth:
    - E) the subject matter concerning which the witness is expected to testify, for the purpose of allowing the Hearing Officer to determine if the deposition should be pursued.

**Section 475.110, Hearings**

**Comment**
The commenter asks that Section 475.110(e)(3) be amended to provide the right of the party whose evidence has been rejected to make an offer of proof.

**Analysis**
The existing language does not preclude this right, and the rules provide that a Hearing Officer shall receive offers of proof.

**Recommendation**
No change is recommended in response to this comment.

**Section 475.120, Orders**

**Comment**
The commenter objects to the limit of five minutes for a licensee to address the State Educator Preparation and Licensure Board (SEPLB) during the public participation segment of a meeting. He notes that “… the licensee has a significantly greater professional and personal interest in the outcome of her matter than the average member of the public.” He asks that the licensee be provided a clear right to address the SEPLB for a reasonable length of time (more than five minutes).

**Analysis**
State Board staff do not agree with the concern raised here. The licensee has already been permitted an entire evidentiary hearing before a hearing officer appointed by the SEPLB. Permitting additional testimony beyond a brief public comment would invite the licensee to re-litigate the matter without the State Superintendent being offered the opportunity to rebut any statement given.

**Recommendation**
No change is recommended in response to this comment.
ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULE

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER n: DISPUTE RESOLUTION

PART 475
CONTESTED CASES AND OTHER FORMAL HEARINGS

SUBPART A: HEARINGS BEFORE THE STATE EDUCATOR PREPARATION AND LICENSURE BOARD

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SUBPART B: HEARINGS FOR OTHER CONTESTED CASES

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475.320 Orders

AUTHORITY: Implementing Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and Sections 21B-15 and 21B-75 of the School Code [105 ILCS 5/21B-15 and 21B-75] and authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i)].

SOURCE: Old Part repealed at 36 Ill. Reg. _____, effective ___________; new Part adopted at 36 Ill. Reg. _____, effective ____________.

SUBPART A: HEARINGS BEFORE THE STATE EDUCATOR PREPARATION AND LICENSURE BOARD

Section 475.10 Authority and Applicability

a) This Subpart A is authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i)].

b) This Subpart A shall apply to all administrative cases under the jurisdiction of the State Educator Preparation and Licensure Board (SEPLB) pursuant to Section 21B-15 or Section 21B-75 [105 ILCS 5/21B-15 or 21B-75] of the School Code, except as provided in this subsection (b) or in subsection (c) of this Section. Administrative cases pursuant to Section 21B-15 of the School Code heard under this Subpart A shall be limited to those in which an individual is alleged to have knowingly altered or misrepresented his or her teaching qualifications in order to acquire a license.

c) Pursuant to Section 21B-15 of the School Code, the State Superintendent may recommend that any other license held by an individual alleged to have knowingly altered or misrepresented his or her teaching qualifications in order to acquire a license be suspended or revoked by the SEPLB depending on the severity of the alleged alteration or misrepresentation. Pursuant to Section 21B-75 of the School Code, the State Superintendent may recommend that a license be revoked or suspended, or that professional development be required in lieu of or in addition to revocation or suspension, for those bases set forth in Section 21B-75. For purposes of this Subpart A, “revocation” shall mean the permanent removal of a license and “suspension” shall mean the temporary removal of a license for a period of up to five calendar years.
d) When statutes or other rules applicable to the Illinois State Board of Education (ISBE) or the SEPLB contain practices different from those set forth in this Subpart A, then those separate statutes and rules shall apply. Examples include, but are not limited, to proceedings related to the renewal of licenses under Section 21-14 of the School Code [105 ILCS 5/21-14(h)(2)] and pursuant to 23 Ill. Adm. Code 25 (Certification).

e) For the purposes of this Subpart A, all references to “license” shall be understood to mean a certificate issued under Article 21 of the School Code [105 ILCS 5/Art. 21], a license issued under Article 21B of the School Code [105 ILCS 5/Art. 21B], or a paraprofessional approval issued by the ISBE in accordance with 23 Ill. Adm. Code 25.510 (Paraprofessionals; Teacher Aides).

Section 475.20  Filing and Form of Documents

a) Documents and requests permitted or required to be filed with the SEPLB or hearing officer appointed by the SEPLB in connection with a hearing pursuant to this Subpart A shall be addressed and mailed or personally delivered to the Secretary of the SEPLB, 100 North First Street, Springfield, Illinois 62777, unless another address or an alternative means of filing (such as electronic transmission or submission of facsimile copies) is designated in any order of the SEPLB or hearing officer appointed by the SEPLB. The office of the SEPLB is open for filing of documents from 8:00 a.m. to 5:00 p.m., Monday through Friday, except on federal and State legal holidays. Except as otherwise provided, a copy of all documents, including notices, motions, and petitions, shall be simultaneously filed with the designated hearing officer, if any, and the General Counsel to the ISBE (General Counsel) at 100 North First Street, Springfield, Illinois 62777 and to litigation counsel for the State Superintendent.

b) Documents shall clearly state a title for the proceedings in connection with which they are filed. Documents shall be presented in letter-quality print on one side only of letter-sized paper, and one copy of each document filed shall be signed by the party or by the party's authorized representative.

c) Computation of any period of time prescribed by this Subpart A or any other applicable requirement shall begin with the first ISBE business day following the date of filing of the document with the Secretary of the SEPLB and shall run until the end of the last day, or the next following ISBE business day if the last day is a Saturday, Sunday or legal holiday. The date of filing for any notice referenced in
this Subpart A shall be determined in accordance with Section 1.25 of the Statute on Statutes [5 ILCS 70/1.25].

Section 475.30 Requirements for Service of Documents

a) Unless otherwise provided for in this Subpart A, service of any documents may be made by personal delivery; by delivery through the United States Postal Service, postage prepaid, addressed to the last known address of the party; or by electronically using the party’s email address. Service by electronic mail is preferred. Parties having access to email are encouraged to serve documents via email. The hearing officer shall set any parameters for the use of email to serve documents to ensure the service is completed properly.

b) The person serving the document shall certify to the manner and date of service in the following form:

I certify that I served the foregoing by     (state method of delivery) on
__________________________________, 20___, addressed to the following at the address shown:

________________________________________
Signature

c) If service is made by a non-attorney, the certificate of manner and date of service shall be subscribed and sworn to before a notary public.

Section 475.40 Notice of Opportunity for Hearing

a) All actions conducted under the jurisdiction of the SEPLB shall be initiated when the State Superintendent of Education issues a written Notice of Opportunity for Hearing. The Notice shall be served by the State Superintendent or designee upon the licensee and the Secretary of the SEPLB.

b) The Notice of Opportunity for Hearing shall include:

1) A Statement of Charges alleged against the licensee, which shall consist of:
A) a short and plain statement of the material allegations asserted,

B) the citations to the statutes and rules that the licensee allegedly violated, and

C) the sanction recommended by the State Superintendent of Education;

2) The legal authority and jurisdiction under which the hearing is to be held;

3) The address to which a licensee shall send the request for hearing in accordance with subsection (e) of this Section;

4) A statement that failure to request a hearing within 10 days after receipt of the Notice of Opportunity for Hearing shall result in the recommended sanction set forth in the Notice immediately taking effect; and

5) A statement that upon the final order of the SEPLB to revoke or suspend a license, the SEPLB or its designee shall report the final disposition of the licensee to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse or its agent.

c) The service of a Notice of Opportunity for Hearing on the licensee shall be complete when it has been:

1) served in person; or

2) sent by certified or registered United States Mail, addressed to the last known address of the licensee; or

3) if service as described in subsection (c)(1) or (c)(2) of this Section cannot be perfected, then a Notice of Opportunity for Hearing shall be sent via regular United States Mail to the last known address of the licensee, and the State Superintendent shall cause publication to be made in some newspaper published in the county of the last known address of this person. If there is no newspaper published in that county, then the publication shall be in a newspaper published in an adjoining county in this State having a circulation in the county in which action is pending.
The publication shall contain, at a minimum, notice of the pendency of the State Superintendent’s action; reference to the SEPLB as the relevant tribunal; the name of the Secretary of the SEPLB; the name of the licensee; and the date on or after which default may be entered against the licensee. Pursuant to this subsection (c)(3), and for purposes of subsection (d) of this Section, receipt shall be deemed to occur upon publication.

d) If and once a licensee has requested a hearing in accordance with subsection (e) of this Section, any subsequent documents related to the matter that are served via regular United States Mail shall be sent to the address provided by the licensee on his or her written request.

e) If a licensee receiving a Notice of Opportunity for Hearing wishes to request a hearing, then he or she must file a written request for hearing within 10 days after receipt.

1) The written request for hearing shall be addressed to the State Superintendent of Education or designee, 100 North First Street, Springfield, Illinois 62777, unless another address or an alternative means of filing (such as electronic transmission or submission of facsimile copies) is designated in the Notice of Opportunity for Hearing.

2) If the State Superintendent does not receive from an individual a request for a hearing within 10 days after the individual receives notice, the suspension or revocation shall immediately take effect in accordance with the notice. [105 ILCS 5/21B-75]

f) When the request for hearing is received, the State Superintendent or designee shall notify the Secretary of the SEPLB and request a hearing officer be designated in accordance with Section 475.50 of this Part.

Section 475.50 Hearing Officer: Qualifications, Powers and Duties, and Appointment

a) When a hearing is requested in accordance with Section 475.40(e) of this Part, the SEPLB or its designee may appoint a hearing officer.

b) For the purposes of this Subpart A, a “hearing officer” is defined as either the individual so appointed by the SEPLB or, when none is appointed, the SEPLB as a whole. The hearing officer shall be an attorney licensed to practice law in
Illinois (see 5 ILCS 100/10-20) and, at the direction of the SEPLB, may either preside over the hearing in the presence of the SEPLB or conduct an independent hearing. When a hearing officer is appointed, the parties shall be notified. When no hearing officer is appointed, all authority to conduct the hearing pursuant to this Subpart A shall be exercised by the SEPLB.

c) The hearing officer shall have all powers necessary and appropriate to conduct a fair, full and impartial hearing, including without limitation the following:

1) To exercise the power of the State Superintendent of Education to issue subpoenas pursuant to any applicable statute;

2) To initiate, schedule, and conduct pre-hearing conferences, and issue related orders, pursuant to Section 475.70 of this Part;

3) To rule upon requests by either party for discovery in accordance with Section 475.90 of this Part;

4) To hold conferences for the settlement or simplification of the issues;

5) To regulate the course of the hearing and the conduct of the parties and their counsel during the hearing;

6) To administer oaths and affirmations;

7) To receive offers of proof and relevant evidence;

8) To consider and rule upon procedural requests;

9) To rule upon motions, objections, and evidentiary questions;

10) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious or cumulative testimony, and set reasonable limits on the amount of time each witness may testify; and

11) To make decisions in accordance with applicable law and rules.
d) *Except in the disposition of matters that agencies are authorized by law to entertain or dispose of on an ex parte basis,* no agency employee or hearing officer shall, after notice of hearing pursuant to this Part, communicate, directly or indirectly, in connection with any issue of fact, with any person or party, or in connection with any other issue with any party or representative except upon notice and opportunity for all parties to participate. However, an agency member may communicate with other members of the agency, and an agency member or hearing officer may have the aid and advice of one or more personal assistants. [5 ILCS 100/10-60]

e) Disqualification

1) When a hearing officer deems himself or herself disqualified to preside over a particular hearing, he or she shall withdraw by notice on the record directed to the Secretary of the SEPLB.

2) The SEPLB, on its own motion or the motion of any party, may disqualify a hearing officer for bias or conflict of interest as provided under Section 10-30(b) of the Illinois Administrative Procedure Act [5 ILCS 100/10-30(b)], for physical or mental incapacity, or for persistent failure to meet statutory or other timelines. A party’s motion shall be supported by affidavits setting forth the alleged grounds for disqualification. A motion by the SEPLB shall state the alleged grounds for disqualification.

3) In the event that a hearing officer is disqualified, the SEPLB or its designee shall appoint a new hearing officer in accordance with subsection (b) of this Section.

f) Failure or Refusal to Appear or to Obey the Rulings of a Hearing Officer

1) Contumacious or improper conduct at any hearing before the hearing officer may be grounds for exclusion from the hearing.

2) If a witness or a party refuses to answer a question after being directed to do so or refuses to obey an order to provide or to permit discovery, then the hearing officer may make any orders with regard to the refusal as are just and appropriate, including an order regulating the contents of the record of the hearing or recommending the sanction recommended by the State Superintendent in the Notice of Opportunity for Hearing.
g) At the request of any party, the hearing officer shall exclude all witnesses from the hearing room, except that, at any time, one representative of each party in addition to counsel shall be allowed to be present, even if that representative is also a witness. Individuals who are not witnesses are not affected by this subsection (g).

h) On any procedural question not regulated by this Subpart A, the appropriate Act, or the Illinois Administrative Procedure Act [5 ILCS 100], a hearing officer may be guided to the extent practicable by any pertinent provisions of the Illinois Supreme Court Rules or the Illinois Code of Civil Procedure [735 ILCS 5].

Section 475.60 Appearance of Parties

Any person entitled to participation in the proceedings may appear as follows:

a) A natural person may appear on his or her own behalf or by an attorney designated in writing; and

b) An attorney appearing on behalf of a party shall file a written notice of appearance.

Section 475.70 Pre-Hearing Conferences

a) Convening a Conference: Within 10 ISBE business days following the appointment of the hearing officer, the hearing officer shall contact the parties or their counsel for the purpose of scheduling an initial pre-hearing conference with the hearing officer that shall take place within the next 30 ISBE business days to consider:

1) Simplification of the issues;

2) The date by which the licensee shall file an Answer to the Statement of Charges, if the licensee intends to do so in accordance with Section 475.80(a) of this Part;

3) A schedule for each party to file requests for any applicable discovery;

4) Necessity or desirability of amendment to documents for purposes of clarification, simplification or limitation;
5) Stipulations, admissions of fact and of contents, and authenticity of documents;

6) Limitation of the number of witnesses;

7) Prior mutual exchange between and among the parties who have prepared testimony or exhibits; and

8) Other matters as may tend to expedite disposition of the proceedings and assure a just conclusion of the proceedings.

b) Subsequent pre-hearing conferences may be held upon the hearing officer’s own motion or the motion of a party.

c) Record of Conference: The hearing officer shall make an order that recites the action taken at any conference held, the amendments allowed to any documents that have been filed, and the agreements made between the parties as to any of the matters considered. This order shall limit the issues for hearing to those not disposed of by admissions or agreements, and the order, when entered, shall control the subsequent course of the hearing unless modified by subsequent order of the hearing officer to prevent manifest injustice.

Section 475.80 Motions

a) A written answer to the Statement of Charges is not required; however, if a licensee desires to file a written answer, then he or she shall file that answer by the deadline set in any scheduling order established by the hearing officer at the initial pre-hearing conference (see Section 475.70(a) of this Part). Failure to file an answer shall be deemed a general denial of matters asserted.

b) Unless made orally on the record during a hearing, or unless the hearing officer directs otherwise, a motion shall be in writing. A written brief may be filed in support of a motion, and a response to a motion may take the form of a written brief, stating the arguments and authorities relied upon. Any written brief shall be accompanied by any affidavits or other evidence relied upon and, when appropriate, by a proposed order. Motions and any supporting briefs shall be filed and served in accordance with Sections 475.20 and 475.30 of this Part.
c) Within seven days after service of a written motion, or other period of time as the hearing officer may prescribe, owing to the complexity of the issues involved, a party may file a response in support of or in opposition to the motion, accompanied by affidavits or other evidence.

d) Any motions contesting jurisdiction or otherwise seeking dismissal of a matter shall be filed no later than 21 days prior to the date of the hearing.

e) No oral argument shall be heard on a motion unless the hearing officer directs otherwise. If oral argument is permitted, then the hearing officer shall issue an order setting a date, time, and place for the argument. The hearing officer, in his or her sole discretion, may select the mode of communication for any such oral argument (e.g., telephone conference, video-conference, in-person).

f) A written motion shall be disposed of by written order by the hearing officer, with notice to all parties.

g) Prior to the commencement of any hearing, the State Superintendent may file a written motion seeking to amend the Statement of Charges. This motion may be granted by the hearing officer for reasons including, but not limited to, the discovery of new evidence. If the State Superintendent is granted leave by the hearing officer to file an amended Statement of Charges, then, unless otherwise agreed to by the parties, any hearing date previously set shall be stricken and reset for a new date at least 30 days after the amended Statement of Charges is received by the licensee. The hearing officer, in the order granting leave to the State Superintendent to amend the Statement of Charges, shall include any changes to the pre-hearing schedule resulting from an amended Statement of Charges.

h) The hearing officer shall rule upon all motions prior to the presentation of evidence or testimony at the hearing, except that a hearing officer shall have no authority to dismiss or decide a hearing on the merits without granting all parties to the proceeding a right to be heard and to establish a record. A hearing officer shall submit any recommendation on a licensee’s motion for dismissal to the SEPLB, with a copy submitted to the parties of record, setting forth his or her legal and factual bases for the recommendation. Each party of record shall be allowed 14 days from receipt of the recommendation in which to submit exceptions to the recommendation and to present a brief to the hearing officer in support of the position of the party. If a party files an exception within 14 days,
the other party shall be permitted seven days from the date the first party filed the exception to file its own exception. If the SEPLB denies the hearing officer’s recommendation to dismiss, then it shall order the hearing officer to continue with the hearing in accordance with Section 475.110 of this Part. If the SEPLB grants a party’s motion to dismiss, then it shall enter an appropriate order.

i) Subject to the granting of a motion to amend the Statement of Charges, as referenced in subsection (g) of this Section, and unless otherwise ordered by the hearing officer, the filing of an answer or granting of a motion shall not stay the proceeding or extend the time for the performance of any act.

j) A hearing may be postponed or continued for good cause by the hearing officer upon the hearing officer’s own motion or upon motion of a party to the hearing. The motion of the party shall set forth facts attesting that the request for continuance is not for the purpose of undue delay. Notice of any postponement or continuance shall be given in writing to all parties to the hearing within a reasonable time in advance of the previously scheduled hearing date. All parties involved in a hearing shall attempt to avoid undue delay caused by repeated postponements or continuances so that the subject matter may be resolved expeditiously.

Section 475.90  Discovery

a) Within 14 business days after a hearing officer has been appointed, the State Superintendent shall provide the licensee the full investigative file pertaining to the matters at issue, excluding only documents that are protected by a specific privilege. Parties shall exchange, and provide a copy to the hearing officer of, the documents or exhibits to be used at the hearing and list of witnesses to be called at the hearing no later than 14 days prior to the hearing, or by a deadline otherwise set by the hearing officer.

b) Evidence depositions may be taken with approval of the hearing officer for reasons of unavailability or for other good cause shown. The depositions may be taken orally, or upon written interrogatories before any person designated by the hearing officer and having the power to administer oaths. Any party desiring to take the evidence deposition of a witness shall make application in writing to the hearing officer, supported by affidavit, setting forth:
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1) The reasons why the deposition should be taken, including the reasons why the evidence deposition should be allowed in lieu of live testimony at the hearing; that is, a statement as to why the witness shall be unavailable to testify at hearing, or what other good cause exists to allow the witness to testify through an evidence deposition rather than live testimony at the hearing;

2) The time when, the place where, and the name and post office address of the person before whom the deposition is to be taken;

3) The name and address of each witness; and

4) The subject matter concerning which the witness is expected to testify.

c) Discovery depositions may be taken with approval of the hearing officer, under the following circumstances.

1) A party desiring to take the discovery deposition of a witness may make application in writing to the hearing officer, setting forth:

A) the reasons why the deposition should be taken, including that, to the best of the party’s knowledge, there is no documentary evidence indicating the relevant knowledge of the individual to be deposed and that the individual to be deposed has not testified previously in a related matter or provided to ISBE a statement regarding his or her relevant knowledge;

B) that the deposition is necessary for a just disposition of any issue in a hearing;

C) the time when, the place where, and the name and post office address of the person before whom the deposition is to be taken;

D) the name and address of each witness; and

E) the subject matter concerning which the witness is expected to testify, for the purpose of allowing the Hearing Officer to determine if the deposition should be pursued.
2) The hearing officer may allow a party to take a discovery deposition upon a finding that:

A) there is no documentary evidence indicating the relevant knowledge of the individual to be deposed;

B) the individual to be deposed has not testified previously in a related matter or provided to ISBE a statement regarding his or her relevant knowledge; and

C) the deposition is necessary for a just disposition of any issue in a hearing.

d) Notwithstanding anything to the contrary in subsection (c) of this Section, the parties shall have the right to conduct a deposition of an expert witness (only if the expert witness has been identified as a witness who will testify at the hearing) and may do so by providing notice to the other party and the hearing officer, setting forth:

1) The time when, the place where, and the name and post office address of the person before whom the deposition is to be taken; and

2) The name and address of the expert witness.

e) Any depositions shall be conducted pursuant to the Illinois Code of Civil Procedure [735 ILCS 5]. Any notice of deposition shall be given by the party taking the deposition to every other party.

f) The hearing officer shall allow for interrogatories and requests for production of documents, provided that:

1) A party may not serve more than 30 interrogatories, including subparts on any other party, except upon agreement of the parties or leave of the hearing officer granted upon a showing of good cause; and

2) Interrogatories and requests for production shall be restricted to the subject matter of the Statement of Charges or defense and shall avoid placing undue detail, excessive burden, or expense on the answering party.
g) The hearing officer may allow for other discovery if appropriate to a just disposition of any issue in a hearing.

