JANUARY 25, 2012

1:00 p.m. Finance & Audit Discussion  
Board Room, 4th Floor

*3:15 p.m.  Education Policy Planning Discussion  
Board Room, 4th Floor

5:30 p.m.  Closed Session  
(Closed session will be held immediately following Education Policy Discussion on Wednesday or prior to the first session on Thursday morning.)

* The meeting will begin at the conclusion of the previous session.

JANUARY 26, 2012

8:45 a.m.  Governmental Relations Discussion  
Board Room, 4th Floor

*9:45 a.m.  ISBE Plenary Session  
Board Room, 4th Floor

* The meeting will begin at the conclusion of the previous session.

All State Board of Education meetings listed on this agenda 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 to order the Board’s plenary session early for the sole purpose of hearing a motion to go into closed session. In such case, the plenary session will reconvene for action items at the time posted. Chairman Chico may also call for a break in the plenary session on Thursday at which time the Board will go into closed session.
I. Call to Order/Pledge of Allegiance (Gery Chico, Board Chair) 9:45 a.m.
   A. Consideration of and Possible Actions on Any Requests for Participation in Meeting by Other Means

II. Public Participation 9:45 – 10:15 a.m. (as needed)

III. Resolutions & Recognition (as needed)

IV. Consent Agenda 10:15 a.m. – 11:00 a.m.
   All action consideration items listed with an asterisk (*) below 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.

Superintendent's Report
   A. *Approval of Minutes:
      1. Plenary Minutes: December 15, 2011 (Plenary Packet pp. 4-10)
      2. Board Operations Committee: December 14, 2011 (Plenary Packet pp. 11-13)
   B. *Rules for Initial Review
      1. Part 51 (Dismissal of Tenured Teachers under Article 24 and Dismissal of Tenured Teachers and Principals under Article 34 of the School Code) (Plenary Packet pp. 16-55)
      2. Part 226 (Special Education) (Plenary Packet pp. 56-64)
      3. Part 575 (School Technology Program) (Plenary Packet pp. 65-72)
   C. *Rules for Adoption
      1. Part 1 (Public Schools Evaluation, Recognition and Supervision) (Plenary Packet pp. 73-97)
      2. Part 151 (School Construction Program) (Plenary Packet pp. 98-102)
   D. *Contracts and Grants Over $1 Million
      1. RFSP for Evaluator Pre-Qualification and Re-Training Program (Finance & Audit Packet pp. 6-8)
      2. Grant Agreement with Regional Office of Education (ROE) #20 for Child Find Project (Finance & Audit Packet pp. 9-11)
      3. Contract Renewal with Illinois Department of Human Services for Gateways to Opportunity Scholarship Program (Finance & Audit Packet pp. 12-13)
   E. *Approval of Internal Audit Charter (Finance & Audit Packet pp. 16-23)
   F. *Approval of Lemont-Bromberek Community School District113A Financial Plan (Finance & Audit pp. 24-79)
   G. *State Model for Principal Evaluation (Education Policy Packet pp. 14-31)
   H. *Approval of ESEA Waiver Application (Education Policy Packet pp. 32-34)
   I. *Adoption of Growth Model (Education Policy Packet pp. 35-46)

End of Consent Agenda
   J. Approval of December closed session minutes 11:00 – 11:01 a.m.
   K. Election to Fill ISBE Vice Chair Vacancy (Plenary Packet p. 103-104) 11:01 – 11:05 a.m.
   L. Approval of FY13 State Board of Education Budget (handout as discussed in Finance & Audit) 11:10 – 11:30 a.m.
V. New Business/Other Items 11:30 – 11:45 a.m.
   A. Board Visibility Across the State *(Plenary Packet pp. 105-106)*

VI. Announcements and Reports 11:45 a.m. – 12:15 p.m.
   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

VII. Information Items
   A. ISBE Fiscal & Administrative Monthly Reports *(available online at www.isbe.net/board/fiscal_admin_rep)*

VIII. Adjourn

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Illinois State Board of Education Meeting  
December 15, 2011  
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. Jean Ladage to call the roll. Dr. Christopher Koch, State Superintendent of Education, was in attendance in Springfield. A quorum was present.

Members Present
Mr. Gery Chico, Chairman  
Dr. Vinni Hall, Secretary  
Dr. Andrea Brown  
Dr. David Fields  
Mr. Steven Gilford  
Ms. Lanita Koster  
Ms. Melinda LaBarre

Members Present By Phone
Mr. James Baumann

REQUEST FOR PARTICIPATION BY PHONE

Chairman Chico announced that Board Member Jim Baumann who had requested to participate by phone was approved to do so during the roll call of the Govermental Relations Committee this morning.

PUBLIC PARTICIPATION

Chairman Chico recognized Jane Quinlan from Regional Office of Education #9 Champaign-Ford Counties.

Chairman Chico thanked the choral students of Springfield High School Choir and their Music Directors, Mrs. Kathy Elmore and Mr. Damien Kaplan for the beautiful entertainment during lunch.

Ms. Erika Lindley of ED-RED acknowledged ISBE’s efforts makes to get feedback on state budget priorities for the upcoming years. She noted that ED-RED’s budget priorities have been the same over the last couple of years; prioritizing General State Aid (GSA) and mandated categoricals.

Ms. Lindley commented that she was encouraged by the conversation during the Finance & Audit Committee meeting about the State Board’s approach to budgeting this year. There are a lot of areas where we can work together to better align resources; whether it be transportation or the PTELL adjustment. She credited Superintendent Koch for looking at the transportation line item and realizing that it is in everyone’s best interest to address it from the front end and ED-RED looks forward to assisting on that work.

Ms. Lindley voiced concern over comments made during the committee hearing, about prioritizing some of the new state dollars for new programs. In past budget cycles line items for particular programs such as gifted education and the reading improvement block grant were targeted for removal with the philosophy that with reduced resources funds from those programs should be put into GSA to allow districts to put dollars into programs that make the most sense for their students. She stated that ED-RED looks forward to working with the State Board of Education and the General Assembly in this very challenging upcoming budget cycle.

RESOLUTIONS & RECOGNITION

Dr. Brown moved that the Illinois State Board of Education adopt the resolutions recognizing Josh Stumpenhorst 2012 ISBE Teacher of the Year, Bradley Abel 2011 Milken National Educator, Shelly Marks 2011 Burroughs Outstanding School Board President and Christopher J. Ward, Former Board Member of the Illinois
State Board of Education. Ms. Koster seconded the motion and it passed with a unanimous voice vote.

Josh Stumpenhorst talked about how appreciative and honored he was to be a teacher and how every single decision he makes as a teacher impacts a student. He thanked the Board for appreciating the work that is done by teachers and supporting the children of Illinois so that they can receive the best possible education.

Bradley Abel extended his sincere thanks to the Milken Family Foundation and State Board for honoring him. He commented that he does not look at his work as a teacher as a job; it is his life passion he hopes that energy will transfer to his students.

Shelly Marks thanked the Board for the honor to be named the 2011 Burroughs Outstanding School Board Member. She feels this award recognizes every single person in the district. Employees, management and board members are making challenging decisions in the best interest of children, even as resources are diminishing. The community showed support by passing a referendum last year and staff took a pay freeze to prevent staff lay offs. Ms. Marks said she is overwhelmed by the Burroughs award.

Dr. Chris Ward, former State Board Member was accompanied by his wife Katie, daughters Sarah and Meg, and his son Chris. Dr. Ward stated that he currently sits on the Board of Trustees at a local university in the Joliet area where he resides and he is looking forward to spending more time at home. Dr. Ward talked about his mother and what a driving force she was for him to go into education even though she only had a high school education. He is thankful he listened to his mother’s advice; it has provided him and his family with an adequate living and a cherished group of fellow educators. He is most appreciative of his fellow board members; they worked hard together to make great strides for the students of Illinois and he relishes the friendships he has made through the years on the board.

CONSENT AGENDA

Motion:
Ms. LaBarre moved that the State Board of Education hereby approves the consent agenda, with the exception of Agenda Item IV.D.2. (RFSP for the Evaluator Pre-Qualifications and Re-Training Program). Dr. Hall 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 November 18, 2011 Board Meeting.

Rules for Initial Review
Part 30 (Programs for Preparation of Principals in Illinois)
The State Board of Education hereby authorizes solicitation of public comment on the proposed rulemaking for Programs for Preparation of Principals in Illinois (23 Illinois Administrative Code 30, including publication of the proposed amendments in the Illinois Register.)
Rules for Adoption

Part 25 (Certification)
The State Board of Education hereby adopts the proposed rulemaking for: Certification (23 Illinois Administrative Code 25), Further, the Board authorizes the State Superintendent of Education to make such technical and substantive changes as the State Superintendent may deem necessary in response to suggestions or objections of the Joint Committee on Administrative Rules.

Part 375 (School Records)
The State Board of Education hereby adopts the proposed rulemaking for: Student Records (23 Illinois Administrative Code 375), Further, the Board authorizes the State Superintendent of Education to make such technical and substantive changes as the State Superintendent may deem necessary in response to suggestions or objections of the Joint Committee on Administrative Rules.

Part 425
(Voluntary Registration and Recognition of Nonpublic Schools)
The State Board of Education hereby adopts the proposed rulemaking for Voluntary Registration and Recognition of Nonpublic Schools (23 Illinois Administrative Code 425), Further, the Board authorizes the State Superintendent of Education to make such technical and substantive changes as the State Superintendent may deem necessary in response to suggestions or objections of the Joint Committee on Administrative Rules.

Contracts and Grants Over $1 Million

Amendment to IBM Contract for Student Information Systems (SIS)
The State Board of Education hereby authorizes the State Superintendent to amend the contract with IBM through Fiscal Year 2013 and to increase the maximum contract amount amount to $21,433,500 for the purpose of expanding the capabilities and supporting the SIS System.

Contract for Illinois Service Resource Center Bilingual Professional Development
The State Board of Education hereby authorizes the State Superintendent to enter into a contract for the delivery of ELL Statewide Professional Development Services with the Illinois Resource Center for the amount of $996,444 for the period of January 1 – June 30, 2012, with the option of up to four (4) one year renewal terms.