Section 475.100 Notice of Hearing

a) A Notice of Hearing shall be issued by the hearing officer and shall be served no fewer than 30 days before the day designated for the hearing, unless otherwise agreed to by all parties to a matter.

b) A Notice of Hearing served under this Section shall include:

1) The time and location of the hearing.

   A) The location of the hearing shall be in the educational service region where the educator is or was last employed [105 ILCS 5/21B-75].

   B) Alternatively, upon request by the licensee, the location of the hearing may be held in a location agreed upon by all of the parties to the hearing.

2) The name of the hearing officer, if any, to preside over the hearing, and the hearing officer’s address.

Section 475.110 Hearings

a) The location of the hearing shall be the location included on the Notice of Hearing (see Section 475.100(b)(1) of this Part). All hearings shall be public unless required by statute or if the hearing officer determines, in his or her sole discretion, that the circumstances at any hearing warrant closure of the hearing in whole or in part.

b) The following shall be the order of proceedings of all hearings, subject to modification by the hearing officer for good cause:

1) Presentation, argument, and disposition of motions preliminary to a hearing on the merits of the matters raised in the Notice of Opportunity for Hearing and Statement of Charges or answer;
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2) Presentation of the State Superintendent’s opening statement;

3) Presentation of the licensee’s opening statement;

4) The State Superintendent’s case;

5) The licensee’s case;

6) The State Superintendent’s rebuttal, if any;

7) The licensee’s rebuttal, if any;

8) The State Superintendent’s closing statement;

9) The licensee’s closing statement;

10) Presentation and argument of all motions prior to final order;

11) Presentation of written briefs pursuant to subsection (j) of this Section;

12) Filing of proposed findings of fact and conclusions of law, and recommendations of the hearing officer.

c) The State Superintendent of Education shall have the burden of proof. The standard of proof for any administrative hearing held pursuant to this Subpart A shall be by the preponderance of the evidence. [105 ILCS 5/21B-75]

d) Failure of a party to appear on the date set for the hearing or failure to proceed at the hearing as ordered by the hearing officer may, at the sole discretion of the hearing officer, constitute a default. In the case of a default, the hearing officer shall enter the findings, opinions, and recommendations as are appropriate based on the pleadings and evidence received into the record.

e) Evidence

1) A party shall be entitled to present the party’s case or defense and oral or documentary evidence, to submit rebuttal evidence, and to conduct any cross-examination as may be required for full and true disclosure of the
facts. Any oral or documentary evidence may be received but a presiding hearing officer may exclude evidence that is irrelevant, immaterial or unduly repetitious. The rules of evidence and privileges applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under those rules of evidence may be admitted, except where excluded by statute, if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, a hearing officer may allow evidence to be received in written form. [5 ILCS 100/10-40]

2) The testimony of a witness shall be under oath or affirmation administered by the hearing officer or a certified court reporter.

3) If a party objects to the admission or rejection of any examination, or to the failure to limit its scope, then the party shall state briefly the grounds for the objection. Rulings on all objections shall appear in the record. When the admissibility of disputed evidence depends upon an arguable interpretation of substantive law, the hearing officer shall admit the evidence subject to the right of the hearing officer to strike the evidence from the record either during the hearing or as a part of the proposed findings of fact and conclusions of law if the hearing officer determines that it was improperly admitted, in which case it shall not be considered in making proposed findings of fact, conclusions of law, and recommendations.

4) Formal exception to an adverse ruling is not required.

5) A hearing officer may, for good cause shown in compelling circumstances and upon appropriate safeguards, permit presentation of testimony at hearing by contemporaneous transmission from a different location (i.e., video-conference technology).

A) Good cause or compelling circumstances include when a witness is unexpectedly unable to attend the hearing, such as due to accident or illness, but is still able to testify remotely. Good cause can be established by agreement between the parties, and advance notice should be required.
B) Adequate safeguards are necessary to ensure accurate identification of the witness and protect against influences by other people present with the witness.

f) Official notice may be taken of any material fact not appearing in evidence in the record if the circuit courts of this State could take judicial notice of this fact. *In addition, notice may be taken of generally recognized technical or scientific facts within the specialized knowledge of the SEPLB. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the facts so noticed. The SEPLB’s expertise, technical competence and specialized knowledge of the SEPLB may be utilized in the evaluation of the evidence.* [5 ILCS 100/10-40(c)]

g) Hostile or Adverse Witness

1) If the hearing officer determines that a witness is hostile or unwilling or adverse, then the witness may be examined by the party calling the witness as if under cross-examination.

2) The party calling an occurrence witness, upon the showing that the party called the witness in good faith and is surprised by the witness’ testimony, may impeach the witness by proof of prior inconsistent statements.

h) *Oral proceedings or any part thereof shall be recorded* [5 ILCS 100/10-35(b)] by a certified court reporter. These records shall be transcribed either:

1) upon written application filed with the reporter or hearing officer by any party and upon the payment of fees at the rate provided in the agreement with the reporter or as established by the State Superintendent of Education, or

2) upon receipt of summons in administrative review or an order of a court, with payment of fees when allowed or required by statute. Any recording or transcription shall be retained through and including the time allotted for appeal, revision, re-hearing, or other manner of review, prior to final disposition as provided for by the SEPLB or by law.
The official record of each hearing conducted pursuant to this Subpart A shall consist of the items enumerated in Section 10-35(a) of the Illinois Administrative Procedure Act [5 ILCS 100/10-35(a)] and shall be maintained by the Secretary of the SEPLB.

The hearing officer shall allow parties to submit written briefs within 21 days after the close of the hearing or any other reasonable time as the hearing officer shall determine, consistent with the SEPLB’s responsibility for expeditious decision.

Section 475.120 Orders

a) Consent Orders: At any time, the parties shall be afforded a reasonable opportunity to negotiate a settlement agreement containing consent findings and a rule or order disposing of the whole or any part of the proceedings. The parties shall notify the hearing officer that they have entered into settlement discussions or negotiations or have entered into an agreement disposing of the proceedings. Consent orders may constitute an agreement by the State Superintendent to amend the charges against the licensee, including the facts alleged and the recommendation for sanction, and shall constitute an agreement by the licensee to waive his or her request for a hearing.

1) Any agreement containing consent findings and rules or orders disposing of a proceeding shall also provide:

   A) That the rule or order shall have the same force and effect as if made after a full hearing;

   B) That the entire record on which any rule or order may be based shall consist solely of the Statement of Charges and the agreement;

   C) A waiver of any further procedural steps before the hearing officer; and

   D) Waiver of any right to challenge or contest the validity of the findings and of the rule or order made in accordance with the agreement.
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2) Any agreement reached by the parties in a case under this Subpart A shall be submitted as a consent order to the hearing officer for approval. Subject to subsection (a)(3) of this Section, upon approval of the agreement, the hearing officer shall forward it to the Secretary of the SEPLB for approval by the SEPLB.

3) The hearing officer and the SEPLB shall approve an agreement entered into by the parties unless the hearing officer or the SEPLB has evidence that one or more of the parties did not understand the terms of the agreement or was unduly influenced to enter into the agreement, or if the agreement is otherwise in violation of applicable law. Should either the hearing officer or the SEPLB reject a proposed consent order in accordance with this subsection (a)(3), the hearing officer or SEPLB must provide a written order explaining the basis for the rejection.

b) Hearing Officer’s Recommendations

1) Initial Recommendations: Within 30 days after the later of the close of a hearing or the filing of written closing briefs, the hearing officer shall issue proposed findings of fact and conclusions of law, and make recommendations by way of a proposed order that complies with Section 10-45 of the Illinois Administrative Procedure Act [5 ILCS 100/10-45]. These recommendations shall be made upon consideration of the record as a whole or any portion of the record as may be supported by competent, material and substantial evidence.

2) Opportunity to File Exceptions: The hearing officer shall forward a copy of the proposed findings of fact, conclusions of law, and recommendations to each party of record in the hearing and each party of record shall be allowed 21 days from the date the decision is sent via certified or electronic mail in which to submit exceptions to the findings of fact, conclusions of law, and recommendations of the hearing officer and to present a brief to the hearing officer in support of the position of the party. If a party files an exception within 21 days, then the other party shall be permitted 14 days from the date the first party filed the exception to file its own exception.

c) Final Order: The hearing officer shall present his or her proposed order in person to the SEPLB at either the first or the second next regularly scheduled meeting
immediately following the last date by which a party is permitted to file an exception to the hearing officer’s initial recommendation. Upon the hearing officer’s presentation of his or her proposed order to the SEPLB, the SEPLB shall review the record and the hearing officer’s findings of fact, conclusions of law, and recommendations, together with any exceptions thereto and briefs in support thereof, and shall, within 30 days from the hearing officer’s presentation, issue a final order that complies with Section 10-50 of the Illinois Administrative Procedure Act [5 ILCS 100/10-50], accepting, rejecting or modifying the hearing officer’s recommendation. The Secretary of the SEPLB is authorized to sign final orders on behalf of the SEPLB. The parties shall be immediately notified either personally or by mail, postage paid, certified or registered, addressed to the last known address of each party. A copy of the order shall be delivered or mailed to each party and to the attorney of record for that party. Each agency order shall specify whether it is final and, if so, that it is subject to the Administrative Review Law [735 ILCS 5/Art. III].

d) Parties to the hearing are permitted to be present at the hearing officer’s presentation to the SEPLB and may address the SEPLB during any public participation segment of the SEPLB meeting for a period of up to five minutes.

e) Upon final order of the SEPLB to revoke or suspend a license, the Secretary of the SEPLB or his or her designee shall report the final disposition of the license to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse or its agent.

SUBPART B: HEARINGS FOR OTHER CONTESTED CASES

Section 475.210 Authority and Applicability

a) This Subpart B is authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i)].

b) This Subpart B shall apply to any contested case before the State Board of Education or State Superintendent of Education that is not conducted pursuant to Subpart A of this Part, except as provided in subsection (c) of this Section.

c) When statutes or other rules applicable to the ISBE contain practices different from those set forth in this Subpart B, then those separate statutes and rules shall apply insofar as they differ from this Subpart B.
d) In implementing the requirements of Subpart A referenced under this Subpart B, references to the “State Educator Preparation and Licensure Board” shall be understood to mean the “State Superintendent of Education”. References to “licensee” shall be understood to mean the “party to the action”.

Section 475.220 Filing and Form of Documents

All of the requirements set forth in Section 475.20 of this Part shall apply.

Section 475.230 Requirements for Service of Documents

All of the requirements set forth in Section 475.30 of this Part shall apply.

Section 475.240 Notice of Opportunity for Hearing

a) All hearings conducted under the jurisdiction of the ISBE or the State Superintendent shall be initiated by issuance by the State Superintendent of Education of a written Notice of Opportunity for Hearing, which shall be served upon all known parties to the hearing.

b) The Notice of Opportunity for Hearing shall include:

1) The legal authority and jurisdiction under which the hearing is to be held;

2) A reference to the particular Section of the statutes and rules involved;

3) A short and plain statement of the matters asserted, except when a more detailed statement is otherwise provided by law;

4) The address to which the recipient of the Notice shall send the request for hearing in accordance with Section 475.40(e) of this Part; and

5) A statement that failure to request a hearing within 10 days after receipt of the Notice of Opportunity for Hearing shall result in the recommended action immediately taking effect as provided in the Notice.

c) Any recipient of a Notice of Opportunity for Hearing must file a written request for hearing within 10 days after receipt, which shall be addressed to the State
Section 475.250  Hearing Officer: Qualifications, Powers and Duties, and Appointment

All of the requirements set forth in Section 475.50 of this Part shall apply.

Section 475.260  Appearance of Parties

Any person entitled to participation in proceedings may appear as follows.

a) A natural person may appear on his/her own behalf or by a representative designated in writing.

b) An association or other business, nonprofit or government organization may appear by any bona fide officer, employee or representative designated in writing.

c) A designated representative appearing on behalf of a party shall file a written notice of appearance with the hearing officer designated by the State Superintendent.

Section 475.270  Pre-Hearing Conferences

All of the requirements set forth in Section 475.70 of this Part shall apply.

Section 475.280  Motions

In addition to the requirements set forth in Section 475.80 of this Part, the following shall apply.

a) In the interest of convenient, expeditious and complete determination of matters, the hearing officer may consolidate or sever hearing proceedings involving any number of parties and may order additional parties to be joined.

b) Upon timely written application, the hearing officer may permit any party to intervene in a hearing proceeding, subject to the necessity for conducting an orderly and expeditious hearing, when any of the following conditions is met:

1) The party is so situated as to be adversely affected by a final order arising from the hearing;
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2) The party has an unconditional statutory right to intervene in the proceedings; or

3) The party’s circumstances and the hearing proceeding have a question of law or fact in common.

c) Two copies of a petition for intervention shall be filed with the General Counsel of ISBE at the address set forth in Section 475.20(a) of this Part, one copy shall be filed with the hearing officer, and one copy shall be served on each party no later than 48 hours prior to the date set for hearing of matters set forth in the Notice of Hearing. The hearing officer may permit later intervention when there is a good cause shown for the delay.

d) An intervenor shall have all the rights of an original party, except that the hearing officer may, in the order allowing the intervention, provide that the party shall not raise issues that might more properly have been raised at an earlier stage of the proceeding; that the party shall not raise new issues or add new parties; or that, in other respects, the party shall not interfere with the conduct of the hearing, as justice and the avoidance of undue delay might require.

Section 475.290 Depositions and Discovery

All of the requirements set forth in Section 475.90 of this Part shall apply, provided, however, that discovery depositions are prohibited.

Section 475.300 Notice of Hearing

The requirements set forth in Section 475.100 of this Part apply, provided, however, that the location of the hearing shall be either the State Board of Education’s Springfield or Chicago office, chosen at the sole discretion of the State Board of Education, but taking into account the convenience of the other party or parties to the action.

Section 475.310 Hearings

All of the requirements set forth in Section 475.110 of this Part shall apply, provided, however, that each party has only one hour to present its case unless the hearing officer determines that more time is needed for any party to present adequate evidence and testimony.
Section 475.320  Orders

All of the requirements set forth in Section 475.120 of this Part shall apply.
ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED REPEALER

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER n: DISPUTE RESOLUTION

PART 475
CONTESTED CASES AND OTHER FORMAL HEARINGS
(REPEALED)

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Section 475.10 Authority and Applicability

a) This Part is authorized by Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i)].

b) This Part shall apply to all administrative hearings conducted under the jurisdiction of the Illinois State Board of Education (ISBE), the State Superintendent of Education, or the State Teacher Certification Board (STCB) wherein the provisions of the Illinois Administrative Procedure Act concerning contested cases apply or where provided by the rules of the State Board of
Education governing formal administrative hearings, except as provided in subsection (c) of this Section.

c) Where statutes or other rules applicable to the ISBE or the STCB contain practices different from those set forth in this Part, then those separate statutes and rules shall apply insofar as they differ from this Part, e.g., in the case of hearings related to renewal of teaching certificates conducted under Section 21-14 of the School Code [105 ILCS 5/21-14(h)(2)] and pursuant to 23 Ill. Adm. Code 25 (Certification).

Section 475.15 Alternatives to Appointment of Hearing Officers

a) When an administrative hearing is to be held pursuant to this Part, the entity under whose jurisdiction the hearing will be held may determine whether a hearing officer will be designated. When no hearing officer is designated, all authority to conduct the hearing pursuant to this Part shall be exercised by:

1) the State Superintendent or his representative, for hearings conducted under the jurisdiction of the ISBE or the State Superintendent;

2) the STCB or its representative, for hearings conducted under the jurisdiction of the STCB.

b) For purposes of this Part, the term “hearing officer” shall, as applicable, include the individuals described in subsection (a) of this Section.

Section 475.20 Filing and Form of Documents

a) Documents and requests permitted or required to be filed with the ISBE or the State Superintendent of Education pursuant to this Part shall be addressed and mailed or personally delivered in duplicate to the State Superintendent of Education, 100 North First Street, Springfield, Illinois 62777, unless another address or an alternative means of filing (such as electronic transmission or submission of facsimile copies) is designated in the notice of hearing. The office of the State Board of Education is open for filing of documents from 8:00 a.m. to 5:00 p.m., Monday through Friday, except on federal and State legal holidays.

b) Documents and requests permitted or required to be filed with the STCB in connection with an evidentiary hearing shall be directed to the Secretary of the STCB in the same manner specified under subsection (a) of this Section.
c) Documents shall clearly show the title of the proceedings in connection with which they are filed.

d) Except as otherwise provided, a copy of all documents, including notices, motions, and petitions, shall be simultaneously filed with the designated hearing officer and the General Counsel to the ISBE (General Counsel) at 100 North First Street, Springfield, Illinois 62777.

e) Documents shall be presented in letter-quality print on one side only of letter-sized paper, and one copy of each document filed shall be signed by the party or by the party's authorized representative.

f) Computation of any period of time prescribed by this Part or any other applicable requirement shall begin with the first business day following the date of filing of the document with the State Superintendent of Education and shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday or legal holiday. Notice requirements shall be construed to mean notice received, but proof that notice was sent by certified or registered mail at least four days prior to the prescribed date shall be prima facie proof that notice was timely received.

Section 475.30 Appearance of Parties

Any person entitled to participation in proceedings may appear as follows:

a) A natural person may appear on his/her own behalf or by a representative designated in writing.

b) An association or other business, nonprofit or government organization may appear by any bona fide officer, employee or representative designated in writing.

c) For hearings conducted under the jurisdiction of the ISBE or the State Superintendent of Education, a designated representative appearing on behalf of a party shall file a written notice of appearance with the hearing officer designated by the State Superintendent. For hearings conducted under the jurisdiction of the STCB, a designated representative appearing on behalf of a party shall file a written notice of appearance with the hearing officer designated by the STCB, the Secretary of the STCB, or the State Superintendent, as provided in Section 475.60 of this Part.
Section 475.40  Notice of Hearing

a) All hearings conducted under the jurisdiction of the ISBE or the State Superintendent shall be initiated by issuance by the ISBE or the State Superintendent of Education, upon written request or upon the Superintendent's own motion, of a written Notice of Opportunity for Hearing, which shall be served upon all known parties to the hearing.

b) All hearings conducted under the jurisdiction of the STCB shall be initiated when the STCB or the State Superintendent of Education issues a written Notice of Opportunity for Hearing. Such a notice shall be served upon all known parties to the hearing and shall be issued:

1) upon written request of a person entitled to a hearing; or

2) upon presentation of evidence to the STCB or the State Superintendent demonstrating that a certificate should be suspended or revoked under Section 21-1 or 21-23 of the School Code [105 ILCS 5/21-1 or 21-23].

c) Any party receiving a Notice of Opportunity for Hearing must file a request for hearing within ten days after receipt. When such a request is received, a Notice of Hearing shall be issued by the entity under whose jurisdiction the hearing will be held.

d) Requirements for Service of Notices

1) Service of either a Notice of Opportunity for Hearing or a Notice of Hearing shall be complete when it has been:

   A) served in person; or

   B) served by certified or registered United States Mail, addressed to the last known address of the person(s), partnership(s), association(s), or corporation(s) involved.

2) A Notice of Hearing shall be served no fewer than 30 days before the day designated for the hearing.

3) The person serving the notice shall certify to the manner and date of service in the following form:
I certify that I served the foregoing by depositing a copy thereof in the United States Mail, postage prepaid, on ____________________, 20___, addressed to the following at the address shown:

____________________

Signature

If service is made by a non-attorney, the certificate of manner and date of service shall be subscribed and sworn to before a notary public.

e) A Notice of Hearing served under this Section shall include:

1) The time, place and nature of the hearing;

2) The legal authority and jurisdiction under which the hearing is to be held;

3) A reference to the particular section of the statutes and rules involved;

4) A short and plain statement of the matters asserted, except where a more detailed statement is otherwise provided for by law; and

5) A designation of a hearing officer, if any, to preside over the hearing, and the hearing officer’s address.

f) A copy of a Notice of Hearing served pursuant to this Section shall be referred to the designated hearing officer or other designated individual, together with the original complaint, application or report and any written request for a hearing filed pursuant to this Part.

g) Service of any document other than a notice upon any party may be made by personal delivery or by depositing it in the United States Mail, postage prepaid, addressed to the last known address of the party. The person serving the document shall certify to the manner and date of service as specified in subsection (d)(3) of this Section.

Section 475.50  Motion and Answer
a) A written answer to a Notice of Hearing may be filed not later than seven days prior to the date of the hearing. For hearings conducted under the jurisdiction of the ISBE or the State Superintendent of Education, all answers or motions preliminary to a hearing shall be presented to the State Superintendent or a designated hearing officer in accordance with Section 475.20 of this Part at least seven days prior to the date of the hearing. For hearings conducted under the jurisdiction of the STCB, all answers or motions preliminary to a hearing shall be presented to the Secretary of the STCB or a designated hearing officer in accordance with Section 475.20 of this Part at least seven days prior to the date of the hearing. Failure to file an answer shall be deemed a general denial of matters asserted.

b) Unless made orally on the record during a hearing, or unless the hearing officer directs otherwise, a motion shall be in writing and shall be accompanied by any affidavits or other evidence relied upon, and, when appropriate, by a proposed order. For hearings conducted under the jurisdiction of the ISBE or the State Superintendent of Education, at least two copies of all motions shall be filed with the General Counsel, one copy shall be filed with the hearing officer, and at least one copy shall be served on each additional party, if any, to the hearing. For hearings conducted under the jurisdiction of the STCB, at least two copies of all motions shall be filed with the Secretary to the STCB, one copy shall be filed with the General Counsel, one copy shall be filed with the hearing officer, and at least one copy shall be served on each additional party, if any, to the hearing.

c) Within seven days after service of a written motion, or such other period of time as the hearing officer may prescribe, owing to the complexity of the issues involved, a party may file a response in support of or in opposition to the motion, accompanied by affidavits or other evidence.

d) No oral argument will be heard on a motion unless the hearing officer directs otherwise. If oral argument is permitted, then the hearing officer shall issue an order setting a date, time, and place for such argument. A telephone conference may be scheduled. A written brief may be filed with a motion or an answer to a motion, stating the arguments and authorities relied upon.

e) A written motion will be disposed of by written order, with notice to all parties.

f) The hearing officer shall rule upon all motions, except that the hearing officer shall have no authority to dismiss or decide a hearing on the merits without granting all parties to the proceeding a right to be heard and to establish a record.
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g) Unless otherwise ordered, the filing of an answer or motion shall not stay the proceeding or extend the time for the performance of any act.

h) A party may participate in the proceeding without forfeiting any jurisdictional objection, if such objection is raised at or before the time the party files an answer or motion, or, if no answer or motion is made, before the commencement of the hearing.

i) Additional Parties

1) In the interest of convenient, expeditious and complete determination of matters, the hearing officer may consolidate or sever hearing proceedings involving any number of parties and may order additional parties to be joined.

2) Upon timely written application, the hearing officer may permit any party to intervene in a hearing proceeding, subject to the necessity for conducting an orderly and expeditious hearing, when any of the following conditions is met:

A) The party is so situated as to be adversely affected by a final order arising from the hearing;

B) The party has an unconditional statutory right to intervene in the proceedings; or

C) A party's circumstances and the hearing proceeding have a question of law or fact in common.

3) Two copies of a petition for intervention shall be filed with the General Counsel, one copy shall be filed with the hearing officer, and one copy shall be served on each party, no later than 48 hours prior to the date set for hearing of matters set forth in the Notice of Hearing. The hearing officer may permit later intervention when there is good cause shown for the delay.

4) An intervenor shall have all the rights of an original party, except that the hearing officer may, in the Order allowing intervention, provide that the party shall not raise issues which might more properly have been raised at
an earlier stage of the proceeding, that the party shall not raise new issues or add new parties, or that in other respects the party shall not interfere with the conduct of the hearing, as justice and the avoidance of undue delay might require.

j) A hearing may be postponed or continued for due cause by the hearing officer upon the hearing officer’s own motion or upon motion of a party to the hearing. Such motion of the party shall set forth facts attesting that the request for continuance is not for the purpose of delay. Notice of any postponement or continuance shall be given in writing to all parties to the hearing within a reasonable time in advance of the previously scheduled hearing date. All parties involved in a hearing shall attempt to avoid undue delay caused by repeated postponements or continuances so that the subject matter may be resolved expeditiously.

Section 475.60 Hearing Officer: Qualifications, Powers and Duties

a) The State Superintendent or an attorney licensed to practice law in Illinois may act as a hearing officer to preside over a hearing and to exercise all the powers of a hearing officer enumerated in this Part. [5 ILCS 100/10-20]

b) Appointment of Hearing Officer

1) When a hearing officer is to be appointed for a hearing conducted under the jurisdiction of the ISBE or the State Superintendent, the appointment shall be made by the State Superintendent.

2) When a hearing officer is to be appointed for a hearing conducted under the jurisdiction of the STCB, the STCB may either appoint the hearing officer or request that the State Superintendent appoint a hearing officer. At the direction of the STCB, a hearing officer may either preside over the hearing in the presence of the STCB or conduct an independent hearing. A hearing officer may also afford the STCB such legal counsel as it may require during the course of a hearing and until a final order is executed.

c) A hearing officer designated to preside over a hearing shall have all powers necessary and appropriate to conduct a fair, full and impartial hearing, including the following:

1) To administer oaths and affirmations;
2) To rule upon offers of proof and receive relevant evidence;

3) To exercise the power of the Superintendent and issue subpoenas under any applicable statute;

4) To provide for discovery and determine its scope;

5) To initiate, schedule, and conduct a pre-hearing conference;

6) To regulate the course of the hearing and the conduct of the parties and their counsel therein;

7) To consider and rule upon procedural requests;

8) To rule upon motions, objections, and evidentiary questions;

9) To hold conferences for the settlement or simplification of the issues;

10) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious or cumulative testimony, and set reasonable limits on the amount of time each witness may testify;

11) To make decisions in accordance with the appropriate Act, any rules adopted pursuant to that Act, this Part, and the Illinois Administrative Procedure Act [5 ILCS 100].

\[\text{d) Except in the disposition of matters that are authorized by law to be entertained or disposed of on an ex parte basis, no agency employee or hearing officer shall, after notice of hearing pursuant to this Part, communicate directly or indirectly, in connection with any issue of fact, with any person or party, or in connection with any other issue with any party or representative except upon notice and opportunity for all parties to participate. However, an agency member may communicate with other members of the agency and an agency member or hearing officer may have the aid and advice of one or more personal assistants.} \] [5 ILCS 100/10-60]

\[\text{e) Disqualification}\]
1) When a hearing officer deems himself or herself disqualified to preside over a particular hearing, he or she shall withdraw by notice on the record directed to the State Superintendent of Education for hearings conducted under the jurisdiction of the ISBE or the State Superintendent or to the Secretary of the STCB for hearings conducted under the jurisdiction of the STCB.

2) The ISBE, State Superintendent, or STCB, on its own motion or the motion of any party, may disqualify a hearing officer for bias or conflict of interest as provided under Section 10-30(b) of the Illinois Administrative Procedure Act [5 ILCS 100/10-30(b)], for physical or mental incapacity, or for persistent failure to meet statutory or other timelines. A party’s motion shall be supported by affidavits setting forth the alleged grounds for disqualification. A motion by the ISBE, the State Superintendent, or the STCB shall state the alleged grounds for disqualification.

f) Failure or Refusal to Appear or to Obey the Rulings of a Hearing Officer

1) Contumacious or improper conduct at any hearing before the hearing officer shall be grounds for exclusion from the hearing.

2) If a witness or a party refuses to answer a question after being directed to do so or refuses to obey an order to provide or to permit discovery, the hearing officer may make such orders with regard to the refusal as are just and appropriate, including an order denying the application or complaint of a party or regulating the contents of the record of the hearing.

g) Exclusion

At the request of any party, the hearing officer shall exclude all witnesses from the hearing room, except that, at any time, one representative of each party in addition to counsel shall be allowed to be present, even if that representative is also a witness. Individuals who are not witnesses are not affected by this subsection (g).

h) On any procedural question not regulated by this Part, the appropriate Act, or the Illinois Administrative Procedure Act, a hearing officer may be guided to the extent practicable by any pertinent provisions of the Illinois Supreme Court Rules or the Illinois Code of Civil Procedure [735 ILCS 5].
Section 475.70  Pre-Hearing Conferences and Consent Orders

a) Convening a Conference:  Upon the hearing officer’s own motion or the motion of a party, the hearing officer may direct the parties or their counsel to meet with the hearing officer for a conference to consider:

1) Simplification of the issues;
2) Necessity or desirability of amendment to documents for purposes of clarification, simplification or limitation;
3) Stipulations, admissions of fact and of contents and authenticity of documents;
4) Limitation of the number of witnesses;
5) Propriety of prior mutual exchange between and among the parties who have prepared testimony or exhibits; and
6) Such other matters as may tend to expedite disposition of the proceedings and assure a just conclusion thereof.

b) Record of Conference:  The hearing officer shall make an order that recites the action taken at the conference, the amendments allowed to any documents that have been filed, and the agreements made between the parties as to any of the matters considered.  This order shall limit the issues for hearing to those not disposed of by admissions or agreements, and such an order, when entered, shall control the subsequent course of the hearing unless modified at the hearing to prevent manifest injustice.

c) Consent Orders:  At any time before the reception of evidence in any hearing or during any hearing, a reasonable opportunity may be afforded to permit negotiations by the parties or an agreement containing consent findings and a rule or order disposing of the whole or any part of the proceedings.  The allowance of such opportunity and the duration thereof shall be in the discretion of the hearing officer after consideration of the nature of the proceedings, the requirements of the public interest, the representations of the parties, and the probability of an agreement that will result in a just disposition of the issues involved.
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1) Any agreement containing consent findings and rules or orders disposing of a proceeding shall also provide:

A) That the rule or order shall have the same force and effect as if made after a full hearing;

B) That the entire record on which any rule or order may be based shall consist solely of the application or complaint and the agreement;

C) A waiver of any further procedural steps before the hearing officer; and

D) Waiver of any right to challenge or contest the validity of the findings and of the rule or order made in accordance with the agreement.

2) On or before the expiration of the time granted for negotiations, the parties or their counsel may:

A) Submit the proposed agreement in writing to the hearing officer for his or her consideration; or

B) Inform the hearing officer that agreement cannot be reached.

3) In the event that an agreement contains consent findings and a rule or order is submitted in the time allowed, the hearing officer, upon written approval of the final decision-maker, i.e., the ISBE, the STCB, or the State Superintendent, may accept the agreement by issuing a decision based upon the agreed findings in accordance with Section 10-25(c) of the Illinois Administrative Procedure Act [5 ILCS 100/10-25(c)].

Section 475.80 Depositions and Discovery

a) For reasons of unavailability or for other good cause shown, the testimony of any witness may be taken by deposition. Depositions may be taken orally, or upon written interrogatories before any person designated by the hearing officer and having the power to administer oaths.
b) Any party desiring to take the deposition of a witness may make application in writing to the hearing officer, setting forth:

1) The reasons why such deposition should be taken;

2) The time when, the place where, and the name and post office address of the person before whom the deposition is to be taken;

3) The name and address of each witness; and

4) The subject matter concerning which each witness is expected to testify.

c) Such notice as the hearing officer may order shall be given by the party taking the deposition to every other party.

d) Each witness testifying upon deposition shall be sworn, and the parties not calling this witness shall have the right to cross-examination. The questions propounded and the answers thereto, together with all objections made, shall be reduced to writing, read to the witness, subscribed to by the witness and certified by the officer before whom the deposition is taken. Thereafter, the officer shall seal the deposition, with two copies thereof, in an envelope and mail the same by registered mail to the hearing officer. Subject to such objections to the questions and answers as were noted at the time of taking, the deposition may be read and offered in evidence by the party taking it as against any party who was present, was represented at the taking of the deposition, or had due notice of the taking of the deposition. No part of a deposition shall be admitted in evidence unless there is a showing that the reasons for the taking of the deposition in the first instance exist at the time of the hearing.

e) Whenever appropriate to a just disposition of any issue in a hearing, the hearing officer may allow discovery by any other appropriate procedure, such as by written interrogatories upon a party, by requests for admission, or by entry for inspection of the employment or place of employment involved.

Section 475.90  Hearings

a) All hearings shall be public unless required by statute to be otherwise.

b) The following shall be the order of proceedings of all hearings, subject to modification by the hearing officer for good cause:
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1) Presentation, argument, and disposition of motions preliminary to a hearing on the merits of the matters raised in the notice or answer;

2) Presentation of complainant's opening statement;

3) Presentation of respondent's opening statement;

4) Complainant's case;

5) Respondent's case;

6) Complainant’s rebuttal, if any;

7) Respondent’s rebuttal, if any;

8) Complainant's closing statement;

9) Respondent's closing statement;

10) Presentation and argument of all motions prior to final order;

11) Presentation of written briefs if required or allowed by the hearing officer;

12) Filing of proposed findings of fact and conclusions of law and recommendations of the hearing officer.

c) The complainant shall have the burden of proof except in cases under the jurisdiction of the STCB pursuant to Section 21-1 of the School Code where the STCB must determine the good character of an applicant, in which case the applicant has the burden of proof.

d) Failure of a party to appear on the date set for hearing or failure to proceed as ordered by the hearing officer may, at the sole discretion of the hearing officer, constitute a default. In the case of a default, the hearing officer shall enter such findings, opinions, and recommendations as are appropriate based on the pleadings and evidence received into the record.

e) Evidence
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1) A party shall be entitled to present the party's case or defense and oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for full and true disclosure of the facts. Any oral or documentary evidence may be received but a presiding hearing officer may exclude evidence that is irrelevant, immaterial or unduly repetitious. The rules of evidence and privileges applied in civil cases in the courts of the State of Illinois shall be followed; however, evidence not admissible under such rules of evidence may be admitted, except where excluded by statute, if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Subject to these requirements, when a hearing will be expedited and the interest of the parties will not be prejudiced, a hearing officer may allow evidence to be received in written form. [5 ILCS 100/10-40]

2) The testimony of a witness shall be under oath or affirmation administered by the hearing officer.

3) If a party objects to the admission or rejection of any examination, or to the failure to limit its scope, the party shall state briefly the grounds for the objection. Rulings on all objections shall appear in the record. When the admissibility of disputed evidence depends upon an arguable interpretation of substantive law, the hearing officer shall admit such evidence subject to the right of the hearing officer to strike the evidence from the record either during the hearing or as a part of the findings of fact and conclusions of law if the hearing officer determines that it was improperly admitted, in which case it shall not be considered in making findings of fact, conclusions of law and recommendations.

4) Formal exception to an adverse ruling is not required.

f) Official notice may be taken of any material fact not appearing in evidence in the record if the Circuit Courts of this State could take judicial notice of such fact. In addition, notice may be taken of generally recognized technical or scientific facts within the STCB’s, or the ISBE’s or its employees' specialized knowledge. Parties shall be notified either before or during the hearing or by reference in preliminary reports or otherwise of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the facts so noticed. The agency's expertise, technical competence and specialized knowledge may be utilized in the evaluation of the evidence. [5 ILCS 100/10-40(e)]
g) Hostile or Adverse Witness:

1) If the hearing officer determines that a witness is hostile or unwilling or adverse, the witness may be examined by the party calling the witness as if under cross-examination.

2) The party calling an occurrence witness, upon the showing that the party called the witness in good faith and is surprised by the witness' testimony, may impeach the witness by proof of prior inconsistent statements.

h) Oral proceedings or any part thereof shall be recorded [5 ILCS 100/10-35(b)] by a certified court reporter. Such records shall be transcribed either:

1) upon written application filed with the reporter or hearing officer by any party and upon the payment of fees at the rate provided in the agreement with the reporter or as established by the State Superintendent of Education, or

2) upon receipt of summons in administrative review or an order of a court, with payment of fees when allowed or required by statute. Any recording or transcription will be retained through and including the time allotted for appeal, revision, re-hearing, or other manner of review, prior to final disposition as provided for by the ISBE, the State Superintendent of Education, the STCB, the hearing officer, or by law.

i) The official record of each hearing conducted pursuant to this Part shall consist of the items enumerated in Section 10-35(a) of the Illinois Administrative Procedure Act [5 ILCS 100/10-35(a)].

j) The hearing officer may require or allow parties to submit written briefs to the hearing officer within 21 days after the close of the hearing or such other reasonable time as the hearing officer shall determine consistent with the ISBE’s, the STCB’s, or the State Superintendent of Education's responsibility for expeditious decision.

Section 475.100 Orders

a) The provisions of this subsection (a) shall apply in those cases where the hearing officer is authorized by statute or rule to act as the personal representative of the
State Superintendent of Education and in those cases where no hearing officer has been designated by the entity authorized to conduct the hearing and that entity or its representative is acting as the hearing officer, as provided in Section 475.15 of this Part.

1) The hearing officer’s findings and conclusions shall be in writing and shall include findings of fact and conclusions of law separately stated and in conformance with Section 10-50(a) of the Illinois Administrative Procedure Act [5 ILCS 100/10-50(a)]. Findings of fact shall be based exclusively on the evidence presented at the hearing or known to all parties, including matters officially noticed. Findings of fact, if set forth in statutory language, shall be accompanied by a statement of the underlying, supporting facts. Each conclusion of law shall be supported by authority or reasoned opinion.

2) The hearing officer shall, in addition to the findings of fact and opinion required by subsection (a)(1) of this Section, render a decision and issue an order upon consideration of the record as a whole or such portion thereof as may be supported by competent, material and substantial evidence. The decision in the case will be the decision for and of the ISBE, the State Superintendent of Education, or the STCB, as applicable.

b) The provisions of this subsection (b) shall apply in those cases where the final decision is required to be rendered by an individual or entity other than the hearing officer, including all hearings conducted under the jurisdiction of the State Teacher Certification Board pursuant to Section 21-1 or Section 21-23 of the School Code for which hearing officers are appointed.

1) Hearing Officer's Recommendations

A) Initial Recommendations: The hearing officer shall prepare proposed findings of fact and conclusions of law and make recommendations by way of a proposed order that complies with Section 10-45 of the Illinois Administrative Procedure Act. These recommendations shall be made upon consideration of the record as a whole or such portion thereof as may be supported by competent, material and substantial evidence.

B) Opportunity to File Exceptions: The hearing officer shall forward a copy of the proposed findings of fact, conclusions of law and
recommendations to each party of record in the hearing and each party of record shall be allowed 21 days in which to submit exceptions to the findings, conclusions and recommendations of the hearing officer and to present a brief to the hearing officer in support of the position of the party.

2) Preparation of Final Order: Upon the hearing officer’s recommendations, the ISBE, the STCB, or the State Superintendent of Education shall review the record and the hearing officer’s findings, conclusions, and recommendations, together with exceptions thereto and briefs in support thereof, and shall either:

A) request the hearing officer to prepare a final set of findings and conclusions and a recommended order for approval and issuance; or

B) issue a final order, within 90 days unless an extension is agreed to by the parties, that complies with Section 10-50 of the Illinois Administrative Procedure Act [5 ILCS 100/10-50] and as set forth by applicable statutes.

c) Effectiveness of Orders: The final decision in each case will become effective immediately upon the execution of the order or as specified by applicable statute. The parties shall be immediately notified either personally or by mail, postage paid, certified or registered, addressed to the last known address of each party. A copy of the order shall be delivered or mailed to each party and to the party’s attorney of record. Each order shall indicate whether it is final and, if so, that it is subject to the Administrative Review Law [735 ILCS 5/A. III]. [5 ILCS 100/10-50(b)]
TO:         Illinois State Board of Education  
FROM:       Christopher A. Koch, Ed.D., State Superintendent of Education
            Nicki Bazer, General Counsel

Agenda Topic:  Action Item:  Rules for Repeal
                Repeal of Part 485 (Appeal Proceedings before the State Teacher
                Certification Board)

Materials:     Recommended Rules

Staff Contacts:   Jessica Riddick, Assistant General Counsel

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

Relationship to/Implications for the State Board’s Strategic Plan
This set of rules links to Goal 2, supporting every student by highly prepared and effective
teachers.

Expected Outcomes of Agenda Item
The Board will be asked to adopt the repealer for Part 485.

Background Information
Public Act 96-431 revised Section 21-23 of the School Code (105 ILCS 5/21-23), now Section
21B-75 (105 ILCS 5/21B-75) as per PA 97-607, in part, to designate the State Teacher
Certification Board (STCB), now called the State Educator Preparation and Licensure Board
(SEPLB) as per PA 97-607, as the decision-maker for all certificate suspension and revocations
hearings initiated by the State Superintendent. By doing so, the authority previously held by the
regional superintendent to initiate and hear certificate suspension cases (up to one year), and
the authority of the State Superintendent to hear certificate suspension cases up to five years,
was eliminated. Previous to enactment of P.A. 96-431, the STCB heard only revocation cases.