Approval of 403b Plan Amendmenmnet
The State Board hereby adopts the following resolution:

RESOLUTION TO AMEND § 403(b) PLAN
WHEREAS, the Board maintains a retirement plan qualified under Section 403(b) of the Internal Revenue Code of 1986, as amended (the “403(b) Plan”).

WHEREAS, in order to maintain the 403(b) Plan’s tax qualification, the Plan must be amended to comply with certain provisions of the Pension Protection Act of 2008 (the “PPA”), the Heroes Earnings Assistance and Relief Tax Act of 2008 (the “HEART Act”), and the Worker, Retiree, and Employer Recovery Act of 2008 (“WRERA”) by the end of the Board’s 2011 Plan Year, December 31, 2011.

WHEREAS, the Board desires to amend the 403(b) Plan in order to bring the Plan into documentary compliance with the PPA, the HEART Act, and WRERA.

NOW THEREFORE, BE IT RESOLVED, the Board hereby amends the 403(b) Plan as follows:
1. The following shall be inserted as a new paragraph at the end of Section 4.5 of the 403(b) Plan document:

   “In addition, as provided under section 401(a) (37) of the Code, the Beneficiary of a Participant who dies after January 1, 2007 while performing qualified military service under section 414(u) of the Code shall be entitled to any additional benefits (other than benefit accruals or contributions relating to any period of qualified military service) provided under the Plan as if the Participant had resumed employment and then had a Severance of Employment on account of death.”

2. The following shall be inserted as a new paragraph at the end of Section 6.3 of the 403(b) Plan document:

   “Notwithstanding the foregoing, a Participant or Beneficiary who would have been required to receive the required minimum distributions as required under section 401(a)(9) of the Code for 2009 but for the enactment of section 401(a)(9)(H) of the Code (“2009 RMDs”), and who would have satisfied that requirement by receiving distributions that are (1) equal to the 2009 RMDs or (2) one or more payments in a series of substantially equal distributions (that include the 2009 RMDs) made at least annually and expected to last for the life (or life expectancy) of the Participant, the joint lives (or joint life expectancy) of the Participant and the Participant’s Beneficiary, or for a period of at least 10 years (“Extended 2009 RMDs”), will receive those distributions for 2009 unless the Participant or Beneficiary chooses not to receive such distributions. Participants and Beneficiaries described in the preceding sentence will be given the opportunity to elect not to receive the distributions described in the preceding sentence. In addition, notwithstanding the foregoing, and solely for purposes of applying the direct rollover provisions of Section 6.6 of the Plan, a direct rollover will be offered only for distributions that would be eligible rollover distributions without regard to section 401(a)(9)(H) of the Code.”

3. The following shall be inserted as a new sentence at the end of Section 6.6(a) of the 403(b) Plan document:

   “Effective January 1, 2008, a Participant, Beneficiary (whether a Participant’s spouse, former spouse, or other non-spouse Beneficiary) or alternate payee may elect to have any portion of an eligible rollover distribution from the Plan paid directly to a Roth IRA described in section 408A of the Code, in addition to the other eligible retirement plans described above.”

**Approval of Charter School Report to the General Assembly**

*(No action needed)*

**Board Notification, Review and/or Approval for the Process of Contracts and Grants**

The State Board of Education hereby authorizes the State Superintendent to implement the contract and grant approval process as discussed and recommended by the Board Operations Committee of the Whole.

**Board Review of Mandated Reports**

The State Board of Education hereby authorizes the State Superintendent to implement the process for Board review of reports as discussed and recommended by the Board Operations Committee of the Whole.

**END OF THE CONSENT AGENDA**
ELECTION TO FILL ISBE VICE CHAIR VACANCY

(At the request of Chairman Chico he asked that this agenda item be held for a later date so that all board members can be physically present to vote.)

APPROVAL OF CLOSED SESSION MINUTES

Dr. Hall moved that Pursuant to Section 2.06(d) of the Open Meetings Act, the State Board of Education has reviewed the minutes of its closed sessions from December 2010 through October 2011; and the record shall show that no closed session was held in April, May, October and November 2011.

Therefore, she moved that the State Board of Education certifies that the need for confidentiality still exists for the closed session minutes for the time period reviewed. Further, the State Board of Education approves the destruction of all closed session verbatim recordings prior to June 15, 2010.

Dr. Fields seconded the motion and it passed with a unanimous voice vote.

ANNOUNCEMENTS

Chairman Chico stated that Dr. Phoshanta Nandi from the Illinois Board of Higher Education (IBHE) was not present today but he did send in his written summary of the IBHE meeting to share. Dr. Vinni Hall also reported on the Illinois Board of Higher Education (IBHE) meeting held on December 6, 2011 at Moraine Valley Community College in Palos Hills. These are the highlights presented by Dr. Nandi and Dr. Hall of that meeting:

- Discussion on the proposed Higher Education Performance Funding Model: The new performance funding law - Public Act 97-320 requires IBHE to develop a new approach that will reward colleges and universities based on progress in raising educational attainment levels for the Illinois citizens. The approach is to begin with next year’s Fiscal Year 2013 budget.

- Those presenting included Lieutenant Governor Shelia Simon, Julie Smith, the Governor’s Deputy Chief of Staff for Education; State Senator Ed Maloney and State Representative Bob Pritchard who sponsored the enabling legislation.

- The Board was briefed by several members of the Performance Funding Steering Committee on the progress being made on developing a funding model for community colleges and public universities based upon degree completion. Dr. Hall noted that the steering committee is having a difficult time when it comes to performance metrics and finding a common scale to measure each of the universities because they have different missions. They ultimately decided to compare their progress from one year to the next on certain indicators; Dr. Hall felt this was something we might want to consider.

- Dr. Rita Cheng, Chancellor, Southern Illinois University Carbondale presented Recommendations of Principles adopted by the steering committee which met five times since July 2011. IBHE Deputy Director Alan Phillips, Illinois Community College President Geoffrey Obrutz, and the Chief Financial Officer Ellen Andres presented the recommendation of the Metrics Formula. Michael Baumgartner, Vice President of Complete College America and a consultant to the steering committee, offered observations on how Illinois’ progress compares to the efforts of other states also implementing performance funding. The focus on student success and meeting the goals of the Illinois Public Agenda continue to drive the metrics formulation efforts. This is an important way for meeting the “60 X 25” goal shared by the P-20 Education Committee in Illinois of having 60% of adult Illinoisans with college degrees or marketable postsecondary certificates by 2025.
• Dr. Hall stated that IBHE has been meeting with the advisory groups and it has been a very interesting experience. Chairwoman Hightman said that IBHE is looking forward to a scheduled date that the ISBE and IBHE can meet and talk about our joint education efforts. Chairman Chico also recommended inviting the different advisory councils to attend one of our board meetings.

• Dr. Nandi noted in his report that the IBHE authorized their Executive Director to enter into the Illinois Pathway Initiative Intergovernmental Agreement with ISBE, the Illinois Community College Board, Illinois Department of Commerce and Economic Opportunity, the Student Assistance Commission, and the Illinois Department of Employment Security.

• Dr. Nandi shared his appreciation for the joint education partnerships, such as Illinois Pathway Initiatives, to improve educational attainment as an important goal of the Illinois Public Agenda for College and Career Success.

The next IBHE Meeting will be held on February 7, 2012 at Kendall College in Chicago.

(No P-20 Council report this month.)

Superintendent’s Announcements

Superintendent Koch commented that in December at the 35th Annual Statewide Conference for Teachers Linguistic and Culturally Diverse Students, Don Evans was recognized for his commitment to leadership.

Dr. Koch stated that he met with the Council of University Presidents, for the first time to discuss basic skills and the need to ensure that our workforce is properly prepared. The entire reform agenda was shared and the Council was very receptive and supportive. Dr. Koch commented that a valuable open channel with the university presidents has been established.

Superintendent Koch attended the Education Commission for the States meeting in Denver, Colorado with the focus being on higher education. Dr. George W. Reid from the Illinois Board of Higher Education and Kathy Payne from State Farm Insurance also attended the meeting.

He added that he will be attending the PARCC Governing Board Meeting in Washington, D.C. on Friday.

Chairman’s Report

Chairman Chico visited the National Teachers Training Academy on the south side of Chicago along with Darren Reisberg and Kathleen Barnhart having an opportunity to observe students using iPads in the classroom made possible through a state grant. Ms. Barnhart commented that the grant is from the Governor’s office and is under Illinois bond money. The grant was written in a way that middle school students would not only receive iPad devices but there would be instructional changes in the classroom. There are districts that are now opening their networks so that students can bring their own iPads to school, and helping students get iPads if they do not own one. Ms Barnhart stated that there are 17 districts including CPS that are using iPads in the classroom.

Member Reports

Dr. Brown pointed out that she serves on a committee at Southern Illinois University and they have been discussing the requirements for teacher preparation including teaching content and the amount of college hours for teacher preparation. She also attended a meeting where Lieutenant Governor Shelia Simon spoke on Rural Education, School Improvement Initiatives, Classroom First and Equity.
Dr. Brown asked that the Board be provided an update on the Technology Hubs/regional technology centers. Dr. Brown also mentioned a program in Missouri that is available to teachers for the students that is called eMINTS-METS which they are aligning with the Common Core.

Ms. Koster, Ms. LaBarre, Dr. Hall and Superintendent Koch reported that they attended the World Class Colloquium Series where Pasi Stahlberg, Director General of Finland’s Ministry of Education spoke on Finland’s Education System. Ms. Koster commented that Dr. Stahlberg has written a book titled *Finnish Lessons* which talks about the changes they have made since the 1970’s. Ms. Koster said that Finland has made great educational leaps since the 70’s and that we can all learn a few lessons from them. Ms. Koster shared with the Board copies of the Poverty Commission’s Annual Report. She also noted that she and Dr. Hall will be attending the NASBE Study Group on Common Core and Social Emotional Health.

Ms. LaBarre voiced appreciation for the opportunity to meet several agency staff from agricultural education, technology, business, and health services. She also attended a webinar yesterday on the PARCC Assessment.

Dr. Fields thanked Jean Ladage for inviting the Springfield High School Choir to sing during the lunch break. He also thanked former board member Chris Ward and his family for attending the meeting today.

Mr. Gilford commented that he had the opportunity to present the Thomas Lay Burroughs Award at the IASB/IASA/IASBO Joint Annual Conference. He said he was amazed at volume of attendees and praised the work of the three associations to improve the effectiveness of their board members. Mr. Gilford stated that he feels we should spend a little more time helping these boards manage their school districts and use that as a vehicle to better impact what is happening in the classroom.

Mr. Baumann commented that it has been a pleasure to serve with Dr. Ward on the State Board as he has always been impressed with Dr. Ward’s humility and commitment to the children of Illinois and wished him the best.

Dr. Hall along with the other Board members thanked Superintendent Koch and the ISBE staff for their tireless work and wished everyone Happy Holidays.

**Informational Items**

ISBE Fiscal & Administrative Monthly Reports are available online at [www.isbe.net/board/fiscal_admin_rep](http://www.isbe.net/board/fiscal_admin_rep).

**MOTION FOR ADJOURNMENT**

Dr. Hall moved that the meeting be adjourned. Dr. Fields seconded the motion and it passed with a unanimous voice vote. The meeting adjourned at 1:25 p.m.

Respectfully Submitted,

Dr. Vinni Hall  
Board Secretary

Mr. Gery J. Chico  
Chairman
CALL TO ORDER: Mr. Chico called the meeting to order at 5:20 p.m. and acknowledged that the Roll Call taken earlier committees remained accurate. (See roll call above.) Jim Baumann continued to participate by phone as per the vote taken at the outset of this two-day meeting.

A. BOARD OPERATIONS COMMITTEE CHAIRMANSHP: Chairman Chico announced that with the resignation of Chris Ward, Steve Gilford has agreed to accept an appointment as Chairman of the Board Operations Committee.

B. DISCUSSION OF ELECTION TO FILL VICE CHAIR VACANCY: Mr. Chico indicated that the Board would discuss the election of a Vice Chair during plenary session on Thursday. He then turned the meeting over to the new Board Operations Committee Chair, Steve Gilford.

C. REVIEW NEW NOMINATIONS FOR RESOLUTIONS OF RECOGNITION: Mr. Gilford indicated that there are four nominations for recognition before the Board during plenary session on Thursday. He commented that at least one or more of the Board members had met each of the nominees and they are all extraordinary individuals. Hearing no edits or corrections to the resolutions, they would be moved forward to plenary session for adoption.

D. RECOMMENDATION FOR AMENDING 403B WORKING PLAN DOCUMENT: Mr. Don Evans indicated that periodically, the IRS requires plan sponsors (such as ISBE) to amend their qualified retirement plans to memorialize certain regulatory changes. These changes are required to be made on or before December 31, 2011. In order for the Illinois State Board of Education to comply with the IRS regulations, a resolution must be passed which will serve to make the necessary changes to the current written plan document. Aside from the amendments contained in the resolution, the 403B written plan document will remain unchanged. This agenda item will be moved forward to plenary session on Thursday.

E. BOARD NOTIFICATION, REVIEW, AND/OR APPROVAL FOR THE PROCESSING OF CONTRACTS AND GRANTS:

Under $1 million: Chairman Chico suggested that staff simply provide Board members a website or send members via email, all RFSPs (for contracts) and RFPs (for grants) issued and awards/contracts made under $1 million.

Over $1 million: Chairman Chico indicated his preference would be for final Board approval of the issuance of a contract. Other members voiced preference for being able to have input at the outset of the RFSP process.
Superintendent Koch clarified the Board would have more latitude at the beginning of the RFSP process. The Board could encourage staff to include specific requirements into the rubric to be released. Typically there are two to three over $1 million RFSP’s brought to the Board per Board meeting and in January through June there are often four or five per month.

It was agreed that (1) the Board would continue to discuss and authorize the release of RFSPs for contracts, and RFPs for grants, of over $1 million at the outset of the process and that (2) staff would bring to the Board for approval the awards of contracts or grants of over $1 million. The Board’s approval of the awards, though, will appear only on the plenary consent agenda, not for committee discussion—and the Superintendent or a Board member can ask to have a particular award removed from the consent agenda to be addressed separately. At the point of approval of the RFSP or RFP release, staff can get direction from the Board as to whether they desire a special video-conference meeting if timelines dictate.

F. BOARD REVIEW OF MANDATED REPORTS: Superintendent Koch indicated that as noted in Board materials, there are a number of statutorily required reports generated from this agency. He asked that the Board reaffirm their desire for which reports they wish to be aware of and which reports are to be brought to committee meetings for discussion. There are a few reports that have been statutorily eliminated and a new list has been presented in this month’s materials. The Board agreed that the Persistently Dangerous Schools Report and the Educator Supply and Demand Report be added for Board meeting discussion.

G. BOARD OPERATIONS:

1. BUDGET REVIEW: Mr. Gilford indicated that the Board Operations Budget Review was a priority for the prior chairman and the chart on page 50 of the Board materials indicates it was very effective. Staff indicated that the Board has indicated a desire to take Board meetings to alternate meeting sites across the state, and that would once again increase expenses for Board meetings. Chairman Chico suggested that having one to three Board meetings at alternate sites would increase the familiarity of the Board with members of the public and with area legislators, at perhaps a minimal cost of approximately $15,000 per year.

Mr. Vanover suggested that rather than having full Board meetings in alternate locations, with perhaps the same minimal public attendance, perhaps an alternative plan would be for one or two members to make more frequent visits in strategic areas of the state. He added that would allow Board members to find out about what is going on in their areas or other areas of the state and provide a more effective vehicle for public relations.

Mr. Gilford suggested that this is more a public relations/governmental relations issue rather than a cost issue, and he asked that at a future meeting, staff provide an outline of costs and four or five options for Board visits and/or alternative meeting sites for the Board’s review.

2. BOARD OPERATIONS EFFICIENCY: Chairman Chico suggested there might be a way to some months conduct the Board’s business within a one-day timeframe, say 10:00 – 3:00. That would allow people to arrive in the morning and return home that evening.

Mr. Gilford summarized the Board’s comments by indicating that starting at 1:00 for a two-day meeting would be more desirable than starting at 2:00 for a two-day meeting, but most important is the utilization of time. Overnight accommodations can be made for members who wish to drive in the day before or stay the evening following a late meeting. He also asked the Board members receive earlier notification of the start and end time of the meetings so members can plan meetings and travel times accordingly.

Ms. Ladage asked for clarification of agenda composition and suggested that for the one-day meetings, the agenda be handled as is done for the video conference meetings where discussion of action items is conducted within the plenary agenda rather than committee sessions. Board members agreed to move in that direction when the agenda content provides the opportunity.
Staff will begin transitioning agendas accordingly, acknowledging that January’s budget discussion will require a two-day session.

Chairman Chico reminded members to use any extra time they might have over the next few months to make visits to members of the General Assembly to promote ISBE’s budget recommendation.

Dr. Hall suggested the Board follow IBHE’s lead in networking with the Board’s advisory councils over lunch during their meetings; it provides valuable time for gathering effective support.

H. ADDITIONAL ITEMS: Chairman Chico suggested the Board needs one staff person to handle research assignments and serve as a direct liaison to the Board. Mr. Chico commented that he appreciates the logistical assistance of the current Board Services Coordinator, but he has never been associated with a public organization where the Board members did not have a group of staff. He commented that the Board is separate from the Superintendent and from his past experience there has been a separate office supporting the needs of board members. Mr. Chico added that the person he’s suggesting would not countermand the Superintendent’s role, but rather be available to provide research on policy topics, coordinate Board/Chairman visits, talk to Board members to get opinions, etc.

Superintendent Koch was asked to comment and he indicated that anytime Board members need something they should call on him and he should get it turned around; on the other hand, the agency currently doesn’t have a “deep bench” so staff capacity for research purposes is a problem. Dr. Koch added that in the past there were three agency employees employed by the Superintendent and dedicated to the Board: an Executive Assistant to the Board, Secretary to the Board, and a clerical staff person to the Executive Assistant.

It was suggested that a new research person is still going to have to get policy information from agency staff, and deliver it to the Board, so she’s not sure it is saving current staff efforts.

Superintendent Koch added that there is no question that additional staff at the agency are needed. Chairman Chico indicated that he has urged Superintendent Koch to seek more staff where the resources are needed. Mr. Gilford added that it seems to be something that needs to be part of the budget discussion.

I. MOTION FOR CLOSED SESSION:
Dr. Vinni 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 11 for the purpose of considering pending or probable litigation against or affecting the Board and

Section c 21 for the purpose of discussing minutes of meetings lawfully closed under the Open Meetings Act.

She further moved that the Board may invite anyone they wish to have included in this closed session.

Mr. Chico seconded the motion and it passed with a unanimous voice vote.

The Board went recessed it’s meeting at 6:40 p.m. and announced they would reconvene at 8:45 a.m. on Thursday, December 15 for Governmental Relations discussions.
Ad Hoc Rules Committee of the Whole
Wednesday, December 14, 2011
4 p.m.
State Board of Education Office
100 North First Street
Springfield, Illinois

Committee Members Present
Gery Chico
James Baumann
Andrea Brown
David Fields
Steven Gilford
Vinni Hall
Lanita Koster
Melinda LaBarre

Absent

Others
Chris Koch
Darren Reisberg
Don Evans
Beth Hanselman
Susie Morrison
Melissa Oller
Matt Vanover

ROLL CALL
Chairman Gery Chico called the meeting to order at 5:10 p.m. He noted that all Board members were present.

A. BOARD MEMBER PARTICIPATION BY OTHER MEANS
Board member Baumann participated by telephone, per the vote taken at the outset of the two-day meeting.

B. PUBLIC PARTICIPATION
There was no public participation.

C. RULES FOR INITIAL REVIEW
Board Chairman Chico asked for a summary of the proposal that the Board would be considering for initial review.

Part 30 (Programs for the Preparation of Principals in Illinois): Shelley Helton, agency rules coordinator, noted that the proposed amendments to Part 30 were minor. Section 30.20(d) is being amended in response to P.A. 97-607, effective August 26, 2011, which changed the sunset date in Section 21-7.6 of the School Code (105 ILCS 5/21-7.6) for the issuance of the general administrative certificate from June 30, 2014, to August 31, 2014. A second change is proposed in Section 30.45(a)(2) to incorporate by reference the most recent version (2011) of standards to be considered when addressing staff development.

D. RULES FOR ADOPTION
Each of the proposed amendments being presented for the Board’s adoption was initially considered by the Board in September.