Taken together with the proposed repeal of old Part 475 and introduction of new Part 475, the
repeal of Part 485 ensures that the State Board’s rules are in conformance with P.A. 96-431 and
the changes it makes to the process of formal hearings on teacher suspension and revocation
issues.

The proposed repealer was published March 9, 2012, in the Illinois Register to elicit public
comment. None was received, and the version being adopted for repeal 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
The repealer, in conjunction with new rules for Part 475, will conform agency rules to state law by incorporating the many changes to the process of formal teacher hearings promulgated through Public Act 96-431.

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 repealer for:

Appeal Proceedings before the State Teacher Certification Board (23 Illinois Administrative Code 485),

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 repealer will be submitted to the Joint Committee on Administrative Rules to initiate JCAR’s review. When that process is complete, the repealer will be filed with the Secretary of State and disseminated as appropriate.
PART 485
APPEAL PROCEEDINGS BEFORE THE STATE TEACHER CERTIFICATION BOARD
(REPEALED)

Section
485.10 Authority and Applicability
485.20 Appeal of Decision to Suspend Certificate
485.30 Record of Suspension Proceedings
485.40 Briefs and Response
485.50 Oral Argument
485.60 Continuances and Extensions of Time
485.70 Withdrawal of Appeal
485.80 Decision of Board on Review


SOURCE: Adopted at 31 Ill. Reg. 10040, effective June 26, 2007; repealed at 36 Ill. Reg. __________, effective ______________.

Section 485.10 Authority and Applicability

This Part is adopted pursuant to Section 21-13 of the School Code [105 ILCS 5/21-13]. This Part shall apply to all appeal proceedings conducted by the State Teacher Certification Board to review administrative decisions made by the State Superintendent of Education or the regional superintendent of schools to suspend certificates pursuant to Section 21-23 of the School Code.

Section 485.20 Appeal of Decision to Suspend Certificate

a) A holder of a certificate issued pursuant to Article 21 of the School Code [105 ILCS 5/Art.21] shall have the right to appeal to the State Teacher Certification Board (Certification Board) a decision of the State Superintendent of Education or the regional superintendent of schools to suspend the holder’s certificates. Prior to rendering a decision, the Certification Board may avail itself of the services of a hearing officer to discharge any of its other responsibilities under this Part.
b) Form of Appeal

Each appeal shall conform to the following requirements:

1) The appeal shall be in writing, dated, and signed by the person appealing or his or her representative.

2) The appeal shall identify the certificate type and number and state the name of the certificate-holder, the date of the suspension order, the length of the suspension, and the name of the official issuing the suspension order.

3) The appeal shall identify the parts of the suspension decision with which the holder disagrees and the specific reasons for that disagreement and shall state why the decision of the State Superintendent or the regional superintendent should be reversed.

c) Filing of Appeal

The certificate-holder shall file the appeal not later than ten days following receipt of the order of suspension. The appeal shall be submitted by certified mail, return receipt requested, or personally delivered, in duplicate, to the Secretary of the State Teacher Certification Board at the following address:

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

No electronic or facsimile transmissions will be accepted. Appeals postmarked later than ten days following the receipt of the order of suspension will not be processed.

d) Notice to Parties

The Board shall give written notice of the certificate-holder’s appeal to the certificate-holder or his or her representative and the complaining party in the hearing that was held before the State Superintendent or regional superintendent.
This notice shall inform the certificate-holder of the required filing of a written brief and the opportunity:

1) to inspect the record; and

2) to file a request for oral argument and extension of stay before the Board.

e) Representation

Any party may be represented by legal counsel in the appeal proceeding.

Section 485.30 Record of Suspension Proceedings

a) The record of proceedings in a suspension case heard before the State Superintendent shall consist of:

1) The official record of the hearing as described in 23 Ill. Adm. Code 475.90(i), the rules of the State Board of Education for Contested Cases and Other Formal Hearings;

2) Any written briefs filed by the parties after the close of the hearing, as described in 23 Ill. Adm. Code 475.90(j); and

3) The order of the State Superintendent, including the findings, opinions, and recommendations of the Hearing Officer, as described in 23 Ill. Adm. Code 475.100.

b) The record of proceedings in a suspension case heard before a regional superintendent shall consist of:

1) All pleadings, notices, responses, motions, and rulings;

2) Evidence received;

3) A statement of matters officially noticed;

4) Offers of proof, objections, and rulings thereon;

5) Any proposed findings and exceptions;
6) Any decision, opinion, or report of the regional superintendent;

7) All staff memoranda or information submitted to the regional superintendent or regional office of education in connection with the regional superintendent’s consideration of the case;

8) Any communication prohibited by Section 10-60 of the Illinois Administrative Procedure Act [5 ILCS 100/10-60], but no such communication shall form the basis for any finding of fact;

9) Any written briefs filed by the parties after the close of the hearing; and

10) The order of the regional superintendent, including the findings of fact, conclusions of law, opinions, or recommendations.

c) Upon reasonable notice, either written or oral, to the Secretary of the Board, a party may inspect the record of the suspension proceedings during normal business hours at the office of the Secretary. A party may also obtain a copy of the record at the party’s own expense at the cost of $.25 per page.

d) No additional evidence outside the record of proceedings shall be presented by the parties before the Board.

Section 485.40 Briefs and Response

a) The certificate-holder shall file a written brief within 21 days after receipt of the notice provided pursuant to Section 485.20(d) of this Part. The brief shall include the following:

1) The certificate-holder’s name, the certificate type and number, the date of the suspension order, the length of the suspension, and the name of the official issuing the suspension order;

2) A summary of the portions of the suspension decision with which the holder disagrees and the specific reasons for that disagreement;

3) A statement of facts, with appropriate reference to the pages of the record on appeal; and
4) Argument, supported by reasons for contentions, with citation of legal authorities and the pages of the record relied on.

b) Briefs shall be filed with the Secretary of the Board in the same manner as is provided for the appeal in Section 485.20 of this Part, and a copy shall be served on the complaining party in the suspension hearing that was held before the regional superintendent or the State Superintendent.

c) The complaining party or the party’s representative may file a response with the Board within 14 days after receipt of the certificate-holder’s brief. Responses shall be supported by argument and served on all parties at the time they are filed.

d) Failure of a certificate-holder to file a timely brief as required by this Section shall constitute a withdrawal of the appeal.

Section 485.50 Oral Argument

The Board shall decide a case on the record of proceedings as defined in Section 485.30 of this Part and shall consider the certificate-holder’s brief and any response, as defined in Section 485.40 of this Part, without oral argument; or shall grant oral argument where necessary or appropriate for a full and fair disposition of the appeal, as follows:

a) Request for Oral Argument

At the time of filing the brief, a certificate-holder may request in writing that the Board hear oral argument and extend the stay of proceedings. The requesting party must certify in writing that he or she has served a copy of the request for oral argument and extension of stay on the State Superintendent or regional superintendent.

b) Decision on Request

The Board shall grant or deny a request within 35 days after receiving it.

1) If the request is denied, the Board shall inform the certificate-holder in writing and thereafter issue its decision based on the record in accordance with Section 485.80 of this Part, and the decision shall contain the reasons for the denial of the request.
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2) If the request is granted, the Board shall inform the parties in writing and shall order such review hearing as is necessary for a full and fair disposition of the appeal. If a review hearing is scheduled, the Board shall hear oral argument from both the certificate-holder (or his or her representative) and the complaining party (or his or her representative).

c) Notice of Hearing

The Board shall give written notice to the parties of the date, time, and place set for the review hearing at least 14 days prior to the time fixed for the hearing.

d) Time Allotted for Oral Argument

Oral argument at the review hearing shall be limited to 20 minutes in length for each side, inclusive of rebuttal time.

e) Conduct of Review Hearing

The Board or hearing officer shall regulate the course of the hearing and the conduct of the parties and their counsel to ensure an orderly hearing and may consider and rule on procedural requests.

Section 485.60 Continuances and Extensions of Time

Parties shall make their oral arguments at the time and date set by the Board and timely file their briefs and responses. Continuances of an oral argument or extensions of time for filing briefs and responses shall be granted only by order of the Board for good cause shown (e.g., family emergency or scheduling conflict).

Section 485.70 Withdrawal of Appeal

The certificate-holder may voluntarily withdraw his or her appeal by submission of a signed, written statement to the Board at any time before the Board’s decision is issued. The Board shall notify all parties when a notice of withdrawal is submitted.

Section 485.80 Decision of Board on Review

a) Standard of Review
In making its final decision with respect to an appeal of a suspension order, the Board shall not reverse the findings of the regional superintendent or State Superintendent unless they are against the manifest weight of the evidence.

b) Final Decision

Within 75 days after receipt of the brief or any response, or after the review hearing, whichever occurs last, the Board shall make a final decision that complies with Section 10-50 of the Illinois Administrative Procedure Act [5 ILCS 100/10-50] and shall serve by certified mail a copy of the final decision on each party.
ILLINOIS STATE BOARD OF EDUCATION MEETING
August 16, 2012

TO: Illinois State Board of Education

FROM: Christopher A. Koch, Ed.D., State Superintendent of Education
Nicki Bazer, General Counsel

Agenda Topic: Action Item: Amendments for Adoption – Part 650 (Charter Schools)

Materials: Recommended Rules

Staff Contacts: Jen Saba, Assistant 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
The proposed amendments relate to Strategic Plan Goal 1, as they set forth procedures for the State Charter School Commission to authorize high-quality charter schools, particularly those serving at-risk students. Action is taken upon appeal from any charter school or charter school developer of a school board’s decision to deny, revoke, or not renew a charter at the local level and in response to requests for consideration in instances when the local board of education has failed to act on a charter application in a timely manner.

Expected Outcome of Agenda Item
The Board will be asked to adopt amendments to Part 650.

Background Information
P.A. 97-152, effective July 20, 2011, amended Article 27A of the School Code to create the State Charter School Commission to assume some of the responsibilities of the State Board of Education relative to charter schools. In particular, the nine-member Commission is charged with considering appeals from charter school developers of new applications denied by local school boards, charter schools that have had their renewal requests rejected by their authorizing school boards and charter schools whose charters have been revoked by their authorizing school boards. The Commission also is charged with reviewing requests for consideration where a local school board has failed to act within the statutorily prescribed timelines for a school board to consider and make a decision with respect to a charter application.

Additionally, the law now allows a charter school to request that the authority for the school be transferred from the local school board to the Commission. The Commission also is authorized to consider requests in which two or more school districts would be responsible for issuing a charter. These requests could come to the Commission for action when the authorizing school districts are not opposed to the charter school in concept but wish to yield authority for the school to the Commission given the complexities of administering the charter in multiple school districts.
districts. The law now allows the Commission to charge any school it has authorized a fee, not to exceed 3 percent of the revenue provided to the school, to support the Commission’s administrative responsibilities with respect to the charter school. It should be noted that the State Board of Education did not have the same authority to charge an administrative fee to charter schools that it had approved when it retained authority for authorizing charter schools on appeal. Processes related to these responsibilities of the Commission will be set forth in a subsequent rulemaking.

As with locally approved charters, the State Board continues to certify any charter approved by the Commission, attesting to the charter’s compliance with the law and the completeness of the contractual agreement between the charter school developer and the Commission.

Given the shift in responsibilities, the proposed changes to Part 650 clearly articulate the responsibilities of the State Board of Education and those of the Commission. To that end, the proposed amendments contain separate subparts that set forth the actions of each entity. Subpart B addresses the actions of the State Board of Education in receiving reports of action from local school boards relative to charter school applications that they have considered. The subpart continues to provide a process for an approved charter to be certified by the agency. Minor revisions are being proposed in existing regulatory provisions to allow electronic submission of documents to the State Board (Section 650.30) and to acknowledge the responsibilities of the State Board to certify charters upon which the Commission has acted (Section 650.40).

Additionally, staff are recommending that the rules include the process to be used by charter schools should they close. Although closures are not a part of the changes to Article 27A resulting from P.A. 97-152, staff recognize that certain protections are needed for students and employees, with a view to minimizing the risk they accept when they form or enroll in a charter school. Notice of the closure to a number of parties should be required, and the disposition of the school’s assets and records should be orderly. The handling of students’ records, in particular, must ensure the uninterrupted availability of such records to the schools attended by the students when their charter school is no longer in operation. Staff believe these new provisions will provide adequate safeguards to those parties affected by a closure.

Subpart C outlines the procedures for the Commission’s consideration of appeals from charter school developers and charter schools or requests for consideration when a school board fails to act in a timely manner (Sections 650.100 and 650.110). As proposed, the rules mirror closely the steps of the appeal process used by the State Board and set forth in Section 650.60, which is proposed for repeal. Under the Commission’s proposed procedures, opportunities will be provided for charter school developers and charter schools to meet with Commission staff and authorized representatives in advance of the public meeting held to consider the request for consideration or appeal. The proposed amendments include timelines for action to ensure that the Commission meets its statutory obligation to render a decision on the request for consideration or appeal within 30 days after the public meeting is held.

Additional rulemaking will be needed to address other aspects of the new law concerning fees, standards and principles of effective charter schools, evaluations and revocation of charters of schools that are deemed “low performing”, and the processes to be used in instances where existing charter schools wish to transfer the authorizing agency from school boards to the Commission or when proposed charter schools affect multiple school districts.
The proposed amendments were published June 1, 2012, 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.

P.A. 97-152 retained the responsibility for rulemaking with the State Board of Education, which is required to work “jointly” with the Commission to modify or update the existing rules. The Commission has worked with agency staff in formulating responses to the public comment that the agency received. Staff generally agreed with the Commission’s analysis, accepting its recommendations in each area except those addressing administrative structure, material changes and disposition of assets.

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

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

*Budget Implications.* None.

*Legislative Action.* None.

*Communication.* Please see “Next Steps” below.

**Pros and Cons of Various Actions**

The law requires that current Part 650 govern the action of the Commission until such time as the rules can be amended. For this reason, it is appropriate to update the rules as soon as possible so that they can accurately reflect the procedures and processes for the Commission’s consideration of appeals of local decisions and requests for consideration under the circumstances defined in the law.

Not proceeding with the rulemaking will result in Part 650 being in conflict with Article 27A of the School Code, causing confusion for school districts, charter schools and charter school developers, as well as failing to provide appropriate direction to the Commission regarding its responsibilities under the law.

**Superintendent’s Recommendation**

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

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

    Charter Schools (23 Illinois Administrative Code 650),

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.
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**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

One commenter asked that the rules include language in Section 650.20, stating that the State Charter School Commission is “under the State Board of Education for administrative purposes”. The commenter indicated that the agency’s role would be “to facilitate resource efficiency”.

Analysis

Section 27A-7.5 of the School Code establishes the Commission as an “independent State agency with statewide chartering jurisdiction and authority”. In addition, the law recognizes that the Commission will have its own “dedicated resources and staff qualified to execute the day-the-day responsibilities” of the body, as set forth in the Charter Schools Law (i.e., Article 27 of the School Code). On the other hand, the State Board of Education is directed to maintain certain duties related to charter schools, including the authority to conduct rulemaking in consultation with the Commission.

With that being said, it is clear that the Charter Schools Law fails to clearly differentiate between the “administrative duties” assigned to the Commission from those that remain a responsibility of the State Board of Education. While the modification proposed may appear to clarify the law’s intent, it fails to adequately explain the precise role that the State Board will have in assisting the Commission with its work. To date, the two agencies have established the parameters of their working relationship through an intergovernmental agreement based upon the needs and resources of each body. The State Board and the Commission are currently pursuing an amendment to the Charter Schools Law that would provide more concrete direction to both the Commission and the State Board in terms of the status of the Commission and its relationship to the State Board of Education.

Recommendation

No change is recommended in response to this comment.

Comment

One commenter found the requirements set forth in Section 650.30 regarding the submission of reports by school districts to be “confusing”. She asked that final reports addressing a denial, revocation, or non-renewal be sent only to the State Board of Education, rather than to both the State Board and Commission. Should the charter applicant appeal the school district’s decision, she said, the State Board should be required to forward these reports to the Commission instead of requiring that school districts submit “an additional report” to the Commission.

Analysis

Two sections of the Charter Schools Law require communication by a local school board with the State when it has taken action with regard to an application for, revision of, renewal of, or revocation of a charter. Specifically, Section 27A-8(f) requires a school board to “file a report with the State Board” within seven days of granting or denying a charter proposal, while Section
27A-9(e) requires a school district to provide “notice” of its “decision to deny, revoke or not to renew a charter” to both the Commission and the State Board.

The law, however, does not define the contents of either the report or of the notice. For that reason, it seemed reasonable and not overly burdensome for school districts to copy the Commission on the report of denial, revocation or non-renewal. Although the materials that are required in a report of an approved application, revision or renewal necessarily differ from the materials that are required in a report of a denial, nonrenewal or revocation of a charter school, it is not accurate to say that an additional report is required for the Commission in the case of denial, revocation, or non-renewal. Rather, as noted, the rules just require that the local school board copy the Commission on this category of reports, since at the time of denial, revocation, or non-renewal, the matter is ripe for appeal by the charter applicant.

Recommendation

No change is recommended in response to this comment.

Comment

One commenter highlights an apparent inconsistency, in that Section 650.40(a) and (b) provide that the State Superintendent must review and certify approved, revised or renewed charters from school districts or the Commission, while the introduction to Section 650.50 repeats statutory language that requires the State Board to certify material revisions to a previously certified contract or a renewal.

Analysis

The Charter Schools Law in both instances references the State Board as taking action rather than the State Superintendent. When duties are of an administrative nature, such as those involving notifications, reviews and the like, the agency’s rules routinely identify the State Superintendent as the person taking action. In practice, the State Superintendent has certified both approved applications, revisions and renewals, as well as material changes in previously approved contracts or renewals. Having the State Superintendent certify in both situations is a more efficient process and provides consistency in the rules.

Recommendation

It is recommended that the introduction to Section 650.50 be modified as follows.

No material revision to a previously certified contract or a renewal shall be effective unless and until the State Superintendent Board certifies that the revision or renewal is consistent with the provisions of Article 27A (Section 27A-6(e) of the School Code). Proposed revisions or renewals of a charter shall be submitted to the State Board of Education in the manner set forth in this Part.

Comment

Two comments submitted addressed examples of contract revisions listed in Section 650.50 as being “material”, therefore requiring certification. Specifically, one commenter asked that any revision not identified in the rule as either material or not material be first reviewed by the
Commission to determine if the revision is material, thus requiring consideration and certification by the State Board.

Another commenter questioned the advisability of considering a charter school’s move to a new facility as a nonmaterial revision. She reasoned that the chartering school district has a responsibility to ensure that “any charter facilities are compliant with health, safety and ADA (Americans with Disabilities Act) requirements”. She also pointed out that the relocation may have an impact on student’s accessibility and transportation needs.

Analysis

In listing the types of changes that may constitute material revisions and those that do not, staff recognized that it would be impossible to identify in rules a finite list covering every possibility. For this reason, it was prudent to have charter schools submit for review those changes that were not listed in the proposed rules. Complicating the issue, however, is that the law provides for the State Board – rather than the State Superintendent – to certify any material change. The Board only meets monthly, which could delay state consideration, and the charter school’s implementation, of the requested revision. Given the change in the proposed rules to having the State Superintendent certify revisions, an additional review, as contemplated by the commenter, is not necessary. If a revision not listed in Section 650.50 is determined to be not material, then staff will notify the charter school of that determination as part of the certification process.

Staff do not agree that a change in a charter school’s facilities should be considered a material revision. The local school district or the State Charter Commission is responsible for ensuring that any charter school over which it exercises jurisdiction operates in a facility that complies with health, safety, and ADA requirements. Classifying a charter school’s relocation to a different facility as not a material change to a charter contract does not mean that the authorizer will lose control over this aspect of the charter’s operation. Rather, a change in facility would still require the authorizer’s review and approval, as would any change to the charter of the charter school. The State Board simply does not have the staff or resource capacity to provide a secondary review of all proposed facility changes.

Recommendation

No changes are recommended in response to these comments.

Comment

Two commenters suggested that the 14-day written notice of a charter school’s closing required under Section 650.70(a) is not sufficient notice for parents, students and staff. One person suggested that charter schools be prohibited from closing in the middle of a school year and that notice of any anticipated closures be provided in the school year previous to the year in which the school would close. He also asked that the date of the notice coincide with the 60-day notice required under Section 24-12 of the School Code to be provided to tenured teachers of a dismissal not due to poor performance or conduct. Another commenter agreed with the 60-day notification, indicating the need to align this provision to the requirements of Section 24-12 due to the possibility that certified teachers may be employed by charter schools.