1. Part 25 (Certification): Proposed changes to Part 25 require that educator preparation programs incorporate the State Board’s social and emotional learning standards into their curricula; allow “accreditation candidate status” of the Council on Academic Accreditation in Audiology and Speech Language Pathology to be considered as “approved” for purposes of a student’s completion of a program; and incorporate changes necessitated by two public acts that address school service personnel and chief school business official.

Ms. Helton indicated that the proposal generated several letters of public comment, notably addressing the implementation date for institutions to incorporate the social and emotional learning standards. Due to the concerns expressed about immediate implementation, staff recommended that programs be given until July 1, 2014, to meet the new requirement.
2. **Part 375 (Student Records):** General Counsel Darren Reisberg stated that this set of proposed amendments are designed to clarify the responsibilities of school districts for the retention, maintenance and transfer of a student’s school records and provide consistency with the federal records act, the Family Educational Rights and Privacy Act, or FERPA. The proposed amendments resulted, in part, from concerns expressed by members of the Illinois Council of School Attorneys regarding the clarity of several provisions in Part 375. Additionally, Mr. Reisberg stated that five letters of public comment were received and in response, staff are recommending several changes:

- That records of social workers, counselors and psychologists not be considered “school records” as they potentially are subject to the Mental Health and Developmental Disabilities Confidentiality Act rather than the Illinois School Student Records Act (ISSRA);
- That an erroneous reference to an attorney signing a court order be removed; and
- That the responsibilities of the official records custodian be confined to only those areas stipulated in the ISSRA.

Mr. Reisberg also reminded the Board of a concern raised in September about the release of directory information and parental consent. He noted that the agency received no comments about this particular amendment to the rules and therefore no changes are being made in the proposal.

Regarding staff’s recommendations relative to the records of social workers, counselors and psychologists, Board Secretary Vinni Hall asked whether those records would be available to a teacher who may have a troubled student in his or her classroom. Mr. Reisberg indicated that advocates of the Mental Health and Developmental Disabilities Confidentiality Act submitted public comment to ensure that records that are subject to the provisions of the Act are not placed in a student’s temporary record, creating the potential for their release in conflict with the Act’s restrictions. Staff assured the Board, however, that a teacher ideally would have access to information about a particular student in his or her class, if the information had been shared by the parents with the school, although not all school personnel working with the student would have access to the information. Mr. Reisberg acknowledged, however, that the Act is new and that questions remain about how the provisions are being interpreted.

Mr. Reisberg also confirmed that information in student records is not available to businesses and other entities for commercial or other purposes, noting that the exemptions contained in the law regarding who can receive student record information are very limited.

3. **Part 425 (Voluntary Registration and Recognition of Nonpublic Schools):** These proposed amendments change several deadlines for applications procedures and status retention to enable nonpublic schools registering with the State Board or renewing recognition to receive consideration sooner in the school year. This earlier consideration will result in schools not losing their “approved” status while waiting for approval of any renewal applications. No public comment was received relative to the proposed changes, and the version of the rules to be adopted by the Board is identical to the version it considered in September.

The Ad Hoc Rules Committee of the Whole adjourned at 5:25 p.m.
TO: Illinois State Board of Education

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

Agenda Topic: Action Item: Proposed Amendments for Initial Review: Part 51
              (Dismissal of Tenured Teachers under Article 24 and Dismissal of
               Tenured Teachers and Principals under Article 34 of the School Code)

Materials: Recommended Amendments

Staff Contact(s): Jessica Riddick, Assistant Legal Advisor

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 directly to any of the Strategic Goals, as it addresses the process for the dismissal of tenured teachers, and of principals in City of Chicago School District 299, due to misconduct or the results of their performance evaluations conducted under Section 24A of the School Code.

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
P.A. 97-8, effective June 13, 2011, amended the processes set forth in Sections 24-12 and 35-85 of the School Code [105 ILCS 5/24-12 and 34-85] for a school district’s dismissal of a tenured teacher, as well the dismissal of a principal in City of Chicago School District 299 (CPS), either for misconduct or due to receipt of an “unsatisfactory” performance evaluation rating. As to the latter cause for dismissal, P.A. 97-8 also added a provision whereby a school district could dismiss a teacher if the teacher receives a rating of “unsatisfactory” any time within a 36-month period after successfully completing a remediation plan. This dismissal authority is in addition to allowing dismissal of a teacher who received a “needs improvement” or “unsatisfactory” rating following completion of a remediation plan under Section 24A-5 of the School Code [105 ILCS 5/24A-5].

The statutory changes made by P.A. 97-8 and the proposed amendments to Part 51 have several purposes, each of which is described below.
• **Streamlines the process for both performance-related dismissals under Section 24A-5 of the School Code and dismissals for misconduct by shortening the timelines for action.** For instance, the law now requires that a hearing officer commence a hearing no more than 75 days, and conclude the hearing no more than 120 days, after his or her selection. Each party also will have only three days to present its case, unless extended by the hearing officer or mutual agreement of the parties. Further, a decision or findings of fact and recommendation must be rendered by the hearing officer within 30 days of the hearing’s conclusion (formerly three months), and the local board of education now has 45 days to issue a written order regarding the final action it will take regarding dismissal (previously, no deadline was contained in the law). These changes will serve the purpose of having cases heard and decisions made more quickly, which is advantageous for both the teacher and school district, as well as helps reduce the legal expenses associated with the dismissal process.

• **Provides authority to boards of education to dismiss teachers due to misconduct.** Except for CPS, the law previously provided that the decision of the hearing officer as to whether a teacher should be dismissed for alleged misconduct was final and the only recourse available for a school board that did not agree with the hearing officer’s decision was for the board to seek administrative review in the applicable circuit court. School boards outside of Chicago now have the opportunity to review the hearing officer’s findings of fact and recommendation and determine whether the conduct at issue occurred or did not occur and whether the hearing officer’s recommendation regarding retention or dismissal should be sustained. Again, in all districts other than CPS, a hearing officer shall retain the authority to issue a decision (as opposed to a recommendation to the board) to retain or dismiss a teacher due to poor performance pursuant to Article 24A of the School Code, unless an alternative dismissal process is used (see the next bullet point below).

• **Provides authority for all boards of education (including CPS) to pursue a more streamlined dismissal process for poor performance if certain conditions are met.** Both CPS and other school districts may choose to adopt an Optional Alternative Evaluation Dismissal process under Section 24-16.5 of the School Code (see Subpart B of the proposed amendments). Several conditions first must be met in order to use this optional process:
  1) the teacher must have failed to achieve a “proficient” or better performance evaluation rating after completion of a remediation plan imposed for an “unsatisfactory rating”;
  2) the “unsatisfactory” evaluation rating was conducted after the district’s implementation date for the conduct of performance evaluations under the Performance Evaluation Reform Act; and
  3) a second evaluator must be identified who meets the qualifications set forth in Section 24-16.5 of School Code.

The second evaluator must not be the same individual who conducted the evaluation that resulted in the “unsatisfactory” rating nor an administrator who reports to that individual. The second evaluator is charged with conducting either the mid-point or final evaluation that is part of the remediation plan or conducting an independent assessment of whether the teacher completed the remediation with a “proficient” or better rating.

Part 51 has been further modified to include much of the explanatory text from the law. Given the significance of dismissal proceedings, it is both a courtesy to the reader and makes sense...
procedurally for Part 51 to provide the statutory requirements as part of the rules rather than
only providing cross-references to where the requirements can be found in the School Code.

It is also proposed that Section 51.80 be repealed and its requirements placed in other sections
of the rulemaking that contain related provisions. For ease of reference:

- Section 51.80(a) has been moved to Section 51.55(g);
- Section 51.80(b) has been moved to Section 51.40(i);
- Section 51.80(c) has been moved to Section 51.40(h) as that subsection’s concluding
  statement; and
- Section 51.80(d) has been removed as no longer relevant.

The proposed amendments were shared with interested parties who participated in the
development of legislation that became P.A. 97-8; these individuals also were encouraged to
share their concerns about the rulemaking during the public comment period. Several
modifications were made in the proposal, as a result, and other recommendations remain under
review by legal staff and could result in further changes being made during the first notice
period.

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 changes more fully describe in the rules the process for the dismissal of teachers
and, as applicable, principals. The proposed amendments better align the rules to the School
Code, thus avoiding misunderstandings on the part of those who are being regulated by their
requirements, such as teachers, school districts, attorneys and hearing officers.

Not proceeding with the changes would create conflicts between the rules and the School Code,
resulting in the rules being out of date and potentially confusing.

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:

Dismissal of Tenured Teachers under Article 24 and Dismissal of Tenured
Teachers and Principals under Article 34 of the School Code (23 Illinois
Administrative Code 51),

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.
PART 51
DISMISSAL OF TENURED TEACHERS UNDER ARTICLE 24 AND DISMISSAL OF TENURED TEACHERS AND PRINCIPALS UNDER ARTICLE 34 OF THE SCHOOL CODE

SUBPART A: GENERAL PROVISIONS

Section
51.10 Definitions

SUBPART B: STANDARD DISMISSAL PROCEDURES UNDER ARTICLES 24 AND 34 OF THE SCHOOL CODE

51.20 Applicability of this Subpart B Part
51.30 Dismissal Proceedings, Notice of Charges to Tenured Teachers, and Compliance with Other Applicable Provisions of the School Code
51.35 Suspension without Pay
51.40 Qualifications and Selection of Hearing Officers; Conditions of Service
51.50 Suspension Pending the Hearing (Repealed)
51.55 Pre-Hearing Procedures
51.60 The Hearing
51.70 The Decision: School Districts Not Organized under Article 34 of the School Code
51.75 The Decision: School Districts Organized under Article 34 of the School Code
51.80 Waiver, Interpretation and Application of this Part (Repealed)

SUBPART C: OPTIONAL ALTERNATIVE EVALUATIVE DISMISSAL UNDER SECTION 24-16.5 OF THE SCHOOL CODE

Section
51.200 Purpose and Applicability of this Subpart C
51.210 Establishment of the List of Second Evaluators; Qualifications
51.220 Selection of Second Evaluators
51.230 Use of a Second Evaluator in Specific Remediations
51.240 Hearing Procedures
Notice of Dismissal to Affected Tenured Teacher
Qualifications and Selection of Hearing Officers
Scope of the Hearing
Findings of Fact and Recommendation of the Hearing Officer
Decision of Board

AUTHORITY: Implementing and authorized by Sections 24-12(d), 24-16.5 and 34-85 of the School Code [105 ILCS 5/24-12(d), 24-16.5 and 34-85].


SUBPART A: GENERAL PROVISIONS

Section 51.10 Definitions

As used in this Part:

"Board" means the local school board and not the State Board of Education.

"Parties" means the tenured teacher against whom charges are brought and the school board bringing the charges.

“Day” means calendar day unless otherwise specified in this Part.

"Tenured Teacher" means any teacher who has entered upon contractual continued service pursuant to Section 24-11 of the School Code [105 ILCS 5/24-11] and, in school districts organized under Article 34 of the School Code [105 ILCS 5/Art. 34] having a population of 500,000 or more, a teacher or principal (see Sections 34-84 and 34-85 of the School Code [105 ILCS 5/34-84 and 34-85]).

(Source: Amended at 36 Ill. Reg. _____, effective ____________)
SUBPART B: STANDARD DISMISSAL PROCEDURES
UNDER ARTICLES 24 AND 34 OF THE SCHOOL CODE

Section 51.20 Applicability of this Subpart B Part

This Subpart B Part applies to the dismissal for reason or cause of a tenured teacher (see Section 51.10 of this Part) under Section 24-12(d) or Section 34-85 of the School Code, other than a tenured teacher for whom alternative procedures are established in an agreement entered into pursuant to Section 34-85c of the School Code [105 ILCS 5/34-85c]. That is, this Subpart B applies to dismissals of tenured teachers other than honorable dismissals (i.e., those set forth in subsections (a) or (b) of Section 24-12 of the School Code), as follows:

a) For any tenured teacher who fails to complete a remediation plan with a performance evaluation rating of “satisfactory” or “proficient” or better or who, in accordance with Section 24A-5(n) of the School Code, successfully completes a remediation plan but receives a subsequent performance evaluation rating of “unsatisfactory” anytime during the 36 months following the completion of the remediation plan [105 ILCS 24A-5(m) and (n), respectively];

b) For any tenured teacher who is being dismissed due to conduct that the Board does not consider remediable. (See Sections 24-12(d) and 34-85(a) of the School Code.)

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

Section 51.30 Dismissal Proceedings, Notice of Charges to Tenured Teachers, and Compliance with Other Applicable Provisions of the School Code

The approval of charges or a motion for dismissal, provision of notice of charges to the affected tenured teacher, selection of the hearing officer, scheduling of the hearing, and suspension of the teacher pending the hearing shall be as set forth in Section 24-12(d)(1) or Section 34-85 of the School Code, as applicable, and this Section. To comply with Section 24-12 or Section 34-85 of the School Code, as applicable, the notice to the tenured teacher of the charges or motion for dismissal must inform the teacher that he or she has ten days after receiving notice to request in writing that a hearing be scheduled. A motion approved by a board pursuant to Section 24-12 of the School Code or charges approved by the general superintendent pursuant to Section 34-85 of the School Code may include a scheduled date for a hearing, provided that the hearing is scheduled no fewer than 15 nor more than 30 days after the approval of the motion or charges.
a) Notice of Charges for School Districts Not Organized under Article 34 of the School Code

1) The notice shall be provided to the tenured teacher either by certified mail, return receipt requested, or personal delivery with receipt, within five days of the Board’s adoption of a motion for the dismissal (Section 24-12(d) of the School Code).

2) The notice shall include a bill of particulars and inform the tenured teacher of his or her right to request, in writing to the school district, a hearing within 17 days after receiving the notice (Section 24-12(d) of the School Code).

3) Any written notice sent on or after July 1, 2012 shall inform the teacher of the right to request a hearing before a mutually selected hearing officer, with the cost of the hearing officer split equally between the teacher and the Board, or a hearing before a Board-selected hearing officer, with the cost of the hearing paid by the Board (Section 24-12(d)(1) of the School Code).

4) If the tenured teacher chooses to have a hearing, then the tenured teacher shall submit a request for a hearing in writing to the school district within the timeline set forth in subsection (a)(2) of this Section that specifies his or her desire to have the hearing either before a mutually selected hearing officer or a Board-selected hearing officer.

b) Notice of Charges for School Districts Organized under Article 34 of the School Code

1) The written notice shall be served upon the tenured teacher within 10 business days after approval of the charges (Section 34-85(a) of the School Code). For the purposes of this subsection (b)(1), “service” shall be either by certified mail, return receipt requested or personal delivery. If the tenured teacher cannot be found upon diligent inquiry, then the charges may be served by certified mail, return receipt requested sent to the tenured teacher’s last known address (Section 34-85(a)(1) of the School Code).
2) The notice shall include the specifications of the dismissal and inform the
tenured teacher of his or her right to request, in writing to the general
superintendent, a hearing within 17 days after receiving the notice (Section
35-85(a) of the School Code).

3) Any notice sent on or after July 1, 2012 shall inform the teacher or
principal of the right to request a hearing before a mutually selected
hearing officer, with the cost of the hearing officer split equally between
the teacher or principal and the Board, or a hearing before a qualified
hearing officer chosen by the general superintendent, with the cost of the
hearing officer paid by the Board (Section 34-85(a)(1) of the School
Code).

4) If the tenured teacher chooses to have a hearing, then the tenured teacher
shall submit a request for a hearing in writing to the general superintendent
within the timeline set forth in subsection (b)(2) of this Section that
specifies his or her desire to have the hearing either before a mutually
selected hearing officer or a hearing officer selected by the general
superintendent.

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

Section 51.35 Suspension without Pay

a) For school districts not organized under Article 34 of the School Code, if, in the
opinion of the Board, the interests of the school require it, the Board may suspend
the teacher without pay, pending the hearing, but if the Board's dismissal or
removal is not sustained, the teacher shall not suffer the loss of any salary or
benefits by reason of the suspension (Section 24-12(d)(1) of the School Code).

b) For a school district organized under Article 34 of the School Code, the general
superintendent or his or her designee may make the determination to suspend the
tenured teacher without pay in accordance with rules prescribed by the Board,
provided that if the teacher or principal charged is not dismissed based on the
charges, he or she must be made whole for lost earnings, less setoffs for
mitigation (Section 34-85(a)(2) of the School Code).

(Source: Added at 36 Ill. Reg. ______, effective ____________)
Section 51.40 Qualifications and Selection of Hearing Officers; Conditions of Service

a) Master List of Hearing Officers and Selection of Hearing Officers – School Districts Not Organized under Article 34 of the School Code

1) The State Board of Education shall maintain a master list of qualified impartial hearing officers in accordance with Section 24-12(d)(3) of the School Code. Each hearing officer on the master list maintained proposed by the State Board of Education shall possess the following qualifications.

A) He or she must be accredited by a national arbitration organization and have had a minimum of 5 years of experience directly related to labor and employment relations matters between employers and employees or their exclusive bargaining representatives (Section 24-12(d)(3) of the School Code).

B) He or she must not be a resident of the school district involved in the hearing (Section 24-12(d)(3) of the School Code) at the time of the hearing, unless the hearing involves a school district organized pursuant to Article 34 of the School Code.

C) He or she must be disinterested and impartial.

D) He or she must have no financial or personal interest in the result of the hearing.

E) Beginning on September 1, 2012, he or she must have successfully completed training provided or approved by the State Board of Education specific to issues generally involved in evaluative and non-evaluative dismissals (Section 24-12(d)(3) of the School Code).

F) He or she must be available to commence the hearing within 75 days and conclude the hearing within 120 days of being selected as hearing officer (Section 24-12(d) of the School Code).
2) A hearing officer shall be selected as set forth in Section 24-12(d)(3) of the School Code and this subsection (a)(2) if the tenured teacher has requested a hearing before a mutually selected hearing officer.

A) The State Board of Education shall, from the master list, provide, on a rotating basis, a list of five prospective hearing officers within five business days after receiving a copy of the tenured teacher’s request for a hearing.

B) Within three business days after receiving the list of prospective hearing officers, the Board and the teacher, or their legal representatives, shall alternately strike one name from the list until one name remains. Unless waived by the teacher, the teacher shall have the right to strike first.

i) Within three business days after receiving the list, the Board or the teacher, or either of their legal representatives, shall have the right to reject all prospective hearing officers on the list, in which case, they shall notify the State Board of Education that either party has rejected the entire list.

ii) Within three business days after receiving timely notification that the entire panel has been rejected, the State Board shall appoint, on a rotating basis, a hearing officer from the master list who was not on the parties’ rejected list, unless the State Board receives notice from the parties that a hearing officer has been selected through an alternative method in accordance with Section 24-12(d)(4) of the School Code.

3) A hearing officer shall be selected in accordance with Section 24-12(d)(3) of the School Code and this subsection (a)(3) if the tenured teacher has requested a hearing before a Board-selected hearing officer. Within three business days after receipt of the master list from the State Board of Education, the Board shall select one name from the master list established pursuant to subsection (a)(1) of this Section and, in writing, notify the tenured teacher and the State Board of Education of its selection.
4) In lieu of selecting a hearing officer pursuant to subsections (a)(2) or (a)(3) of this Section, the parties may mutually select an impartial hearing officer who is not on the State Board's master list either directly or by using procedures for the appointment of an arbitrator established by the Federal Mediation and Conciliation Service or the American Arbitration Association. The parties shall notify the State Board of Education of their intent to select a hearing officer using an alternative process within 3 business days of the receipt of the list of prospective hearing officers provided by the State Board, or the notice of appointment of hearing officer by the State Board, or receipt of notice from the State Board of Education that it cannot provide a list of qualified, impartial hearing officers, whichever occurs later. (See Section 24-12(d)(4) of the School Code.)

b) List of Hearing Officers and Selection of Hearing Officers -- School Districts Organized under Article 34 of the School Code

1) A school district organized under Article 34 of the School Code shall maintain a separate list of nine hearing officers to conduct hearings on charges and specifications. The school district shall develop the list in good faith consultation with the exclusive representative of the Board’s teachers and professional associations that represent the Board’s principals (Section 34-85(a)(3) of the School Code). Each hearing officer shall maintain the following qualifications.