Additionally, one of the commenters asked that notice also be provided to the entity authorizing the charter school (i.e., school district or Commission).
Analysis

The intent of the rule is to minimize the risk that school personnel and students accept when they form or enroll in a charter school. Section 27A-9(c) of the School Code states that except in situations of an emergency where the health, safety, or education of the charter school’s students is at risk, the closure of a charter school which has had its charter revoked shall take place at the end of a school year. A charter school may choose to close voluntarily, however, and it would not be prudent to force such a school to remain open until the end of the school year. Therefore, the rule should distinguish between these two scenarios. While 60 days before the school closes, as proposed, seems a reasonable time for notification, it should be noted that charter schools are not required to adhere to the provisions of Section 24-12 regarding reductions in force.

Staff agree that it is important that the authorizer be informed of the impending closure so that it can meet its statutory duty to monitor “the performance and legal compliance” of the charter school as it closes.

Recommendation

It is recommended that Section 650.70(a) be modified as follows.

a) Required Notices

1) Except in the case of an emergency, where the health, safety, or education of the charter school’s students is at risk, any notice of a charter school’s closing required under this subsection (a) shall be provided:

A) at least 60 days before the end of the school year in which the closure will take place for a charter school that is closing involuntarily (i.e., has had its charter revoked or not renewed); or

B) at least 60 days before the scheduled closing date for a charter school that is voluntarily closing.

2) The governing body or its designee shall provide the following notices:

A) provide at least 14 days’ advance written notice of the closing to the charter school’s employees, including the date of closure;

B) provide at least 14 days’ advance written notice of the closing to the parents or guardians of the students attending the school and to the superintendent of each school district in which any of the charter school’s students reside, including:

i) the date of closure; and

ii) the procedures the parents should follow in order to continue their children’s education within the public schools;
provide at least 14 days’ advance written notice of the closing to the entity that authorized the charter school and to the State Superintendent of Education, submitted by certified mail, return receipt requested, and including:

i) the date of closure;

ii) the name, address, and telephone number of the person who will be responsible for making arrangements for the closure; and

iii) copies of the notices required by subsections (a)(2)(A) (a)(1) and (a)(2)(B) (a)(2) of this Section.

Comment

Two comments received addressed the process set forth in Section 650.70(b) for the disposition of assets of a charter school that is closing. The first person asked that the rule recognize the possibility that a charter contract may not address the disposition of assets and if not, then the rules should require all assets to revert to the State Board instead of directly to the school district(s) from which the charter school draws enrollment. The State Board would then distribute those assets to the school district(s) appropriately.

While the second comment did not directly relate to asset disposition, it noted that the agency should by rule require that charter schools adhere to a “system of accounting that is similar to all public government agencies, with public reporting”. Such a system is necessary, he said, to “ensure public funds stay with the students they are meant to fund”. To this end, he also suggested the rules require the Commission to review and audit all charter school financial reports and to post the resulting reports publicly.

Analysis

As for the first suggestion, staff do not believe that assets should revert to the State Board for distribution in situations where the charter school contract does not set forth procedures for asset disposition. It is more efficient for the assets to revert directly back to the school district or school districts which chartered the school than for the assets to go through the State Board for distribution. The proposed rules, however, fail to acknowledge situations in which the Commission is the authorizer of a charter school. In those instances, the public funds should revert to the State Board. Any other assets provided by a State or federal agency other than the State Board of Education should be refunded to or revert back to the State or federal agency that provided the funding or other assets. Likewise, any State or federal funds or assets received by a district-authorized charter school directly from a State or federal agency (i.e., that do not flow through the local school district that authorized the charter school) should be refunded to or revert back to the State or federal agency that provided the funding or other assets.

Regarding a uniform system of financial accounting, Section 27A-5(f) of the School Code requires each charter school to “be responsible for the management and operation of its fiscal affairs” and to ensure that an audit is “conducted annually by an outside, independent contractor retained by the charter school”. This audit is required to be submitted to the State Board by
December 1 of each year. The methods for accounting, budgeting, financial reporting and auditing should be specified in the charter contract. Section 27A-7.10(a)(5) of the School Code further requires school districts and the Commission to ensure, through monitoring, that each charter school that they authorize complies with all performance and legal terms of the charter school’s contract. For these reasons, it would be outside the scope of the Commission’s responsibilities to review and audit the financial reports of each charter school, making additional rulemaking unnecessary.

Recommendation

It is recommended that Section 650.70(b) be modified as follows.

b) Disposition of Assets

1) When a charter school is authorized by one or more local boards of education, the governing body or its designee shall refund to the chartering entity or entities all unspent public funds. The charter school’s other assets shall be dissolved under the provisions of the charter application and contract. If the contract is silent or ambiguous as to the disposition of any of the school’s assets, all assets of the charter school purchased with public funds shall be returned to the school district or districts from which the charter school draws enrollment, at no cost to the receiving district or districts, subject to each district’s acceptance of the asset. Any unspent public funds or other assets received by the charter school directly from any State or federal agency shall be refunded to or revert back to that State or federal agency, respectively.

2) When a charter school is authorized by the Commission, the governing body or its designee shall refund all unspent public funds to the State Board of Education. The charter school’s other assets shall be dissolved under the provisions of the charter application and contract. If the contract is silent or ambiguous as to the disposition of any of the school’s assets, all assets of the charter school purchased with public funds shall be returned to the school district or districts from which the charter school draws enrollment, at no cost to the receiving district or districts, subject to each district’s acceptance of the asset. Any unspent public funds or other assets provided by a State agency other than the State Board of Education or by a federal agency shall be refunded to or revert back to that State or federal agency, respectively.

Comment

A commenter asked that Section 650.70 be “more descriptive” of the procedures that a school district or Commission, as the charter school authorizer, should take in preserving records of a charter school that closes and to define the other steps that the authorizer must take.

Analysis

It is the responsibility of the charter school to ensure that student and other records are provided to the entity that authorized the school’s charter (see Section 650.70(c) and (d)) and of the
school’s authorizer to ensure the closing school’s compliance with the requirements set forth in agency rules, including for compiling an inventory of the charter school’s assets and a final financial accounting. Without further direction from the commenter, staff are unable to propose any further requirements for closures that would improve upon those already set forth in the rulemaking.

Recommendation

No change is recommended in response to this comment.

Comment

A commenter pointed out that the proposed requirements in Section 650.100, regarding appeals of local decisions or requests to the Commission for consideration, did not “consistently recognize the difference between the two” actions. In particular, the commenter believed that the rules should specify that the Commission’s review in the case of an appeal must be confined to the report of the local board to deny, revoke or not renew a charter and that “other documentation” shall not be accepted. Other documentation could be submitted by an applicant who is submitting its request to the Commission for consideration due to a school district’s failure to act in a timely manner, however.

The commenter also asked that the proposed rules recognize the procedures that a school district may establish for considering charter school proposals when an applicant submits requests for the Commission’s consideration in instances where the school board failed to meet statutorily established deadlines. In particular, she asked that the applicant include in its submission to the Commission the date upon which the local authorizing process was completed.

Analysis

Section 27A-8 of the School Code sets forth the procedures for a school district’s consideration of a charter school proposal, including specific timelines within which the district’s board of education must take action. If a school board denies a request, or if it fails to take action within the timelines specified in the statute, then the applicant can bring its request to the Commission for consideration. In either situation, when the Commission conducts its review and makes its decision pursuant to Section 650.110 of the proposed rules, it will provide an opportunity for the applicant and the school district to submit any additional information that is necessary for the Commission to determine whether the proposal is in compliance with the Charter Schools Law and is in the best interest of the students to be served (see Section 27A-8(h) of the School Code). The proposed rules fail to clearly state that additional documentation may be requested for either appeals or requests for consideration and that oversight should be corrected.

The suggestion pertaining to the date upon which a school district completes its local authorizing process is confusing. Section 27A-8(c) and (e) of the School Code establishes the deadlines by which a school board must hold a public meeting on the charter request (within 45 days of receipt) and for acting on the proposal (within 30 days of the public meeting). While Section 27A-8(c) of the School Code states that a local school board may develop its own process for receiving charter school proposals on an annual basis, it also provides that such process must follow the “same timeframes as set forth in this Article”. Thus, the same timelines for review and decision-making apply even where a local school board has established an annual process for accepting charter school proposals. Including in the rules the language
requested by the commenter would incorrectly imply that the statutory timelines do not apply to districts that establish local authorizing processes and inadvertently create an additional basis for appeal.

Recommendation

It is recommended that Section 650.100(e) be modified as follows.


e) The parties shall submit to the Commission any additional information that the Commission determines is necessary to decide the appeal or consider a request submitted due to the local board’s inaction.

Comment

A commenter argued that the Commission’s review process, as set forth in Section 650.110, should differ for appeals of a school board’s denial from those procedures established for consideration of requests submitted to the Commission due to a school board's failure to timely act. In particular, she points out that the rules fail to acknowledge a party’s right to request a hearing upon appeal. Additionally, she notes that the term “public meeting” should be changed to “public hearing” when addressing appeals. Further, she asked that the proposed rules limit the Commission’s opportunity to conduct interviews with the parties in advance of a public meeting to only requests for the Commission’s consideration due to a board’s inaction, since “[r]equiring an interview prior to a public hearing for all appeals is not practical or a good use of scarce public resources.”

Analysis

Two sections of the Charter Schools Law relate to the processes and procedures that the Commission must follow when it receives a charter appeal or request for consideration. Section 27A-8(g) states that in any appeal or request for review, the Commission must follow the same process and is subject to the same timelines for review as a local school board, including a requirement that the Commission schedule a public meeting within 45 days of receipt of either the appeal or request for consideration due to a local board’s failure to timely act. There is no differentiation in the required process between appeals of charter denials and requests for consideration where the local school board has failed to timely act. Additionally, the Charter Schools Law at Section 27A-7.5(l) states that the applicant and the school district have a right to request a hearing before the Commission in the event of an appeal.

It is the intent of Section 650.110 to align the two processes described above -- the public meeting and any requested hearing -- to ensure a single process that is free of confusion and efficient for the Commission to administer and the parties to navigate. The proposed rules streamline this process by providing that either party may request an opportunity to make an oral presentation at the public meeting, thus converting a public meeting into a hearing on the merits of the appeal. This avoids a situation where the Commission will be forced to hold separate public meetings and hearings, when the purpose of both events is functionally the same.

Contrary to the revision to the rules proposed by the commenter, the Commission reserves the right to interview parties in either instance since the criteria for review are the same for an appeal or a request that was not timely considered (i.e., compliance with law and students’ best interest). Just as importantly, the Commission, as a charter authorizer, is required under
Section 27A-7.10 to “maintain chartering policies and practices consistent with recognized principles and standards for quality charter authorizing”. To that end, it has incorporated the National Association of Charter School Authorizers’ best practices that encourage authorizers to conduct interviews with interested parties. Changing the rules so that the Commission cannot conduct interviews when the appeal is based on a school board’s denial contravenes the Charter Schools Law’s intent that the Commission act as a model of best authorizing practices.

Recommendation

No changes are recommended in response to these comments.

Comment

While two commenters supported the requirement that the Commission conduct a de novo, or fresh, review of any appeal or request not timely acted upon, two other individuals disagreed that the Commission had the authority to disregard the findings of fact provided by a school board. One said the de novo review should be limited to only the Commission’s consideration of requests upon which a local board did not timely act. By contrast, she pointed out that a de novo review for an appeal makes the Commission an “authorizer, rather than a reviewing body (and) ignores the typical standard of review, in which an agency’s factual findings receive deference, and only its legal conclusions are viewed de novo”. She asked that the proposed rules limit the scope of the Commission’s review of an appeal of a school board’s denial of a charter request.

The second opponent of the de novo review agreed that “there is no authority for ISBE/Commission to . . . not consider the school board’s findings of fact or conclusions”. She asked that the text regarding the de novo review process be removed from the proposed rules. As an alternative, she provided two other suggestions: that any proposed standard of review align with that standard which is used to review an administrative agency decision (i.e., that the Commission be required to adopt the findings of fact (unless the findings are clearly erroneous) and not reweigh evidence or make an independent determination of facts); or, alternatively, that the standard require the Commission to give due deference to the school board’s decision.

Analysis

The Commission believes the law, specifically Sections 27A-8(d), (e) and (g), requires it to conduct a de novo review of a charter proposal, without deference to either party, regardless of whether the appeal is based on the district’s denial of a charter proposal or its failure to act in a timely manner. That is, the law provides that a charter applicant whose request has been denied may “submit an appeal to the Commission. In such instances, or in those instances referenced in subsections (d) and (e) of this Section [regarding timelines for action], the Commission shall follow the same process and be subject to the same timelines for review as the local school board” (emphasis added). In other words, whether the appeal is based on a board’s denial or its inaction, the Commission must review the proposal anew, just as though it were the local school board receiving the proposal for the first time. This process includes convening a public meeting to gather more information about the proposal within 45 days of receiving the application, and voting, in a public meeting, to approve or deny the application within 30 days of such public meeting.

The statute clearly identifies two criteria for the Commission to use to review appeals, neither of which is the school board’s position. Section 27A-8(h) of the School Code provides that the
“Commission may reverse a local school board’s decision to deny a charter school proposal if the Commission finds that the proposal (i) is in compliance with [the Charter Schools Law] and (ii) is in the best interests of the students the charter school is designed to serve” (emphasis added). By its nature, determining whether the proposal complies with the Charter Schools Law requires examining the proposal with fresh eyes. For example, the Commission cannot determine whether the charter proposal is complete and includes the charter school’s mission statement, goals, educational program, and budget, without conducting a thorough, de novo review of the proposal itself.

Other language in the Charter Schools Law supports the notion that the Commission can and must review a charter application de novo. For example, Section 27A-7.5(a) of the School Code establishes the Commission as an “independent State agency with statewide chartering jurisdiction and authority.” Likewise, Section 27A-8(a) of the School Code states that in evaluating charter school proposals, the local school board and the Commission must give preference to proposals that evidence high levels of support, set rigorous standards for student achievement, and are designed to enroll and serve a substantial proportion of at-risk students. Like with the process the Commission is required to follow for evaluating proposals, the clear import of these provisions is that the Commission is expected to evaluate the proposal anew to determine if it meets the legislative requirements for compliance with the Charter Schools Law and best interests of the students the school is designed to serve.

A plain reading of the Charter Schools Law is not the only indication that the Commission’s review should be conducted de novo; case law applying the law’s provisions upheld the State Board’s practice of thorough review. Bd. of Educ. of Rich Twp. High Sch. v. Illinois State Bd. of Educ., 965 N.E.2d 13 (Ill. App. Ct. 2011). The Commission believes the same standard should apply to its review of proposals on appeal or its consideration of requests not timely considered.

Overall, the Charter Schools Law envisions an independent Commission that considers the merits of a charter school’s application upon review, with fresh eyes, and with the cumulative expertise of nine Commissioners with “strong experience and expertise in . . . public school leadership . . . [and] demonstrated understanding of and a commitment to public education, including without limitation charter schooling” (Section 27A-7.5(d) of the School Code). In order for the Commission to fulfill the legislative mandate to “authorize high-quality charter schools throughout the State,” the Commission must remain truly independent, using its expertise to conduct a thorough de novo analysis of all the evidence, including both the charter proposal and the school board’s response, giving deference neither to those representing the charter nor to the school board.

**Recommendation**

No changes are recommended in response to these comments.

**Comment**

One comment suggests that the proposed rules define what constitutes “high-quality authorization practices” and she offered her school district’s participation in any discussions designed to determine those practices.

**Analysis**
It is the Commission’s intent, in consultation with the State Board, to consider procedures in this area at a later date. Any exploratory committee of this nature would best include representatives from the State Board, the Commission, representatives from local school boards, and other representatives of diverse interests and geographic regions of the state.

**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 o: MISCELLANEOUS

PART 650
CHARTER SCHOOLS

SUBPART A: GENERAL PROVISIONS

Section
650.10 Definitions
650.20 Purpose

SUBPART B: ACTIONS OF THE STATE BOARD OF EDUCATION

650.30 Submission to the State Board of Education
650.40 Review of Local Approvals by the State Superintendent of Education of Local or Commission Approvals State Board
650.50 Revision and Renewal of Charters
650.60 Appeal of Local School Board Decisions (Repealed)
650.70 Procedures for Closing a Charter School

SUBPART C: ACTIONS OF THE STATE CHARTER SCHOOL COMMISSION

650.100 Appeals to, and Requests for Consideration by, the Commission
650.110 Review of Appeals and Requests for Consideration; Decision

AUTHORITY: Implementing and authorized by Article 27A of the School Code [105 ILCS 5/Art. 27A].

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART A: GENERAL PROVISIONS

Section 650.10 Definitions

“Article 27A of the School Code” or the “Charter Schools Law” means 105 ILCS 5/Art. 27A (see P.A. 89-450, effective April 10, 1996).

“Commission” has the meaning set forth in Section 27A-3 of the School Code.

“Day” means calendar day, unless otherwise specified in this Part. The time within which any action required under this Part must occur shall be determined in accordance with the provisions of Section 1.11 of the Statute on Statutes [5 ILCS 70/1.11].

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

Section 650.20 Purpose

Article 27A of the School Code sets forth the requirements for a charter school and the procedure for consideration of a charter school proposal by local boards of education, by two or more local boards of education pursuant to Section 27A-4(e) of the School Code, or by the Commission. Pursuant to Section 27A-4(e) of the School Code, two or more local boards of education may jointly submit a proposal for a single charter school. This Part sets forth the procedures applicable to reporting to the State Board of Education by local school boards and the Commission of the submission of charter school proposals, as required by Sections Section 27A-8(f) and 27A-9(f) of the School Code. Further, this Part sets forth procedures for appeals to the Commission of local board of education decisions under Section 27A-9 of the School Code and for the orderly closing of charter schools.

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

SUBPART B: ACTIONS OF THE STATE BOARD OF EDUCATION

Section 650.30 Submission to the State Board of Education

Local boards of education shall submit a final report to the State Board of Education as to the action by the local boards of education with regard to an application for, revision
of, renewal of, or revocation of a charter. A copy of the report shall be provided to the applicant or charter holder at the same time that the report is submitted to the State Board of Education. The report shall include a notice to the applicant or charter holder to the effect that a denial, revocation or non-renewal of a charter school application or revision may be appealed to the State Board of Education within 14 days from the date that school board voted to deny the application or revoke or not renew a contract after the postmark date that the report is submitted to the State Board of Education. Reports shall be submitted as follows:

a) The local board of education shall submit the report to the State Board of Education either by electronic mail or U.S. mail to the address in subsection (e) of this Section not later than seven days after the date of the public meeting at which the board acted on the charter request.

1) For reports submitted by U.S. mail, the report must bear a postmark date of not later than seven days following the meeting date.

2) In case of separate public meetings by each school board involved, the seven days shall begin when the last school board votes on the matter.

b) Reports of approved applications, revisions, or renewals shall be accompanied by a form to be supplied by the State Board that attests to the local board of education’s compliance with all of the procedural requirements and application components set forth in Article 27A of the School Code. The form and the proposed contractual agreement shall be signed by the president(s) of each local school board that is a party to the application and the appropriate officers of the charter school governing body. Section 27A-6 of the School Code provides that a proposed contract between the governing body of a proposed charter school and the local school board must be submitted to and certified by the State Board before it can have effect.

c) Reports of denials, revocations or non-renewals shall consist of the charter proposal or current charter contract voted upon by each of the local boards of education; and a copy of each board’s resolution setting forth the board’s action and its reasons for the action; a notice to the applicant or charter holder to the effect that a denial, revocation or non-renewal of a charter school application or revision may be appealed to the Commission within 30 days from the date that the school board voted to deny the application or revoke or not renew
a contract; and any other documents upon which the board relied in denying the current proposal or revoking or not renewing the contract.

d) Each submission under subsection (b) or (c) of this Section also shall include a certification of publication and a copy of the printed notice of the public meeting for each local board of education involved, as required by Section 27A-8(d) of the School Code, must be submitted with all reports.

e) Reports shall be submitted via electronic submission to charter@isbe.net or by certified mail, return receipt requested, addressed to:

Illinois State Board of Education
Charter Schools
100 West Randolph Street
Suite 14-300
100 North First Street
Chicago Springfield, Illinois 60601 62777

No electronic or facsimile transmissions will be accepted.

f) Reports and other documentation pertaining to denials, revocations or non-renewals also shall be submitted to the Commission within the timeframe set forth in subsection (a) of this Section via electronic submission to Jeanne.Nowaczewski@Illinois.gov or by certified mail, return receipt requested, addressed to:

State Charter School Commission
Michael A. Bilandic Building
160 North LaSalle Street, 6th Floor
Chicago, Illinois 60601

Reports must postmarked not later than 7 calendar days following the date of public meeting of the local board(s) of education at which the vote occurred and must include proof of service of the report upon the applicant or charter holder. In cases of separate public meetings by each school board involved, the 7 days shall begin when the last school board votes on the matter.