   A) He or she must be accredited by a national arbitration organization and have had a minimum of 5 years of experience as an arbitrator in cases involving labor and employment relations matters between employers and employees or their exclusive bargaining representatives (Section 34-85(a)(3) of the School Code).

   B) He or she must be disinterested and impartial.

   C) He or she must have no financial or personal interest in the result of the hearing.

   D) Beginning on September 1, 2012, he or she must have participated in training provided or approved by the State Board of Education.
specific to issues generally involved in evaluative and non-evaluative dismissals (Section 34-85(a)(3) of the School Code).

E) He or she must be available to commence the hearing within 75 calendar days and conclude the hearing within 120 calendar days after being selected as hearing officer (Section 34-85(a)(5) of the School Code).

2) A hearing officer shall be selected as set forth in Section 34-85(3) of the School Code and this subsection (b)(2) if the tenured teacher has chosen to use a mutually selected hearing officer. The general superintendent and the teacher or principal or their legal representatives, within 5 business days after receiving the notice of request for a hearing, shall alternatively strike one name from the list of nine qualified hearing officers until only one name remains (Section 34-85(a)(3) of the School Code).

3) A hearing officer shall be selected as set forth in Section 35-85(a)(4) of the School Code and this subsection (b)(3) if the tenured teacher does not participate in the selection process. The general superintendent either shall select the hearing officer from the list of nine qualified hearing officers or select another qualified hearing officer from the master list maintained by the State Board of Education. (See Section 34-85(a)(3) of the School Code; also see subsection (a)(1) of this Section.)

c)b) The State Board of Education shall provide the local board of education and the teacher with a list of five prospective impartial hearing officers. The State Board of Education shall select the first five hearing officers from the master list who do not reside in the school district, if required by Section 24-12 of the School Code. For purpose of the master list maintained by the State Board of Education pursuant to subsection (a)(1) of this Section, shall place the names of the four hearing officers not selected from among the five provided to a school district under subsection (a)(2) of this Section shall be placed at the bottom of the master list and the State Board shall rotate the names on the list accordingly.

d)e) As soon as possible Upon notice of his or her appointment as a hearing officer, the prospective hearing officer shall disclose to the parties in writing any circumstances he or she believes might disqualify him or her as an impartial hearing officer.
1) Upon receipt of such information the State Board of Education shall immediately disclose it to the parties.

2) The parties may waive the presumptive disqualification.

2) If either party declines to waive the presumptive disqualification, then the party shall notify the State Board of Education of this fact, and the State Board of Education within five days after receiving this disclosure shall declare a vacancy.

e) If any hearing officer shall resign, die, withdraw, refuse or be unable or disqualified to perform the duties of his or her position, then the State Board of Education shall, on proof satisfactory to it, declare the position vacant.

1) Vacancies shall be filled in the same manner as that governing the making of the original appointment; that is,

A) For school districts not organized under Article 34 of the School Code, either by mutual selection by the tenured teacher and the Board, or by the Board; and

B) For a school district organized under Article 34 of the School Code, either by mutual selection by the tenured teacher and the general superintendent, or by the general superintendent.

2) Should a vacancy occur during the course of a hearing, the entire matter shall be reheard by a new hearing officer unless both parties provide written agreement otherwise.

f) Fees and Costs

1) If the notice of dismissal is sent to the tenured teacher before July 1, 2012, then the State Board of Education shall pay the hearing officer a per diem of $300 for the days on which the hearing is held and $37.50 per hour for any other services, or such greater amounts as the State Board of Education may determine based on available resources. Billing procedures shall be arranged on an individual basis between the State Board and the hearing officer.
2) If the notice of dismissal is sent to the tenured teacher on or after July 1, 2012, then payment shall be made in accordance with Section 24-12(d)(5) or Section 34-85(a)(4) of the School Code.

g) All communication from the parties to the hearing officer other than at oral hearing shall be in writing and copies shall be sent at the same time to the opposing party and the State Board of Education. However, where circumstances necessitate, the hearing officer may make other appropriate arrangements, including but not limited to conference telephone calls. The hearing officer shall promptly report to the other party the complete substance of any unilateral communications.

h) All hearing officers shall abide by the professional standards set forth in "The Code of Professional Responsibility for Arbitrators of Labor Management Disputes" (2007), published by the National Academy of Arbitrators, 1 North Main Street, Suite 412, Cortland, New York 13045; no later amendments to or editions of these standards are incorporated. A violation of the professional standards identified in this subsection (h) shall be grounds for removal of the hearing officer from the master list maintained by the State Board of Education.

i) The hearing officer shall interpret and apply the provisions of this Part insofar as they relate to his or her powers and duties and shall follow any court interpretation of this Part.

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

Section 51.55 Pre-Hearing Procedures

a) The parties and the hearing officer may agree to a location for the hearing. If there is a dispute as to the location of the hearing, then the hearing officer shall fix the place of the hearing at a location within the district’s boundaries.

b) The tenured teacher shall answer the bill of particulars or charges and specifications, aver any affirmative defenses, and update the answer and defenses, in accordance with the schedule set forth by the hearing officer pursuant to subsection (c) of this Section. (Sections 24-12(d)(6) and 34-85(a)(5) of the School Code).
c) Pre-Hearing Conference

The hearing officer shall convene a pre-hearing conference with the parties for the purpose of, among other things, setting a schedule, no later than 10 days after being selected as the hearing officer. The schedule shall be contained in the hearing officer’s order that reflects the action taken at the conference and include:

1) The deadline for the tenured teacher’s answer and any affirmative defenses to the bill of particulars or charges and specifications submitted pursuant to subsection (b) of this Section and for the updating of that information after pre-hearing discovery;

2) A schedule for discovery, including any written interrogatories and requests for production of documents;

3) The deadline for initial disclosures and updated disclosures to be sent to the other party, which deadline may be no later than 10 days prior to the commencement of the hearing (Section 24-12(d)(6) and 34-85(a)(5)); and

4) The dates, times and locations of any subsequent pre-hearing scheduling conferences, as needed.

d) Initial Disclosures and Updated Disclosures

Subject to the deadline established by the hearing officer in his or her order issued pursuant to subsection (c) of this Section and in accordance with Sections 24-12(d)(6) and 34-85(a)(5) of the School Code, each party shall disclose in writing to the other, with copies to the hearing officer, the following information:

1) The names and addresses of persons who may be called as witnesses at the hearing;

2) A summary of the facts or opinions each witness will testify to; and

3) All other documents and materials, including information maintained electronically, relevant to its own as well as the other party’s case (the hearing officer may exclude witnesses and exhibits not identified and shared, except those offered in rebuttal for which the party could not reasonably have anticipated prior to the hearing).
Discovery

1) Either party may request in writing from the other, with copies to the State Board of Education and the hearing officer, a list of persons (and their addresses) who may be called as expert witnesses at the hearing. The omission of any such name to result in a preclusion of the testimony of such witness in the absence of a showing of good cause and the express permission of the hearing officer.

2) Either party may request in writing from the other, with copies to the State Board of Education and the hearing officer, a list of persons (and their addresses) who may have knowledge of facts related to the charges and/or the defenses thereto. This is not to be construed as a list of witnesses to be used at the hearing, but no person whose name is not so disclosed may testify except upon good cause shown and by the express permission of the hearing officer.

3) Further discovery, limited to written interrogatories, bills of particulars, requests to produce, and lists of witnesses, may be allowed. The hearing officer shall allow for interrogatories and requests for production of documents, subject to reasonable limitations set forth by the hearing officer, in the order reflecting the pre-hearing conference or any future order. The hearing officer shall not allow for discovery depositions (Sections 24-12(d)(6) and 34-85(a)(5) of the School Code).

1) A) Application for such discovery shall be made by written motion to the hearing officer, with copies to the State Board of Education and the other party.

2) B) The motion shall state the specific nature of the discovery and the circumstances necessitating the discovery. If interrogatories are sought, then a copy of these shall be attached to the motion.

3) C) The hearing officer shall rule on the motion within five days after receipt of the motion, sending copies of the decision to both parties and to the State Board of Education. The ruling shall set a date by which discovery shall be completed. In the case of interrogatories, receipt of the hearing officer's ruling shall be deemed service of the
interrogatories where the provisions of subsection (e)(2) (b)(3)(B) of this Section have been complied with.

4) In ruling on the motion, the hearing officer shall not permit discovery that will unnecessarily delay the proceedings or harass a party, and shall allow only that discovery which will further the resolution of the dispute, avoid surprise to a party, or aid in doing substantial justice.

5) Each party providing answers to discovery requests shall sign his or her responses under oath, and each attorney making objections shall sign his or her objections under oath.

f) Other pretrial motions may be filed and resolved prior to the hearing at the discretion of the hearing officer, provided that no motion shall be resolved prior to the hearing that would result in a default judgment against the tenured teacher.

g) Any party who proceeds with the hearing after knowledge that any provision of this Subpart B prior to hearing has not been complied with and who fails to state his or her objection thereto in writing either to the State Board of Education or to the hearing officer shall be deemed to have waived his or her right to object.

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

Section 51.60 The Hearing

a) The hearing shall be closed to the public unless one of the parties requests that it be open and the hearing officer so orders. The hearing officer shall exclude witnesses during the testimony of other witnesses upon the motion of either party, except that, at any time, one representative of each party in addition to counsel (or other authorized representative) shall be allowed to be present, even if that representative is also a witness. In open hearings, individuals who are not witnesses are not affected by exclusion under this subsection (a).

b) The parties may be present and represented by counsel and by other authorized representatives.

c) The order of proceeding shall be as follows:
1) The hearing shall be opened by the recording of the place, time, and date of the hearing, the presence of the hearing officer and the parties and counsel, if any, and any stipulations as to facts. Pre-hearing motions submitted in accordance with Section 51.55 of this Part and not previously disposed of shall be heard at this time.

2) Upon the opening of the hearing, the hearing officer shall allow the parties to make opening statements.

3) The Board shall proceed first to present its evidence, and it shall have the burden of proof. The hearing officer, may, at his or her discretion, vary the normal procedure under which the Board presents its case first, but in any event shall afford full and equal opportunity to all parties for presentation of relevant proof.

4) Either party may offer evidence and witnesses, cross-examine the witnesses, offer evidence, and present a defense or rebuttal.

5) All testimony shall be taken under oath or affirmation administered by the hearing officer.