(Source: Amended at 36 Ill. Reg. ______, effective ____________)
Section 650.40 Review of Local Approvals by the State Superintendent of Education of Local or Commission Approvals State Board

a) The State Superintendent Board shall review each report of an approved application, revision or renewal to determine whether the statutory requirements have been followed and the proposed contractual agreement is complete and compliant with the provisions of Article 27A of the School Code. Proposed contractual agreements that which are complete and compliant with the provisions of Article 27A of the School Code shall be certified by the State Superintendent until the maximum authorized numbers of charter schools have been reached. The State Superintendent shall send a certification of the charter shall be sent to each the local school board that is a party to the application board(s) or the Commission, as applicable, and the charter school governing body.

b) If a report is incomplete or a proposed contractual agreement fails to comply with any applicable law, the State Superintendent Board shall so notify each the submitting school board board(s) or the Commission, as applicable, and the applicant or charter holder, identifying the areas area(s) of deficiency that must be remedied before the proposal can be considered for certification.

c) The State Superintendent shall notify each the local school board that is a party to the application board(s) or the Commission, as applicable, and the applicant or charter holder as to a determination made with respect to a report of an approved application, renewal or revision by certified mail within 30 days after receipt of the report (Section 27A-8(f) of the School Code).

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

Section 650.50 Revision and Renewal of Charters

No material revision to a previously certified contract or a renewal shall be effective unless and until the State Superintendent Board certifies that the revision or renewal is consistent with the provisions of Article 27A (Section 27A-6(e) of the School Code). Proposed revisions or renewals of a charter shall be submitted to the State Board of Education in the manner set forth in this Part.
a) The following revisions to a certified contract or a renewal are considered material for purposes of this Section. Any proposed revision not listed in this subsection (a), except those set forth in subsection (b) of this Section, should be presumed material and shall be submitted to the State Board for certification before it may take effect.

   1) Enrollment growth beyond 20 percent or expansion beyond the grade levels listed in the certified charter.

   2) Transferring the charter to another non-profit entity.

   3) Altering the mission of the charter or the targeted student population.

   4) Employing or terminating a management company.

   5) Any change to the charter with respect to the National School Lunch Program (7 CFR 210.10 (2012)).

   6) Any change to the charter with respect to the provision of student transportation.

b) The following revisions to a certified contract are not considered material for purposes of this Section.

   1) Bylaws.

   2) Relocation.

   3) The name of the charter school.

   4) The articles of incorporation.

   5) Class sizes as stated in the application.

   6) Length of school day and/or academic year.

   7) Curriculum changes.
Section 650.60  Appeal of Local School Board Decisions (Repealed)

a) An applicant for a charter or a charter holder may appeal to the State Board of Education a local school board report which denies, revokes or refuses to renew a charter. The appeal must state the reasons why the decision of the school board should be reversed and must be postmarked not later than 14 calendar days following the postmark date of the report’s submission to the State Board of Education. The appeal must be submitted in writing by certified mail, return receipt requested, to the following address, with a copy sent by certified mail to the school board:

Illinois State Board of Education
Charter Schools
100 North First Street
Springfield, Illinois 62777

No electronic or facsimile transmissions will be accepted. Appeals postmarked later than 14 calendar days following the postmark date of submission of the report shall not be processed.

b) The parties shall submit to the State Board such additional information as the State Board determines is necessary to decide the appeal.

c) The applicant, charter holder, or school board may request an opportunity to make an oral presentation to staff of the State Board of Education designated by the State Superintendent of Education.

1) An applicant or charter holder shall request an oral presentation in the appeal document submitted pursuant to this Section.

2) If an applicant or charter holder does not request an oral presentation, the school board may request an oral presentation by mailing a written request to the State Board, with a copy sent to the applicant or charter holder, within seven days after the postmark date of the appeal.
3) Staff of the State Board of Education will schedule the presentation after giving no less than seven days’ notice to each party, unless the State Superintendent can determine from the school board’s report that the school or proposal, as a matter of law, does not comply with the Charter Schools Law.

4) If either party has requested and is entitled to an oral presentation, each party shall be given 45 minutes to make a presentation.

5) If neither party requests an oral presentation, staff of the State Board may request that the parties make an oral presentation after giving no less than seven days’ notice to each party.

d) Staff of the State Board of Education shall submit a recommendation to the State Superintendent of Education.

1) If the State Superintendent determines that the appeal is untimely or that the school or proposal, as a matter of law, does not comply with the Charter Schools Law, he shall issue a final decision to the parties containing his findings and denying the appeal. Otherwise the State Superintendent shall submit his findings and recommendation to the State Board of Education for a final decision.

2) A copy of the final decision shall be sent by certified mail to each party within 60 days after receipt of the appeal, receipt of any additional information requested under subsection (b) of this Section, or the date of an oral presentation made pursuant to this Section, whichever occurs last.

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

Section 650.70 Procedures for Closing a Charter School

The governing body of a charter school that is closing, whether voluntarily or involuntarily, shall be subject to the requirements of this Section.

a) Required Notices
1) Except in the case of an emergency, where the health, safety or education of the charter school’s students is at risk, any notice of a charter school’s closing required under this subsection (a) shall be provided:

A) at least 60 days before the end of the school year in which the closure will take place for a charter school that is closing involuntarily (i.e., has had its charter revoked or not renewed); or

B) at least 60 days before the scheduled closing date for a charter school that is voluntarily closing.

2) The governing body or its designee shall provide the following notices:

A) to the charter school’s employees, including the date of closure;

B) to the parents or guardians of the students attending the school and to the superintendent of each school district in which any of the charter school’s students reside, including:

   i) the date of closure; and

   ii) the procedures the parents should follow in order to continue their children’s education within the public schools;

C) to the entity that authorized the charter school and to the State Superintendent of Education, submitted by certified mail, return receipt requested, and including:

   i) the date of closure;

   ii) the name, address, and telephone number of the person who will be responsible for making arrangements for the closure; and

   iii) copies of the notices required by subsections (a)(2)(A) and (a)(2)(B) of this Section.
b) Disposition of Assets

1) When a charter school is authorized by one or more local boards of education, the governing body or its designee shall refund to the chartering entity or entities all unspent public funds. The charter school’s other assets shall be dissolved under the provisions of the charter application and contract. If the contract is silent or ambiguous as to the disposition of any of the school’s assets, all assets of the charter school purchased with public funds shall be returned to the school district or districts from which the charter school draws enrollment, at no cost to the receiving district or districts, subject to each district’s acceptance of the asset. Any unspent public funds or other assets received by the charter school directly from any State or federal agency shall be refunded to or revert back to the State or federal agency, respectively.

2) When a charter school is authorized by the Commission, the governing body or its designee shall refund all unspent public funds to the State Board of Education. The charter school’s other assets shall be dissolved under the provisions of the charter application or contract. If the contract is silent or ambiguous as to the disposition of any of the school’s assets, all assets of the charter school purchased with public funds shall be returned to the school district or districts from which the charter school draws its enrollment, at no cost to the receiving district or districts, subject to each district’s acceptance of the asset. Any unspent public funds or other assets provided by a State agency other than the State Board of Education or by a federal agency shall be refunded to or revert back to that State or federal agency, respectively.

c) Student Records

The governing body or its designee shall transfer its students’ permanent and temporary records (see 23 Ill. Adm. Code 375.10; Definitions) to the school’s chartering entity or entities, as set forth in 23 Ill. Adm. Code 375.75 (Public and Nonpublic Schools: Transmission of Records for Transfer Students), except that, if the Commission is the chartering entity, each student’s permanent record shall be transferred to his or her district of residence.

d) Other Records
The governing body or its designee shall prepare all the school’s records for transfer to the chartering entity or entities. These records shall include, but need not be limited to:

1) the minutes of the meetings of the governing body;
2) the school’s policy manual;
3) the manuals setting forth the school’s administrative, accounting, and personnel-related procedures;
4) all personnel files, including service records and information regarding teachers’ certification;
5) all teachers’ schedules;
6) all inventory records for fixed assets (i.e., tangible property used in operating the charter school);
7) bank statements, including any canceled checks returned by the financial institution;
8) corporate credit card statements and invoices;
9) accounting reports, budgets, journals, ledgers, and registers;
10) annual financial reports prepared by independent auditors;
11) all agreements, contracts, and records of arrangements, including any exhibits, amendments, or other supporting documentation;
12) all Internal Revenue Service forms used and any supporting documentation;
13) all Teachers’ Retirement System forms used and any supporting documentation;
purchase requisitions and purchase vouchers, including supporting
documentation such as vendors’ invoices, store receipts, or travel
itineraries;

15) vouchers for reimbursement of staff expenses, including travel, with any
supporting documentation; and

16) all electronic files containing financial records pertaining to the school.

e) Requirements for Inventory Records

For each fixed asset of the charter school (i.e., land, buildings, machinery,
equipment, furniture, and fixtures), the inventory record shall include the
following information:

1) a description of the fixed asset;

2) a manufacturer’s serial number, model number, federal or national stock
number, or other identifying number, if applicable;

3) an indication as to whether local, State, and/or federal funds were used to
acquire the asset, along with information from which the percentage of
State and/or federal participation can be calculated;

4) whether title to the asset vests in the charter school, an agency of State
government, or the federal government;

5) the acquisition date (or the date received, if the asset was furnished by a
donor) and cost;

6) the location and condition of the fixed asset and the date as of which this
information was last reported (e.g., the date of the last physical inventory
taken by representatives of the charter school);

7) information as to the ultimate disposition of the fixed asset, including the
date of disposal and sale price, or, when the charter school has
compensated a State or federal agency for its share in the asset, the method
used to determine the current fair market value.
Final Financial Accountability

1) The governing body or its designee shall cause a final audit of the charter school to be performed by an independent auditor after all the school’s assets have been liquidated and its accounts payable have been settled. The governing body or its designee shall provide a copy of the audit report to the chartering entity.

2) If the governing body has been unable to liquidate all the school’s accounts payable, the governing body or its designee shall inform the chartering entity or entities of any outstanding obligations. The chartering entity shall not, however, be responsible for any obligation of a charter school not specified in the charter agreement.

3) The governing body shall designate an individual who will complete any expenditure reports or other fiscal documentation that may be required by the State Board of Education.

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

SUBPART C: ACTIONS OF THE STATE CHARTER SCHOOL COMMISSION

Section 650.100 Appeals to, and Requests for Consideration by, the Commission

a) An applicant for a charter or a charter holder may appeal to the Commission a local school board report that denies, revokes or refuses to renew a charter. An applicant for a charter also may submit its proposal to the Commission for consideration in situations in which the local school board fails to act on the proposal within a timely manner. (See Section 27A-8(d) and (e) of the School Code.) Any appeal or request for consideration shall be submitted to the Commission no later than 30 days after:

1) the date that the school board voted to deny the application; or

2) the date by which the school board was to, but did not, hold a public meeting (see Section 27A-8(d) of the School Code); or
3) the date by which the school board was to, but did not, vote on the charter request (see Section 27A-8(e) of the School Code).

b) The appeal or request for consideration must be submitted electronically to the Commission at Jeanne.Nowaczewski@Illinois.gov, with a copy sent by certified mail or electronic mail to the school board.

c) Appeals of School Board Decisions to Deny, Revoke or not Renew a Charter

The applicant, to the extent possible, must state the reasons why the decision of the school board should be reversed.

d) Consideration of Requests Due to Local Inaction

1) The applicant shall state the reasons why the proposal should be granted.

2) The applicant shall list the date the charter school proposal was submitted to the school board for consideration and, if a public meeting was held in accordance with Section 27A-8(c) of the School Code, the date of the public meeting and a statement that the school board failed to vote on the request within 30 days after the meeting being held.

e) The parties shall submit to the Commission any additional information that the Commission determines is necessary to decide the appeal or consider a request submitted due to the local board’s inaction.

f) Any appeal or request for consideration not submitted within the applicable deadline specified in subsection (a) of this Section shall not be considered, and the Commission shall provide notification to the applicant to this effect.

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

Section 650.110 Review of Appeals and Requests for Consideration; Decision

a) Within seven days after receiving an appeal or a request to consider due to a school board’s inaction, the Commission shall inform each party (i.e., charter school applicant and school district) of the following:
STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) the time, date and location of the public meeting to hear the appeal or consider the request that is scheduled no later than 45 days after the Commission received the appeal or request for consideration;

2) a notice provided to both parties that either party may provide a written request for an opportunity to make an oral presentation before the Commission during the public meeting at which the Commission shall hear the appeal or consider the request. This request shall be submitted no later than seven days prior to the date set for the meeting; and

3) the time, date and location of any interviews the Commission may wish to schedule with the parties in advance of the public meeting.

b) When practicable, the Commission’s designees (e.g., Commission staff, independent evaluators assigned by the Commission) shall conduct any interviews in the presence of both parties. Unless otherwise required by Illinois law, the interviews shall not be open to the public.

c) In addition to the timeline provided under subsection (a) of this Section, the Commission shall provide each party with a reminder notice at least five days in advance of the public meeting to be held to hear the appeal or consider the request. A public meeting conducted under this subsection (c) shall comply with the Open Meetings Act [5 ILCS 120].

1) If either party has requested an oral presentation, the Commission shall provide each party with an equal amount of time to make the oral presentation to the body and to respond to the Commission’s questions.

2) The Commission shall reserve time at the public meeting to take testimony or comments from the public.

3) In so far as possible, the Commission shall hold the public meeting at or near the school district involved in the appeal or request for consideration.

d) The Commission shall render a decision no later than 30 days after the conclusion of the public meeting and shall announce that decision either during the public meeting held to consider the appeal or request for consideration or during another publicly scheduled meeting held within the required 30-day timeline.
1) In reviewing appeals or whether to grant a charter due to a school district’s inaction, the Commission shall consider whether the charter proposal is in compliance with Article 27A of the School Code and is in the best interests of the students the charter school is designed to serve. (Section 27A-8(h) of the School Code) In order to determine whether a proposal satisfies both prongs under Section 27A-8(h), the Commission shall conduct a de novo review of the proposal and the district’s response. Pursuant to this review, the Commission shall not give deference to any finding of fact or conclusion of law made by the local board of education with respect to the proposal or any information provided by the charter school applicant.

2) If the appeal or request for consideration, as a matter of law, does not comply with the Charter Schools Law, or if the charter proposal is not in the best interest of the students, the Commission shall issue a final decision to the parties containing the Commission’s reasons for denying the appeal or request for consideration.

3) If the Commission finds that the charter school proposal complies with Article 27A of the School Code and is in the best interest of the students to be served, it shall issue a final decision to the parties containing the Commission’s reasons for approving the appeal or request for consideration.

4) A copy of any decision rendered pursuant to subsection (d)(2) or (d)(3) of this Section shall be provided to each party by certified mail within the timeline set forth in this subsection (d).

e) The decision of the Commission is final unless reviewed under the Administrative Review Law [735 ILCS 5/Atr. III], as provided in Section 27A-8(h) of the School Code.

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

FROM: Christopher A. Koch, Ed.D., State Superintendent of Education
       Nicki Bazer, General Counsel

Agenda Topic: Contract Exceeding $1 Million: Franczek Radelet

Staff Contact(s): Marcilene Dutton, Deputy General Counsel

Purpose of Agenda Item
The Office of the General Counsel requests Board authorization to continue ISBE’s contractual relationship with the Franczek Radelet law firm (key person, Partner Respicio F. Vasquez) for representation in Corey H. et. al. v. Board of Education of the City of Chicago, et.al., 92 C 3409 (United States District Court, Northern District, Illinois) (the “Corey H. case”). The duration of the case has necessitated seeking board approval to exceed expending $1 million on this contract.

Relationship to/Implications for the State Board’s Strategic Plan
The continuation of this contract supports the following two goals:

Goal 1: “Every student will demonstrate academic achievement and be prepared for success after high school”; and

Goal 2: “Every student will be supported by highly prepared and effective teachers and school leaders.”

Expected Outcome(s) of Agenda Item
This agenda item will be discussed in the Finance and Audit Committee meeting and then called for a vote in plenary session.

Background Information
The Corey H. case is a class action suit brought against the Chicago Board of Education (CBE) charging failure to educate students with disabilities in the least restrictive environment and against ISBE alleging failure to exercise requisite supervisory authority over CBE practices regarding education of students with disabilities in the least restrictive environment. The current status of the case is that per the terms of the Agreed Order of December 2010, ISBE’s monitoring obligations under the Settlement Agreement terminated on August 1, 2011. ISBE remains under the supervision of the Corey H. Court Monitor for the purposes of completion of a final report to the Court detailing the status of ISBE compliance with the Corey H. Settlement Agreement. ISBE is currently monitoring, and participating in, the development of this final report and will seek a final dismissal from the case at its completion.

This contract has been in place since October 19, 2004. This firm was hired due to its expertise in the Corey H. lawsuit. The term of the contract is as follows: “until the finality of any and all proceedings is accomplished.” Respicio F. Vasquez has represented the Agency through this contract since its inception. His knowledge of the case and its background, as well as his
experience in state government, has made his continued representation of the Agency appropriate.

The funding for each fiscal year is as follows:

**Financial Background**

On October 19, 2004, the Illinois State Board of Education entered into a contract with Franczek-Radelet PC (A/K/A Franczek-Sullivan, PC). This contract is exempt from the provisions of the Procurement Code per 30 ILCS 500/1-10(b) (7) (litigation exception). Franczek- Radelet provides legal representation for the State Board of Education in all aspects of the Corey H. matter [Corey H. et al. vs. Board of Education of the City of Chicago, ISBE, et al., Case No. 92 C3409] in the capacity of Special Assistant Attorney General.

The current contract expires June 30, 2013.

This contract was not formally bid because these services are exempt from the procurement code, therefore there was no Business Enterprise Program (BEP) goal attached to the solicitation.

The financial background of this contract is illustrated in the table below:

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**Effectiveness**

The law firm has fulfilled all contractual requirements, representing the Agency as its advocate throughout the pendency of the Corey H. case.

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

Budget Implications: Funding for this contract comes from general revenue funds. The request is for board approval for authority to expend up to an additional $100,000 during FY13.

Legislative Action: N/A

Communication: Please see the Next Steps section below.

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

The State Board hereby authorizes the State Superintendent to amend the contract with the Franczek -Radelet to increase the contract’s amount by $100,000, so that the total amount of the contract shall be $1,099,075. This contract is for representation in the Corey H. litigation.

**Next Steps**
Once Board approval is obtained, the Agency will renew the Franczek Radelet contract as necessary and in accordance with the Board’s approval.
ILLINOIS STATE BOARD OF EDUCATION MEETING
August 16, 2012

TO: Illinois State Board of Education

FROM: Christopher A. Koch, Ed.D., State Superintendent of Education
       Reyna Hernandez, Assistant Superintendent

Agenda Topic: Contract Exceeding $1 Million: Board of Regents of the University of Wisconsin

Materials: None

Staff Contact(s): Seng Naolhu, Interim Division Administrator for English Language Learning

Purpose of Agenda Item
The Division of English Language Learning seeks Board authorization to extend an intergovernmental agreement in excess of one million dollars with the Board of Regents of the University of Wisconsin (Wisconsin Center for Education Research) for one additional year, without additional cost, to complete development of Spanish academic language standards and assessments under the federal Spanish Academic Language Standards and Assessments (SALSA) grant.

Relationship to/Implications for the State Board’s Strategic Plan
The activities of the SALSA grant are linked to the following agency goal:

Goal 1: Every student will demonstrate academic achievement and be prepared for success after high school.

Expected Outcome(s) of Agenda Item
The Board will authorize the State Superintendent to extend the intergovernmental agreement with the Board of Regents of the University of Wisconsin (Wisconsin Center for Education Research). The extension will be for one additional year from September 1, 2012, through August 31, 2013, and will not increase the total cost of the agreement. The total cost of the agreement is $1,918,845.

Background Information
Eighty percent (80%) of English language learners in the Illinois education system are native speakers of Spanish. Accordingly, the Illinois State Board of Education, on behalf of the 23 states in the World-Class Instructional Design and Assessment (WIDA) Consortium, submitted a grant application to the U.S. Department of Education (ED) to develop and implement Spanish language development standards for students in Pre-K through twelfth grade, and to develop a practicable, reliable, and valid Spanish language proficiency assessment system for Grades K-2. This assessment system will be based on those standards for English language learners (ELLs) whose first language (L1) is Spanish and for students receiving content area instruction in Spanish regardless of their L1.

This project has four goals:
  • to create academic Spanish language development standards for grades Pre-K - 12;
• to develop a technology-mediated assessment to ensure that Spanish language development, as defined by the SALSA, is assessed validly and reliably in grades K-2;

• to disseminate information on the project at local, state and national levels; and

• to collaborate with state educational agencies (SEAs), institutions of higher education (IHEs), local educational agencies (LEAs), and other research institutions in the development, research, and administration of a standards-referenced assessment system.