6) The hearing officer may issue subpoenas requiring the attendance of witnesses and subpoenas duces tecum, and, at the request of either of the parties, shall issue the requested subpoenas but may limit the number of witnesses to be subpoenaed on behalf of either party to not more than seven ten.

7) The hearing officer shall cause a record of the proceedings to be kept and shall employ a competent reporter to take stenographic or stenotype notes of all the testimony. The party or parties who are responsible for paying the fees and costs of the hearing officer shall pay for the attendance and services of the court reporter or other competent reporter who can provide a verbatim transcript of the proceeding as well as for the transcript, if any, ordered by the hearing officer for the purpose of making his or her decision. (Sections 24-12(d)(6) and 34-85(a)(5) of the School Code; also see Section 51.40(f) of this Part)
A) The cost of any transcript ordered by the hearing officer shall be paid by the party or parties responsible for paying the fees and cost of the hearing officer.

B) Either party desiring a transcript of the hearing shall pay for the cost of the transcript (Sections 24-12(d)(6) and 34-85(a)(5) of the School Code).

8) Exhibits, when offered by either party, may be received in evidence by the hearing officer. The names and addresses of all witnesses and exhibits, in order received, shall be made a part of the record. The hearing officer shall make rulings on the admissibility of exhibits.

9) The hearing shall commence within 75 days and conclude within 120 days after the appointment of the hearing officer, barring modification of these timelines by the hearing officer upon a showing of good cause. The hearing may continue upon the request of the teacher or the board or upon his or her own initiative or mutual agreement of the parties. “Good cause” for the purpose of this subsection (c)(9) shall mean the illness or otherwise unavoidable emergency of the teacher, district representative, their legal representatives, the hearing officer, or an essential witness as indicated in each party's pre-hearing submission (Sections 24-12(d)(6) and 34-85(a)(5) of the School Code).

10) The hearing may proceed in the absence of either party, who, after due notice, fails to be present or fails to obtain a continuance.

11) Each party shall be provided no more than three business days to present its case, unless the hearing officer determines, in accordance with the provisions of Section 24-12(d)(6) or Section 34-85(a)(5) of the School Code, that more time is needed either for the tenured teacher or the Board to present adequate evidence and testimony. For the purposes of this subsection (c)(11), a “business day” shall consist of 7.5 hours, such that three business days equates to 22.5 hours, exclusive of time taken for lunch and other breaks. The hearing officer may, at his or her discretion, vary the normal procedure under which the board presents its case first.
but in any event shall afford full and equal opportunity to all parties for presentation of relevant proof.

12) At the conclusion of the hearing, each party may make a closing statement (orally and/or written at the discretion of the hearing officer) incorporating arguments of fact and law.

13) When the hearing officer determines that neither party has further proof to offer or witnesses to be heard, he or she shall declare the hearing concluded, and a minute thereof shall be so noted in the record.

14) At the close of the hearing, the hearing officer shall direct the parties to submit post-hearing briefs no later than 21 days after receipt of the transcript (Sections 24-12(d)(5) and 34-85(a)(5) of the School Code). Post-hearing briefs may not exceed 20 pages in length, unless the hearing officer determines in a written order that the circumstances of a particular matter warrant an exception. Either or both parties may waive submission of briefs. If written briefs are to be submitted subsequently, the hearing officer shall so note in the record.

15) The hearing record of the proceedings shall not be considered closed until all evidence has been submitted and any briefs, if allowed by the hearing officer, have been timely received by the hearing officer. The hearing officer shall notify the parties, in writing, of the closing date of the hearing record. A copy of the notice shall be forwarded to the State Board of Education.

d) Evidentiary rules to be followed during the hearing shall be as follows:

1) The parties may offer any such evidence as they desire, and each party shall produce any such additional evidence as the hearing officer may deem necessary to an understanding and determination of the dispute. The hearing officer may limit the number of witnesses on behalf of either party to no more than ten. (Sections 24-12 and 34-85 of the School Code)

2) The hearing officer shall be the judge of the relevancy and materiality of the evidence offered and strict conformity to legal rules of evidence shall not be necessary.
3) Objections to evidentiary offers may be made and shall be noted in the record. The hearing officer shall have the power to make rulings, including the power to exclude evidence. "Offers of Proof" shall be permitted.

4) Any witness designated as hostile by the hearing officer may be examined as if under cross-examination.

5) If the hearing officer grants a party’s request to submit a document after the evidentiary portion of the hearing is closed, the party shall file that document with the hearing officer, with copies to the State Board of Education and the other party, within the time designated by the hearing officer.

e) When the hearing officer determines that neither party has further proof to offer or witnesses to be heard, he or she shall declare the hearing concluded, and a minute thereof shall be so noted in the record. If written briefs are to be submitted subsequently, the hearing officer shall so note.

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

Section 51.70 The Decision: School Districts Not Organized under Article 34 of the School Code

When a hearing is held under Section 24-12(d) of the School Code, the hearing officer must, within 30 days after the hearing is concluded or the record is closed, whichever is later, render a final decision as to whether the tenured teacher shall be dismissed pursuant to Article 24A of the School Code (unless the school district pursues the dismissal under Subpart C of this Part and all applicable requirements thereto) or findings of fact and recommendation as to whether the teacher must be dismissed for conduct (Sections 24-12(d)(6) of the School Code). The hearing officer shall provide a copy of the decision or findings of fact and recommendation to the State Board of Education. The decision must be rendered within 30 days after the conclusion of the hearing or closure of the record, whichever occurs later. When a hearing is held under Section 34-85 of the School Code, the hearing officer’s findings of fact and recommendation must be rendered within 45 days after the conclusion of the hearing. For purposes of the remainder of this Section, “decision” means either a decision under Section 24-12 of the School Code or the findings of fact and recommendation under Section 34-85 of the School Code.
Dismissal Due to Performance Pursuant to Article 24A of the School Code

The hearing officer shall make a decision in writing as to whether or not the teacher shall be dismissed. The hearing officer’s decision shall include findings of fact.

1) In a dismissal hearing regarding performance pursuant to Article 24A of the School Code, the hearing officer shall render a decision in writing as to whether or not the tenured teacher shall be dismissed. The hearing officer shall consider and give weight to all of the teacher’s evaluations, subject to their introduction at the hearing, that are relevant to the issues in the hearing (Section 24-12(d)(5) of the School Code).

2) The decision of the hearing officer is final unless reviewed under the Administrative Review Law [735 ILCS 5/Art. III], as provided in Section 24-16 of the School Code [105 ILCS 5/24-16].

A) In the case of an administrative review, the Board shall prepare and file the record of proceedings and the parties shall share the cost equally of preparing and filing the record (Section 24-12(d)(9) of the School Code).

B) The record of the proceedings shall contain each of the items listed in this subsection (a)(2)(B).

i) All pleadings and exhibits, including all notices and responses thereto), motions, and rulings.

ii) All evidence received.

iii) A statement of matters officially noticed.

iv) Any offers of proof, objections, and rulings thereon.

v) Any proposed findings and exceptions.

vi) A transcript of the hearing.

vii) The decision of the hearing officer.
viii) All staff memoranda or data submitted to the hearing officer or staff of the State Board of Education in connection with their consideration of the case that are inconsistent with Section 10-60 of the Illinois Administrative Procedure Act (“Ex parte communications”).

ix) Any ex parte communication prohibited by Section 10-60 of the Illinois Administrative Procedure Act; this communication shall not form the basis for any findings of fact.

x) Any other material required under Section 10-35 of the Illinois Administrative Procedure Act [5 ILCS 100/10-35].

b) Dismissal Due to Conduct Pursuant to Section 24-12(d) of the School Code

In a dismissal hearing regarding conduct pursuant to Section 24-12(d) of the School Code, the hearing officer shall issue findings of fact and a recommendation as to whether the conduct occurred, the conduct was remediable, and the proposed dismissal should be sustained (Section 24-12(d)(8) of the School Code).

1) A copy of the hearing officer’s findings of fact and recommendation shall be given to the State Board of Education to be forwarded by certified mail to both the tenured teacher and the Board, or their legal representatives of record.

2) The Board, within 45 days of receipt of the hearing officer’s findings of fact and recommendation rendered pursuant to Section 24-12(d) of the School Code, shall issue a written order as to whether the teacher must be retained or dismissed for cause.

A) The order shall incorporate the findings of fact, except that the school board may modify or supplement the findings of fact if, in its opinion, the findings of fact are against the manifest weight of the evidence. (Section 24-12(d)(8) of the School Code)
B) If the school board dismisses the teacher notwithstanding the hearing officer's findings of fact and recommendation, the school board shall make a conclusion in its written order, giving its reasons therefor, and such conclusion and reasons must be included in its written order. (Section 24-12(d)(8) of the School Code)

3) The decision of the Board is final unless reviewed under the Administrative Review Law [735 ILCS 5/Art. III], as provided in Section 24-16 of the School Code [105 ILCS 5/24-16].

A) In the case of an administrative review, the Board shall prepare and file the record of proceedings and the parties shall share the cost equally of preparing and filing the record (Section 24-12(d)(10) of the School Code).

B) The record of the proceedings shall contain each of the items listed in this subsection (b)(3)(B).

   i) All pleadings and exhibits, including all notices and responses thereto, motions, and rulings.

   ii) All evidence received.

   iii) A statement of matters officially noticed.

   iv) Any offers of proof, objections, and rulings thereon.

   v) Any proposed findings and exceptions.

   vi) A transcript of the hearing.

   vii) The findings of fact and recommendation of the hearing officer.

   viii) All staff memoranda or data submitted to the hearing officer or staff of the State Board of Education in connection with their consideration of the case that are inconsistent with to Section 10-60 the Illinois...
Administrative Procedure Act ("Ex parte communications").

ix) Any ex parte communication prohibited by Section 10-60 of the Illinois Administrative Procedure Act; this communication shall not form the basis for any findings of fact.

x) The decision of the Board.

xi) Any other material required under Section 10-35 of the Illinois Administrative Procedure Act [5 ILCS 100/10-35].

c) Pursuant to Section 24-12(d)(7) of the School Code, if the hearing officer fails, without good cause, specifically provided in writing to the parties and the State Board of Education, to render a decision issued pursuant to subsection (a) of this Section or findings of fact and recommendation issued pursuant to subsection (b) of this Section within 30 days after the later of the close of the hearing or the record, then the parties may mutually agree to select a hearing officer pursuant to the alternative selection procedures provided under Section 24-12(d)(4) of the School Code to rehear the charges or review the record and render a decision.