In October 2010, Illinois was awarded one of only seven federally funded Enhanced Assessment Instruments Grants (CFDA No. 84.368A). Under the terms of the grant, the Board of Regents of the University of Wisconsin (Wisconsin Center for Education Research) is responsible for carrying out the required activities. The agreement between the Illinois State Board of Education and the Wisconsin Center for Education Research for the grant period ending on August 31, 2012, was finalized in November 2011. An additional year is needed to complete the proposed activities, though no additional funding is required. A no-cost extension to the federal Enhanced Assessment Instruments Grant period has been requested.

Financial Background

On November 17, 2011, the Illinois State Board of Education entered into a contract with the Board of Regents of the University of Wisconsin (Wisconsin Center for Education Research). This intergovernmental agreement will create academic Spanish language development standards for grades PreK-12 and develop technology mediated assessments for grades K-2, disseminate information on the project and collaborate with other institutions in the research, development, and administration of the assessments.

This request is to renew the current contract for the term of September 1, 2012 through August 31, 2013. The amendment will not increase the maximum amount to be paid to the Board of Regents of the University of Wisconsin, it will only extend the term of the agreement for another year. The renewal of this contract will continue to be funded by the SALSA federal grant.

The financial background of this contract is illustrated in the table below:

<table>
<thead>
<tr>
<th></th>
<th>Current Contract State Funding</th>
<th>Current Contract Federal Funding</th>
<th>Requested Additional State Funding</th>
<th>Requested Additional Federal Funding</th>
<th>Total Contract per Fiscal Year</th>
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<tr>
<td>FY12</td>
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<td></td>
<td>-$1,579,017</td>
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<td>FY13</td>
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<td></td>
<td>$1,241,685</td>
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<tr>
<td>FY14</td>
<td></td>
<td></td>
<td>$337,332</td>
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<td></td>
</tr>
</tbody>
</table>

Effectiveness

Last Evaluation of the program: N/A

The completion of quality grant deliverables will be used to determine effectiveness. The deliverables include:

1) academic Spanish language development standards for grades PreK-12;
2) the development of technology mediated assessments for grades K-2;
3) dissemination of information on the project including collaboration with other institutions in the research, development, and administration of the assessments.

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

**Policy Implications:** This project supports enhanced services to address the instructional needs of Spanish-speaking English language learners and will offer additional resources to Illinois districts that provide Spanish bilingual education to students, as required under the Transitional Bilingual Education program.

**Budget Implications:** Funding for this project is included in the federal Enhanced Assessment Instruments Grant.

**Legislative Action:** None required

**Communication:** See Next Steps below.

**Pros and Cons of Various Actions**

A no-cost extension of the intergovernmental agreement will allow the Wisconsin Center for Education Research to complete the activities as required under the federal Enhanced Assessment Instruments Grant.

**Superintendent’s Recommendation**

I recommend that the following motion be adopted:

The State Board hereby authorizes Agency staff to extend through August 31, 2013, the intergovernmental agreement with the Board of Regents of the University of Wisconsin (Wisconsin Center for Education Research) without any increase in the funding amount of $1,918,845. This contract is for the creation of Spanish language development standards for grades PreK-12 and will develop technology mediated assessments for grades K-2, disseminate information on the project and collaborate with other institutions in the research, development, and administration of the assessments.

**Next Steps**

Upon approval, agency staff will apply for a no cost extension to the U.S. Department of Education and will execute a one year extension of the intergovernmental agreement with the Wisconsin Center for Education Research in accordance with Board approval.
ILLINOIS STATE BOARD OF EDUCATION MEETING
August 16, 2012

TO:
Illinois State Board of Education

FROM:
Christopher A. Koch, Ed.D., State Superintendent of Education

Agenda Topic: National Association of State Boards of Education (NASBE) Dues – Membership Renewal

Materials: NASBE Membership Information

Purpose of Agenda Item
To consider authorization of membership renewal in NASBE for FY13.

Background
Each year NASBE invites all 50 states to renew their membership in the association for the coming year.

The Board Services Office has received a copy of the NASBE invoice for the 2013 Association dues. As in previous years, as part of the dues, NASBE is offering all member boards the option of establishing an account for the explicit purpose of state board professional development. This professional development account is a way of helping members access the professional development critical to success. The account will be managed by NASBE (with the approval of the Illinois Board Services Coordinator) and will be accessed to support travel, registration and other costs as necessary. If money is left over at the end of the year, it will be rolled over into the new fiscal year. State Boards may opt to enter into whatever level of membership they prefer. They may choose to decline the professional development fund, or they may select from three levels of professional development funds.

For the past several years, the Board has opted to include an additional $2,500 for board member professional development in the dues payment. If the Board decides to include this amount again for 2013, the total 2013 dues payment would be $49,869. Over the last two years, approximately $600 has been carried over from the previous year, indicating that this amount has adequately supported our Illinois members.

In brief, general NASBE membership includes:

- Study Groups that allow members to explore in-depth critical education issues and develop recommendations for policymakers across the nation;
- Convening opportunities for State Board Members such as the Annual Conference, Legislative Conference and Topical Conferences;
- Participation in the New State Board Member’s Institute with the cost of two new board members’ travel and living expenses covered by NASBE.;
- Competitive grants for Board initiatives in targeted areas;
- Affiliate membership for State Education Agency staff in the National Council of State Board of Education Executives (NCSBEE) and the National Council of State Education Attorneys (NCOSEA). NCSBEE is the national organization serving individuals who provide administrative and other support to state boards of education. Because their
positions are unique in the state education agency, executives find communication and joint professional development activities with their counterparts in other states very helpful. NCOSEA provides a forum for SEA attorneys to study and exchange information on legal issues of concern to state education policymakers and serves as a valuable NASBE communications link by identifying emerging legal issues, disseminating information to state board members and state education attorneys, and providing data on state and federal education litigation.

- A subscription to the State Education Standard;
- NASBE resource information binder, including education research and analysis, federal legislative updates, tips on effective policymaking, coverage of education reform across the nation, and other vital documents;
- All NASBE publications for the membership year, including three to four single topic reports based on in-depth research with recommendations for action;
- Access to “Education Policy Central” NASBE’s expansive clearinghouse of educational resources, including power point presentations, policy recommendations, reports and research data, available through the “Members Only” section of the website.
- Representation of State Board views and priorities in Congress and to the Executive Branch;
- Technical assistance and field services for Board retreats and workshops;
- Public relations support and services for State Boards.

**Recommended Motion:**
For the past several years, the Board Operations Committee has recommended the following motion be adopted.

The State Board of Education authorizes renewal of NASBE membership for 2013, including the middle-range professional development account for use by Illinois members.

**Next Steps**
Upon Board approval staff will process dues payment at the beginning of the fiscal year.
June 13, 2012

Ms. Jean Ladage
Office of the Superintendent
100 N. First Street, S405
Springfield, IL 62777

Dear Jean:

For all of us at NASBE it is a great honor to serve and support state boards as we all strive toward creating the best possible outcomes for every student in the country. As NASBE’s new executive director, I look forward to working with you in even bigger and better ways in the year ahead. With that in mind, I have enclosed our dues invoice for 2013 to help you plan for your next fiscal year. We ask that dues be submitted by December 1, 2012.

In looking ahead, we see 2013 as a pivotal year of opportunity and challenge in the rapidly changing policy environment for public education in America. For state-level policymakers, the pressures of change will be particularly dynamic given the continuing fiscal crises, the transformative use of digital technology, the greater focus on high standards and accountability, as well as an anticipated reduction in the federal role. Indeed, next year state boards of education will be at the center of new policy dimensions affecting tens of millions of students for years to come.

We at NASBE stand ready and eager to help state board members collectively and individually navigate this “new normal.” Many members have told us that the need has never been greater for the kind of professional learning, collegial support, policy advocacy and expert evidence-based assistance that NASBE provides its members. To answer this need, we are designing a new portfolio of innovative services and benefits to further expand and customize our work with you. We will be unveiling the portfolio in an ongoing fashion in the coming months but have outlined below some of the key ingredients. Included are some of our most familiar and effective services, traditional services delivered in dynamic new ways, and new initiatives that aim to more nimblly respond to the every changing needs of individual state boards.

Please do not hesitate to contact at any time with your ideas and questions. I look forward to a great year ahead for our collective cause.

Sincerely

Jim Kohlmoos

Enclosures
2013 Dues Invoice
Portfolio of Membership
ILLINOIS STATE BOARD OF EDUCATION MEETING
August 16, 2012

TO: Illinois State Board of Education

FROM: Christopher A. Koch, Ed.D., State Superintendent of Education
       Melissa S. Oller, Chief Internal Auditor

Agenda Topic: Presentation of FY 2011 A-133 Statewide Single Audit Report

Materials: FY 2011 Statewide Single Audit Report (Sent under separate cover)

Staff Contact: Melissa Oller, Chief Internal Auditor

Purpose of Agenda Item
To provide the Board with the results of the FY 2011 Statewide Single Audit, reported findings related to ISBE, and Agency’s response to those findings.

Expected Outcome(s) of Agenda Item
The Board will be informed of the issues identified by the Office of the Auditor General in the FY 2011 Statewide Single Audit report and accept the audit.

Background Information
The Auditor General annually conducts a Statewide Single Audit of all major programs (FY11 threshold for major programs is $52,290,000 in expenditures), as required by the Federal Single Audit Act. The primary focus of this audit is to determine compliance with federal program and administrative requirements and the adequacy of internal controls to ensure such compliance and accuracy of reporting.

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

The FY11 A-133 Statewide Single Audit report contains four ISBE findings:

11-56 Failure to Sanction Non-Comparable Local Education Agency and Inadequate Documentation for Determining Comparability
11-57 Inadequate On-Site Fiscal Monitoring of Subrecipients
11-58 Inadequate On-Site Programmatic Monitoring of Subrecipients
11-59 Inadequate Cash Management Procedures for Subrecipients

Budget Implications: Continued funding is needed to adequately maintain staffing in the division responsible for monitoring services. The division now has sufficient staff resources to complete the current year monitoring plan. As monitoring responsibilities may vary from year to year, the Agency will annually assess the staffing needs of the monitoring division to ensure adequate coverage. Inadequate subrecipient monitoring results in ISBE being noncompliant with federal requirements and thus putting receipt of federal funds at risk.

Legislative Action: This audit will be reviewed by the Legislative Audit Commission.

Communications: The audit is issued by the Auditor General and is available to the public. Findings are sent to the office of the federal agency responsible for the subject program by the
Auditor General. The federal agency may request additional information regarding the adequacy and status of the corrective action plan or direct ISBE to take additional corrective actions. Upon resolution, the responsible federal agency will issue a program determination letter noting the finding is resolved and closed.

**Superintendent’s Recommendation**
I recommend that the State Board adopt the following motion:


**Next Steps**

The FY 2012 A-133 Statewide Single Audit is currently in progress.
TO: Illinois State Board of Education

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

Agenda Topic: Illinois State Educator Preparation and Licensure Board Appointments

Materials: None

Staff Contact(s): Vicki Phillips, Division Administrator, Educator and School Development and Secretary, Illinois State Educator Preparation and Licensure Board

Purpose of Agenda Item
To review and act upon the recommendations for appointment to the Illinois State Educator Preparation and Licensure Board.

Relationship to/Implications for the State Board’s Strategic Plan
The Illinois State Educator Preparation and Licensure Board has the responsibility to make recommendations to the State Board of Education on matters that directly relate to ensuring that “Every student will be supported by highly prepared and effective teachers and school leaders.”

Expected Outcome(s) of Agenda Item
The anticipated outcome of this agenda item is the appointment of new members to the Illinois State Educator Preparation and Licensure Board for one to three-year terms beginning July 1, 2012.

Background Information
Section 21-13 of the School Code requires that the State Board of Education appoint members to the Illinois State Educator Preparation and Licensure Board. An appointment to the Licensure Board is for a three-year term and members have traditionally served no more than two terms.

Appointments to the Illinois State Educator Preparation and Licensure Board are to represent specified categories of educators as follows:

<table>
<thead>
<tr>
<th></th>
<th>Administrative or faculty members of public or private colleges and universities in Illinois</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Administators in the public schools</td>
</tr>
<tr>
<td>3</td>
<td>Public school classroom teachers</td>
</tr>
<tr>
<td>10</td>
<td>Regional Superintendent of Schools</td>
</tr>
</tbody>
</table>

The law further requires that at least one of the administrators and three classroom teachers shall be employees of a school district subject to the provisions of Article 34.

Recommendations are submitted by professional organizations representing higher education, teachers, administrators, and regional offices of education.

In accordance with the nomination procedures set forth in statue, the State Superintendent has received nominations and conducted interviews. The following recommendations have been made after interviews with the State Superintendent and Assistant Superintendent:
Illinois Federation of Teachers (IFT)
Francesc Borrull  Reappoint to a Second Term
Elysa Pike  Replaces Ken Jamison
Julie Harris  Replaces Linda Pellegrini
Leon Scarlett  Replaces Jennifer Johnson

Illinois Association of Teachers of Education for Private Colleges (IATEPC)
Rebecca Nelson  Replaces Janet Pierce Ritter

Illinois Association of Regional School Superintendents (IARSS)
Bobbi Mattingly  Replaces Jim Carlson

Illinois Association of School Administrators (IASA)
Mark Doan  Replaces Chad Allison

Illinois Education Association
Kathleen Valenta  Reappoint to a Second Term
Tammy Knippenberg  Replaces Michael Engfer
Naseem Alibhai  Replaces Gloria Walsh

Analysis and Implications for Policy, Budget, Legislative Action and Communications
Policy Implication: With the approval of these recommendations, the Illinois State Educator Preparation and Licensure Board will have a fully appointed Board.

Superintendent’s Recommendation

I recommend that the following motion be adopted:

The State Board of Education hereby approves the following recommended appointments to the Illinois State Educator Preparation and Licensure Board:

Kathleen Valenta  Second Appointment/Term Expires 6-30-15
Francesc Borrull  Second Appointment/Term Expires 6-30-15
Rebecca Nelson  First Appointment/Term Expires 6-30-15
Leon Scarlett  First Appointment/Term Expires 6-30-15
Tammy Knippenberg  First Appointment/Term Expires 6-30-15
Elysa Pike  First Appointment/Term Expires 6-30-15
Mark Doan  First Appointment/Term Expires 6-30-15
Bobbi Mattingly  Appointment/Term Expires 6-30-13
Julie Harris  Appointment/Term Expires 6-30-14
Naseem Alibhai  Appointment/Term Expires 6-30-13

Next Steps
The nominees and their sponsoring organizations will be notified about the action taken by the State Board of Education. In addition, the members of the Illinois State Educator Preparation and Licensure Board will be notified and the State Board of Education and the Illinois State Educator Preparation and Licensure Board websites will be appropriately updated.
ILLINOIS STATE BOARD OF EDUCATION MEETING
August 16, 2012

TO: Illinois State Board of Education

FROM: Christopher A. Koch, Ed.D., State Superintendent of Education
Reyna Hernandez, Assistant Superintendent

Agenda Topic: Grants Exceeding $1 Million: Illinois Coalition for Immigrant and Refugee Rights

Materials: None

Staff Contact(s): Reyna Hernandez, Assistant Superintendent

Purpose of Agenda Item
The Center for Language and Early Child Development seeks Board authorization to award a grant of one million dollars to the Illinois Coalition for Immigrant and Refugee Rights to implement the Parent Mentor Program for Early Childhood Learning. The Illinois Coalition for Immigrant and Refugee Rights has proposed to expand the Parent Mentor Program currently being implemented at Logan Square Neighborhood Association to 35 schools with a majority of low-income students in 10 communities across the state, through partnerships and sub-grants to 10 community-based organizations. ICIRR intends to engage more than 300 parents as parent mentors. Each parent mentor will provide classroom assistance to their assigned teacher for two hours, four days a week. They will receive training for two hours each Friday. Upon completion of 100 hours, parent mentors will receive a $500 stipend.

The program is intended to facilitate instruction, improve classroom ratios, increase parent engagement, develop parent leadership, foster collaboration between schools and community-based organizations, and improve the classroom experience for students and teachers.

Relationship to/Implications for the State Board’s Strategic Plan
The activities of the Parent Mentor Program for Early Childhood Learning are linked to the following agency goals:

GOAL 1: Every student will demonstrate academic achievement and be prepared for success after high school.

GOAL 3: Every school will offer a safe and healthy learning environment for all students.

Expected Outcome(s) of Agenda Item
The Board is being asked to authorize the State Superintendent to award a grant to the Illinois Coalition for Immigrant and Refugee Rights. The initial grant will be for the period beginning September 1, 2012, through June 30, 2013, with permission given to the State Superintendent to extend expenditure availability of the grant for a period not to exceed 2 years if needed to complete grant activities as provided in Section 5 of the Illinois Grant Funds Recovery Act [30 ILCS 705/5]. The total cost of the grant is $1,000,000.

Background Information
In May 2012, the Illinois General Assembly allocated $1 million in the General Revenue Fund to build on a proven, low-income school parent engagement initiative, the Parent Mentor Program for Early Childhood Learning (PMP). This funding will leverage resources for more than 300 parents ("parent mentors") in 35 low-income schools to work in the classroom with students on a daily basis during the 2012-2013 school year. More than 300 additional parents ("parent volunteers") will be engaged in those and additional schools through the Parent Engagement Institute. PMP is designed not only to place paid mentors in classrooms, but also to recruit and train a larger network of parents to volunteer in a myriad of ways in the school community.

Through the PMP Initiative, 10 community-based organizations will partner with local schools to recruit and train approximately 8 parents per school to assist teachers 2 hours every day. Parents are assigned to a classroom (not their own child’s) where they are mentored by a teacher and work one-on-one and in small groups with children. After reaching 100 volunteer hours, parent mentors receive a modest stipend.

In addition to the much-needed support for more than 300 teachers and 6,000 students, the PMP provides intensive parent training. Parent mentors learn how the U.S. school system works and strengthen skills they need to support their children throughout school. In turn, parent mentors become community resources and share these skills with neighbors. The PMP uses a school as a base for workforce development, building a pathway to bilingual teaching and other careers.

The central purpose of the Parent Mentor Program is to develop the leadership of parents in low-income schools, so they may become an integral part of the classroom, the school community, and of the neighborhood surrounding the school.

The goals of the Parent Mentor Program are as follows:

1) To support the students’ learning environment by:
   • Recruiting, training, and placing parents (“Parent Mentors”) in classrooms in low-income schools, to assist teachers in class preparation, facilitation, and instruction and to improve the student to adult ratio in classrooms
   • Improving the classroom experience for students and teachers through the resources and professional development provided to Parent Mentors

2) To develop stronger school-family relationships by increasing overall engagement of parents in schools.

3) Building the capacity of parents to support their child’s development by providing leadership development and community education for Parent Mentors, so they may become long-term leaders for their families, schools, and communities.

4) Supporting the family and home environment by fostering collaboration and partnership between community organizations and schools.

5) Demonstrating direct impact on desired educational outcomes by demonstrating growth and achievement gains in PM focus areas identified by teachers and administrators

Effectiveness
Last Evaluation of the program: None as this is a new grant

Results of evaluation or effectiveness indicators: The grantee will submit a Grant Performance Report to the Illinois State Board of Education describing the services delivered and how the program has met its stated goals. The grantee will also provide monthly status updates to ISBE
and will meet with staff as necessary to monitor and improve grant administration. In addition, a portion of the grant will support an external evaluation of the program to measure impact. Teacher, administrator, and parent surveys and student academic outcomes will be the primary sources of data.

The overall evaluation of the program will determine whether:

- The program delivered the services indicated in the agreement.
- The program effectively targeted, recruited, served and retained participation of schools with a majority of low-income students in geographically diverse communities throughout the state.
- The program had a positive impact on the students served by the program, demonstrated by the educational improvement of students, as well as any of the following additional areas:
  - Supporting the students’ learning environment;
  - Developing stronger school-family relationships;
  - Building the capacity of parents to support their child’s development;
  - Supporting the family and home environment;

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

Policy Implications:  This project supports students and teachers by providing additional support from parent mentors, as well as training resources and management of parent mentors. Parent mentors are intended to support a positive classroom environment, foster stronger parent-school-community relationships, and build parental leadership capacity.

Budget Implications:  Funding for this grant was allocated in the General Revenue Fund by the Illinois General Assembly for FY13.

Legislative Action:  None required

Communication:  None required

**Pros and Cons of Various Actions**

Approval of this grant will allow for the activities of the proposed project to proceed, expanding the Parent Mentor Program to 35 low-income schools. If this grant is not approved, the $1M allocation will not be expended.

**Superintendent’s Recommendation**

I recommend that the following motion be adopted:

The State Board hereby authorizes the State Superintendent to award a grant to the Illinois Coalition for Immigrant and Refugee Rights for an initial period beginning September 1, 2012, through June 30, 2013, with permission given to the State Superintendent to extend expenditure availability of the grant for a period not to exceed 2 years if needed to complete grant activities as provided in Section 5 of the Illinois Grant Funds Recovery Act [30 ILCS 705/5], in the amount of $1,000,000.

**Next Steps**

Upon approval, agency staff will notify the Illinois Coalition for Immigrant and Refugee Rights of the approval of the award and will execute an agreement in accordance with Board approval.
ILLINOIS STATE BOARD OF EDUCATION MEETING  
August 16, 2012

TO: Illinois State Board of Education
FROM: Christopher A. Koch, Ed.D., State Superintendent of Education
Robert Wolfe, Acting Chief Financial Officer

Agenda Topic: FY 2013 Budget Update

Materials: FY 2013 Enacted Budget
Foundation Level and Effective Foundation Level History
History of the General State Aid PTELL Adjustment

Purpose of Agenda Item
The purpose of this agenda item is to update the Board on the status of the Fiscal Year 2013 budget.

Expected Outcome(s) of Agenda Item
The Committee will review the FY 2013 budget. This item is for informational purposes only at this time.

Background Information
On Thursday May 31, 2012, the General Assembly passed Senate Bill 2413 which includes the FY 2013 budget for the Illinois State Board of Education. On Saturday June 30, 2012 the Governor signed Senate Bill 2413, creating Public Act (PA) 97-0728.

The General Assembly established the framework for the state’s FY 2013 budget when both chambers adopted House Joint Resolution (HJR) 68 which established a General Revenue Fund revenue estimate for FY 2013 of $33.7 billion. The House then adopted House Resolution (HR) 706 which set expenditure limits for each of the five appropriations committees in the House. While the Senate did not adopt a similar resolution, the budget that has been signed by the Governor falls within the parameters of HR 706. HR 706 established a spending limit for the House Elementary and Secondary Education Committee of $6.491 billion, which represented approximately a $260 million decrease from FY 2012 appropriations levels. On May 31, however, an additional $50 million was added to K-12 Education. Thus, the PA 97-0728 established an enacted General Funds appropriation of $6.541 billion, which reflects an overall reduction of $209.6 million from FY 2012 appropriation levels.

Analysis and Implications
As shown in Appendix A, a number of programs were reduced when compared to FY 2012 funding levels. The most severe programmatic reductions are shown below.

- $161.3 million (3.6%) reduction in General State Aid (GSA)
- $24.9 million (7.7%) reduction in Early Childhood
- $12.0 million (45.6%) reduction in Illinois Free Lunch/Breakfast
- $2.8 million (30.0%) reduction to Alternative learning/Regional safe Schools
- $2.1 million (14.6%) reduction to Truant Alternative and Optional Education
- $1.3 million (81.5%) reduction in Children’s Mental Health Partnership
All Mandated Categorical Reimbursements with exception of Illinois Free Lunch/Breakfast and private Tuition were funded at the Board’s FY 2013 requested levels. Private Tuition received a $29 million increase, but that was less than the $36 million increase the Board has requested.

After being reduced by nearly 10 percent in FY 2012, the agency’s administrative budget was spared further cuts and in fact saw a partial restoration of the contractual services lines which had been reduced severely in FY 2012. Salary, benefits and travel lines were all funded at FY 2012 levels.

The largest reduction in ISBE’s budget is the $161.3 million reduction to GSA. The General Assembly chose not to change the statutory GSA foundation level of $6,119. Based on preliminary data this will mean an approximate proration of 89% must be applied to each of the 22 GSA payments. The 89% proration results in an effective foundation level of approximately $5,733. This amounts to a return to the FY 2008 foundation level of $5,734. The appropriation is $520 million less than what is need to fund the FY13 GSA Claims at the $6,119 foundation level and the cost of the PTELL adjustment for FY13 is estimated to be $444 million.

The estimated amount of the PTELL adjustment is approximately $185 million dollars less than the PTELL adjustment amount for FY12. The Real Equalized Assessed Valuation (EAV) declined statewide for Tax Year 2010, which is utilized in the General State Aid Calculation for FY13, while the PTELL EAV, utilized in GSA Calculations for PTELL districts, increased as a result of applying the Consumer Price Index. What is beginning to happen, is that the PTELL EAV is starting to catch up to the Real EAV resulting in a lesser amount needed to fund the PTELL adjustment. In other words, if property values continue to decline and the Foundation Level remains constant, PTELL districts will receive GSA in amount equal to a district that is not under PTELL.

One new program was added to the budget. The General Assembly added $1.0 million for the Illinois Coalition for Immigrant and Refugee Rights. The Coalition is to prepare parent mentoring classes and support activities in local school districts.

Lastly, the General Assembly re-appropriated the spending authority established in the FY 2010 Capital Spending bill for use in FY 2013. Those appropriations include spending authority for programs such as School Construction, School Maintenance Grants, Energy Efficiency Grants and grants to Schools for overcrowding. All though spending authority has been granted by the General Assembly, the General Assembly did not provide authorization for any additional bond issuances to provide the funding for the programs in FY 2013.

**Superintendent’s Recommendation**
This item is for informational purposes only.

**Next Steps**
Staff will be funding various contracts & other activities in FY13, as well as closing out FY12 expenditures to ensure a smooth fiscal year transition throughout the FY12 lapse period.
## Comparison of FY 2013 Enacted Appropriation to FY 2013 Governor's Budget to Public Act 97-0728

### General State Aid

<table>
<thead>
<tr>
<th>Statutory Foundation Level</th>
<th>FY 12 ISBE Appropriation</th>
<th>FY 13 Board Recommend</th>
<th>Governor's Budget</th>
<th>FY 13 Enacted P.A. 97-0728</th>
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</thead>
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<td>$6,119</td>
<td>$6,119</td>
<td>$6,119</td>
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<td></td>
<td>Pro-rated 95%</td>
<td>Pro-rated 96%</td>
<td>Pro-rated 92%</td>
<td>Pro-rated 90%</td>
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<td>GSA Formula Grant</td>
<td>2,361,036.8</td>
<td>2,451,008.5</td>
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<td>GSA Poverty Grant</td>
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<td>PTELL Adjustment</td>
<td>597,505.0</td>
<td>460,765.3</td>
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<td><strong>Subtotal, General State Aid</strong></td>
<td><strong>4,448,104.5</strong></td>
<td><strong>4,649,390.8</strong></td>
<td><strong>4,448,104.5</strong></td>
<td><strong>4,286,752.5</strong></td>
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### Mandated Categoricals

<table>
<thead>
<tr>
<th>Category</th>
<th>FY 12 ISBE Appropriation</th>
<th>FY 13 Board Recommend</th>
<th>Governor's Budget</th>
<th>FY 13 Enacted P.A. 97-0728</th>
<th>Increase (Decrease)</th>
<th>Percent Increase (Decrease)</th>
<th>to FY 13 Board</th>
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<tr>
<td>Sp Ed - Personnel Reimbursement</td>
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<td>440,200.0</td>
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<td>Sp Ed - Funding for Children Requiring Sp Ed Services</td>
<td>343,375.7</td>
<td>314,196.1</td>
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<td>111,000.0</td>
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<td>9,300.0 9.1%</td>
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<td>Sp Ed - Private Tuition</td>
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<td>213,800.0</td>
<td>213,800.0</td>
<td>206,843.3</td>
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<td>29,099.6 16.4%</td>
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<td>Sp Ed - Summer School</td>
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<td>10,100.0</td>
<td>10,100.0</td>
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<td>Sp Ed - Transportation</td>
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<td>(650.0) -0.0%</td>
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<td><strong>Subtotal, Special Ed Categoricals</strong></td>
<td><strong>1,518,352.2</strong></td>
<td><strong>1,529,796.1</strong></td>
<td><strong>1,536,519.4</strong></td>
<td><strong>1,522,839.4</strong></td>
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<td>4,487.2 0.3%</td>
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<td>Illinois Free Lunch/Breakfast</td>
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<td>37,200.0</td>
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<td>(12,000.0) -45.6%</td>
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<td>Orphanage Tuition</td>
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<td>13,000.0</td>
<td>13,000.0</td>
<td>13,000.0</td>
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<td>0.0 0.0%</td>
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<td>Transportation - Regular/Vocational</td>
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<td>205,808.9</td>
<td>205,808.9</td>
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<td><strong>Subtotal, Mandated Categoricals</strong></td>
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<td><strong>1,781,628.3</strong></td>
<td><strong>1,755,948.3</strong></td>
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<td>(25,680.0) -1.4%</td>
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### Standards and Assessments

<table>
<thead>
<tr>
<th>Component</th>
<th>FY 12 ISBE Appropriation</th>
<th>FY 13 Board Recommend</th>
<th>Governor's Budget</th>
<th>FY 13 Enacted P.A. 97-0728</th>
<th>Increase (Decrease)</th>
<th>Percent Increase (Decrease)</th>
<th>to FY 13 Board</th>
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<tr>
<td>Assessments</td>
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<td>27,400.0</td>
<td>27,400.0</td>
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<td>Growth Model</td>
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<td>Response to Intervention</td>
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<tr>
<td>American Diploma Project</td>
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<td>NA</td>
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<td>Learning Stds &amp; Assessments/Std Materials &amp; Training</td>
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<td>2,000.0</td>
<td>2,000.0</td>
<td>2,000.0</td>
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<td>0.0 0.0%</td>
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<tr>
<td><strong>Subtotal, Standards, Assessments and Accountability</strong></td>
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<td><strong>31,800.0</strong></td>
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<td>(2,400.0) -7.5%</td>
<td>3,400.0 13.1%</td>
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### Academic Improvement

<table>
<thead>
<tr>
<th>Component</th>
<th>FY 12 ISBE Appropriation</th>
<th>FY 13 Board Recommend</th>
<th>Governor's Budget</th>
<th>FY 13 Enacted P.A. 97-0728</th>
<th>Increase (Decrease)</th>
<th>Percent Increase (Decrease)</th>
<th>to FY 13 Board</th>
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<tr>
<td>Early Childhood Education</td>
<td>325,123.5</td>
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<td>Arts and Foreign Language</td>
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<td>Bilingual Education</td>
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<td>70,381.2</td>
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<td>FY 13 Board Recommend</td>
<td>FY 13 Governor's Budget</td>
<td>FY 13 Enacted P.A. 97-0728</td>
<td>to FY 13 Board Increase (Decrease)</td>
<td>Percent Increase (Decrease)</td>
<td>to FY 2012 Approp Increase (Decrease)</td>
</tr>
<tr>
<td>-------</td>
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<tr>
<td>College and Career Readiness</td>
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<td>70.0</td>
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<td>70.0</td>
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<td>Philip J. Rock Center and School</td>
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<td>6,507.8</td>
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<tr>
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<td>National Board Certification</td>
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<tr>
<td>District Consolidation Costs</td>
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<td>Subtotal, Other Statewide District Categorical Assistance</td>
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<td>2,805.0</td>
<td>(1,945.0)</td>
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### FY 2013 Enacted

<table>
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<th>$000s</th>
<th>FY 12 ISBE Appropriation</th>
<th>FY 13 Board Recommend</th>
<th>FY 13 Governor's Budget</th>
<th>FY 13 Enacted P.A. 97-0728</th>
</tr>
</thead>
<tbody>
<tr>
<td>Student Health and Safety Initiatives</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alternative Learning/Regional Safe Schools</td>
<td>9,341.9</td>
<td>9,341.9</td>
<td>9,341.9</td>
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<td>Re-Enrolling Students - IHOPE</td>
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<td>14,059.0</td>
<td>14,059.0</td>
<td>12,000.0</td>
</tr>
<tr>
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<td>24,400.9</td>
<td>23,400.9</td>
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<td>Educator Investigations/Hearings--Lump Sum</td>
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<td>375.0</td>
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### Administration -- General Funds

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<th>FY 13 Board Recommend</th>
<th>FY 13 Governor's Budget</th>
<th>FY 13 Enacted P.A. 97-0728</th>
</tr>
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### General Funds Total

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<th>FY 13 Governor's Budget</th>
<th>FY 13 Enacted P.A. 97-0728</th>
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## ADMINISTRATION--OTHER STATE FUNDS

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<th>FY 12 ISBE Appropriation</th>
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<th>FY 13 Enacted P.A. 97-0728</th>
<th>to FY13 Board Percent Increase (Decrease)</th>
<th>to FY 2012 Approp Percent Increase (Decrease)</th>
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## GRANTS--OTHER STATE FUNDS

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## TOTAL--OTHER STATE FUNDS - ISBE

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## OTHER STATE FUNDS - CHARTER SCHOOL COMMISSION

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## FEDERAL FUNDS

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<table>
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<td><strong>57,699.1</strong></td>
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<td><strong>60,867.5</strong></td>
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<td><strong>322.4</strong></td>
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Plenary Packet - Page 147
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<th>$000s</th>
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<th>FY 13 Board Recommend</th>
<th>FY 13 Governor’s Budget</th>
<th>FY 13 Enacted P.A. 97-0728</th>
<th>to FY13 Board Increase (Decrease)</th>
<th>Percent Increase (Decrease)</th>
<th>to FY 2012 Approp Increase (Decrease)</th>
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<td>NA</td>
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<td>Subtotal, Individuals with Disabilities Act</td>
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<td>NCLB (excluding Assessments)</td>
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<td>NCLB - Title I - Advanced Placement Program</td>
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<td>3,000.0</td>
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<tr>
<td>NCLB - Title I</td>
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<td>381,125.2</td>
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<td>(231,125.2)</td>
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<td>NCLB - Title I - Striving Readers</td>
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<td>NCLB - Title II - Enhancing Education Through Technology</td>
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<td>(15,000.0)</td>
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<td>100.0</td>
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<td>(18,466.2)</td>
<td>-99.5%</td>
</tr>
<tr>
<td>NCLB - Title II - Math/Science Partnerships</td>
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<td>NCLB - Title II - Teacher/Principal Training</td>
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<td>157,000.0</td>
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<td>0.0</td>
<td>0.0%</td>
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</tr>
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<td>NCLB - Title II - Transition to Teaching</td>
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<td>0.0</td>
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<td>0.0</td>
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<td>0.0</td>
<td>NA</td>
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<td>NCLB - Title III - Language Acquisition</td>
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<td>45,000.0</td>
<td>45,000.0</td>
<td>45,000.0</td>
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<td>5,000.0</td>
<td>12.5%</td>
</tr>
<tr>
<td>NCLB - Title IV - 21st Century/Community Service Programs</td>
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<td>65,000.0</td>
<td>65,000.0</td>
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<td>0.0</td>
<td>0.0%</td>
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<td>NCLB - Title IV - Safe and Drug Free Schools</td>
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<td>NCLB - Title V - Charter Schools</td>
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<td>0.0</td>
<td>0.0%</td>
<td>0.0</td>
<td>0.0%</td>
</tr>
<tr>
<td>NCLB - Title V - Innovative Programs</td>
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<td>0.0</td>
<td>0.0</td>
<td>NA</td>
<td>0.0</td>
<td>NA</td>
</tr>
<tr>
<td>NCLB - Title VI - Rural and Low Income Schools</td>
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<td>2,000.0</td>
<td>2,000.0</td>
<td>2,000.0</td>
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<td>0.0%</td>
<td>0.0</td>
<td>0.0%</td>
</tr>
<tr>
<td>NCLB - Title X - Homeless Education</td>
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<td>5,000.0</td>
<td>5,000.0</td>
<td>5,000.0</td>
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</tr>
<tr>
<td>NCLB - Title X - Homeless Education - ARRA</td>
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<tr>
<td>Subtotal, NCLB (excluding Assessments)</td>
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<td>0.0%</td>
<td>(242,736.6)</td>
<td>-15.9%</td>
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<td>$000s</td>
<td>FY 12 ISBE Appropriation</td>
<td>FY13 Board Recommend</td>
<td>FY13 Governor's Budget</td>
<td>FY13 Enacted P.A. 97-0728</td>
<td>to FY13 Board Increase (Decrease)</td>
<td>to FY 2012 Approp Increase (Decrease)</td>
<td>Percent Increase (Decrease)</td>
<td>Percent Increase (Decrease)</td>
</tr>
<tr>
<td>--------------</td>
<td>--------------------------</td>
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<td><strong>Assessments</strong></td>
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<td>Assessments</td>
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<td>0.0 0.0%</td>
<td>0.0 0.0%</td>
</tr>
<tr>
<td>ONPAR</td>
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<td>0.0 0.0%</td>
<td>0.0 0.0%</td>
<td>0.0 0.0%</td>
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<td><strong>Subtotal, Assessments</strong></td>
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<td>25,780.3</td>
<td>25,780.3</td>
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<td>0.0 0.0%</td>
<td>0.0 0.0%</td>
<td>0.0 0.0%</td>
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<tr>
<td><strong>Other Grants</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Congressional Special Projects</td>
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<td>5,000.0</td>
<td>5,000.0</td>
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<td>3,000.0 150.0%</td>
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<td>Learn and Serve America</td>
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<td>500.0</td>
<td>500.0</td>
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<td>Refugee Children</td>
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<td>0.0</td>
<td>0.0</td>
<td>0.0 NA</td>
<td>0.0 NA</td>
<td>NA</td>
<td>NA</td>
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<tr>
<td>Longitudinal Data System</td>
<td>3,900.0</td>
<td>5,200.0</td>
<td>5,200.0</td>
<td>5,200.0</td>
<td>0.0 0.0%</td>
<td>1,300.0 33.3%</td>
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<td>Longitudinal Data System - ARRA</td>
<td>5,000.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0 NA</td>
<td>(5,000.0) -100.0%</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Early Learning Challenge</td>
<td>7,300.0</td>
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<td>10,000.0</td>
<td>10,000.0</td>
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<td>2,700.0 37.0%</td>
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<td>Race to the Top</td>
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<td>0.0</td>
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<td>(77,200.0) -54.9%</td>
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<td><strong>TOTAL - GRANTS</strong></td>
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<td>2,879,980.3</td>
<td>2,879,980.3</td>
<td>2,880,480.3</td>
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<td>(642,654.8) -18.2%</td>
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<td><strong>TOTAL - FEDERAL FUNDS</strong></td>
<td>3,580,834.2</td>
<td>2,940,847.8</td>
<td>2,940,847.8</td>
<td>2,941,670.2</td>
<td>822.4 0.0%</td>
<td>(639,164.0) -17.8%</td>
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<td>NA</td>
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<tr>
<td><strong>GRAND TOTAL</strong></td>
<td>10,392,075.8</td>
<td>10,004,891.1</td>
<td>9,788,458.9</td>
<td>9,542,923.1</td>
<td>(461,968.0) -4.6%</td>
<td>(849,152.7) -8.2%</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td><strong>GRAND TOTAL w/ Reappropriations</strong></td>
<td>10,392,075.8</td>
<td>10,004,891.1</td>
<td>9,788,458.9</td>
<td>9,542,923.1</td>
<td>(461,968.0) -4.6%</td>
<td>(849,152.7) -8.2%</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>
Illinois State Board of Education Meeting
August 16, 2012
Foundation Level and Effective Foundation Level Since Implementation of the Current General State Aid Formula in FY 1999

Statutory F Level is $6,119. Effective F Level listed in FY 12 & FY 13 given appropriated amounts.
## History of The General State Aid PTELL Adjustment

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Effect on General State Aid</th>
<th># of Districts Benefiting</th>
<th># of Districts Subject to PTELL</th>
<th>Total # of Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000</td>
<td>$45,998,029</td>
<td>97</td>
<td>369</td>
<td>896</td>
</tr>
<tr>
<td>2001</td>
<td>$52,163,593</td>
<td>255</td>
<td>387</td>
<td>894</td>
</tr>
<tr>
<td>2002</td>
<td>$101,536,989</td>
<td>353</td>
<td>436</td>
<td>893</td>
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<td>2003</td>
<td>$199,137,319</td>
<td>292</td>
<td>455</td>
<td>893</td>
</tr>
<tr>
<td>2004</td>
<td>$205,203,690</td>
<td>299</td>
<td>460</td>
<td>888</td>
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<tr>
<td>2005</td>
<td>$357,331,811</td>
<td>353</td>
<td>458</td>
<td>881</td>
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<tr>
<td>2006</td>
<td>$580,582,374</td>
<td>326</td>
<td>459</td>
<td>874</td>
</tr>
<tr>
<td>2007</td>
<td>$624,097,818</td>
<td>307</td>
<td>461</td>
<td>873</td>
</tr>
<tr>
<td>2008</td>
<td>$805,472,389</td>
<td>348</td>
<td>461</td>
<td>870</td>
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<tr>
<td>2009</td>
<td>$789,022,647</td>
<td>296</td>
<td>461</td>
<td>869</td>
</tr>
<tr>
<td>2010</td>
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<td>869</td>
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<td>867</td>
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<td>2012</td>
<td>$628,699,569</td>
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<td>460</td>
<td>865</td>
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<td>Forecast 2013</td>
<td>$443,838,906</td>
<td>297</td>
<td>460</td>
<td>862</td>
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* Assumes 3 fewer districts due to scheduled reorganizations