1) The hearing officer who failed to timely render a decision or findings of fact and recommendation shall have the required timeframe, his or her name shall be struck from the master list of hearing officers maintained by the State Board of Education for a period of not more than 24 months.

2) The parties and the State Board of Education may take other actions as they deem appropriate regarding reducing fees paid to the hearing officer.

3) If any hearing officer again fails to provide in a timely manner a decision or findings of fact and recommendation, then the State Board of Education shall remove him or her permanently from the master list and prohibit any party from selecting this hearing officer through the alternative selection process in Section 24-12(d)(4) of the School Code.

e) A copy of the hearing officer’s decision shall be given to the State Board of Education to be forwarded by certified mail to both the teacher and the Board, or
Their legal representatives of record. If Section 34-85 of the School Code applies, the decision of the Board shall also be given to the State Board of Education to be forwarded by certified mail to the teacher.

d) The decision of the hearing officer, if rendered pursuant to Article 24A of the School Code, or the decision of the Board rendered pursuant to Section 24-12 of the School Code, is final unless reviewed under the Administrative Review Law [735 ILCS 5/Art. III], as provided in Section 24-16 of the School Code [105 ILCS 5/24-16]. The decision of the hearing officer, if rendered pursuant to Section 34-85 of the School Code, is only a finding of fact and recommendation to the Board. The Board’s decision to dismiss a tenured teacher from its employ is final unless reviewed under the Administrative Review Law, as provided in Section 34-85b of the School Code [105 ILCS 5/34-85b].

1) If neither party appeals, then either party desiring a transcript of the hearing shall pay for the cost thereof.

2) The costs of preparing and filing the record of proceedings in the case of a review shall be paid by the Board.

3) The record of the hearing shall include:

   A) all pleadings and exhibits,

   B) a statement of matters officially noticed,

   C) a transcript of the hearing, and

   D) the decision of the hearing officer (and the decision of the Board, if of the School Code applies).

d) Pursuant to Section Sections 24-12(d)(7) and 34-85 of the School Code, the Board shall not lose jurisdiction to discharge a teacher if the hearing officer fails to render a decision within the applicable time specified in this Section.

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

Section 51.75 The Decision: School Districts Organized under Article 34 of the School Code
When a hearing is held under Section 34-85 of the School Code regarding performance pursuant to Article 24A of the School Code or conduct, the hearing officer shall within 30 calendar days after the conclusion of the hearing report to the general superintendent findings of fact and a recommendation as to whether the teacher or principal shall be dismissed (Section 34-85(a)(6) of the School Code).

   a) In a dismissal hearing regarding performance pursuant to Article 24A of the School Code, the hearing officer shall consider and give weight to all of the teacher’s evaluations, subject to their introduction at the hearing, that are relevant to the issues in the hearing. (Sections 34-85(a)(5) of the School Code)

   b) The hearing officer shall report to the general superintendent findings of fact and a recommendation as to whether or not the teacher or principal shall be dismissed and shall give a copy of the report to both the teacher or principal and the general superintendent (Section 34-85(a)(6) of the School Code). A copy of the hearing officer’s findings of fact and recommendation shall be given to the State Board of Education to be forwarded by certified mail to both the tenured teacher or their legal representatives of record.

c) If the hearing officer is appointed from the master list developed by the State Board of Education and he or she fails, without good cause, to render a findings of fact and recommendation within the required timeframe, then his or her name shall be struck from the master list of hearing officers for a period of at least 24 months. Other action may be taken as provided in Section 51.70(c) of this Part.

d) The decision of the hearing officer regarding dismissal due to either performance or conduct rendered pursuant to Section 34-85 of the School Code is only a findings of fact and recommendation to the Board.

   1) The Board shall make a decision as to whether the tenured teacher shall be dismissed within 45 days after receiving the hearing officer’s report of findings and recommendation.

   2) The Board’s decision to dismiss a tenured teacher from its employ is final unless reviewed under the Administrative Review Law, as provided in Section 34-85b of the School Code [105 ILCS 5/34-85b], with the review required to be initiated in the Illinois Appellate Court for the First District (Section 35-85(a)(8) of the School Code).
A) In the case of an administrative review, the Board shall prepare and file the record of proceedings and the parties shall share the costs of preparing and filing the record equally.

B) The record of the hearing shall contain each of the items enumerated in Section 51.70(a)(2)(B) of this Part.

3) Pursuant to Section 34-85(a)(7) of the School Code, the failure of the Board to strictly adhere to the timeline set forth in subsection (d)(1) of this Section does not render it without jurisdiction to dismiss the tenured teacher.

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

Section 51.80 Waiver, Interpretation and Application of this Part (Repealed)

a) Any party who proceeds with the hearing after knowledge that any provision of this Part prior to hearing has not been complied with and who fails to state his or her objection thereto in writing either to the State Board of Education or to the hearing officer shall be deemed to have waived his or her right to object.

b) The hearing officer shall interpret and apply the provisions of this Part insofar as they relate to his or her powers and duties and shall follow any court interpretation of this Part.

c) A violation of the professional standards identified in Section 51.40(g) of this Part shall be grounds for removal of the hearing officer from the master list maintained by the State Board of Education.

d) All other rules shall be interpreted and applied by the State Board of Education.

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

SUBPART C: OPTIONAL ALTERNATIVE EVALUATIVE DISMISSAL UNDER SECTION 24-16.5 OF THE SCHOOL CODE

Section 51.200 Purpose and Applicability of this Subpart C
a) This Subpart C sets forth the requirements for a school district, including a school district organized under Article 34 of the School Code, to implement an optional alternative evaluative dismissal process authorized under Section 24-16.5 of the School Code [105 ILCS 5/24-16.5].

b) A school board may dismiss a tenured teacher using an optional alternative evaluative process if each of the conditions set forth in this subsection (b) are met. (See Section 24-16.5(b) of the School Code.)

1) The tenured teacher is being dismissed due to his or her failure to complete a remediation plan, developed pursuant to Section 24A-5 of the School Code [105 ILCS 5/24A-5], with a rating of “proficient” or better.

2) The “unsatisfactory” rating that precipitated the remediation plan resulted from a performance evaluation process that:

   A) addressed teacher practice components and included data and indicators of student growth; and

   B) was conducted on or after the date on which the school district was required to implement a performance evaluation plan incorporating data and indicators of student growth or an earlier date, as authorized under Section 24A-2.5 of the School Code [105 ILCS 5/24A-2.5].

3) The school district has complied with the requirements of Section 24-16.5(c) of the School Code and this Subpart C regarding the selection and use of a second evaluator during the pre-remediation and remediation processes.

c) Nothing in this Subpart C is intended to change the existing practices or precedents under Section 24-12 or 34-85 of the School Code, nor shall this Subpart C be interpreted as implying standards and procedures that should or must be used as part of a remediation that precedes a dismissal sought under Section 24-12 or 34-85 of the School Code (Section 24-16.5(b) of the School Code).

(Source: Added at 36 Ill. Reg. ______, effective ___________)
Section 51.210 Establishment of the List of Second Evaluators: Qualifications

a) Before a school district’s first remediation relating to a dismissal under Section 24-16.5 of the School Code and this Part, the school district shall establish a list of at least two evaluators who meet the qualifications set forth in subsection (b) of this Section to serve as second evaluators.

1) The school district shall provide written notification to the teacher representatives identified pursuant to subsection (e) of this Section of the names and qualifications of the individuals it has chosen to include as second evaluators.

2) The teacher representatives may submit in writing to the school district the names and qualifications of additional individuals to be included on the list of second evaluators, provided that they shall not submit more teacher evaluators for inclusion on the list than the number of evaluators submitted by the school district (Section 24-16.5(c)(1) of the School Code). Each individual whose name is submitted to serve as a second evaluator shall meet one of the qualifications specified in Section 24-16.5(c) of the School Code; that is, either:

A) holds certification from the National Board of Professional Teacher Standards, with no “unsatisfactory” or “needs improvement” performance evaluation ratings in his or her two most recent performance evaluations; or

B) has obtained a performance evaluation rating of “excellent” in two of the three most recent performance evaluations, with no “needs improvement” or “unsatisfactory” performance evaluation ratings in his or her last three ratings.

3) If the teacher representatives fail to submit in writing any names of additional second evaluators within 21 calendar days after receiving the written notification specified in subsection (a)(1) of this Section, then the school district may proceed with a remediation using a list of second evaluators that includes only those names identified by the school district.

b) Each second evaluator shall be qualified to serve as an evaluator under Section 24A-3 of the School Code [105 ILCS 24A-3].
c) The list of second evaluators may be revised either by the school district or teacher representatives at any time, with the party initiating the revision providing at least three days notice to the other party of its intent to revise the list. The process to revise the list shall be made in accordance with this Section and Section 24-16.5(c)(2) of the School Code.

d) Establishment of the Process for Selecting a Second Evaluator

1) Before a school district’s first remediation relating to a dismissal under Section 24-16.5 of the School Code and this Subpart, the school district also shall, in good faith cooperation with its teacher representatives, develop a process to be used to select a second evaluator from the list created and established pursuant to subsection (a) of this Section (see Section 24-16.5(c)(2) of the School Code).

2) The process may be amended at any time in good faith cooperation with the teacher representatives.

3) If the teacher representatives are given an opportunity to cooperate with the school district with respect to the establishment or amendment of the process and elect not to do so, then the school district may, at its discretion, establish or amend the process for selection.

4) Before the hearing officer and as part of any judicial review of a dismissal under Section 24-16.5 of the School Code, a tenured teacher may not challenge a remediation or dismissal on the grounds that the process used by the school district to select a second evaluator was not established in good faith cooperation with its teacher representatives.

e) For the purposes of this Section, “teacher representatives” shall mean:

1) the exclusive collective bargaining agent, or its designees, if the teachers are represented by a collective bargaining unit; or

2) a group of teachers, whose number shall not exceed the number of school district representatives participating in the selection process, who have been chosen by their peers to serve in this capacity.
Section 51.220 Selection of Second Evaluators

a) When a school district determines that it will use the optional alternative evaluative dismissal process for a particular tenured teacher, it shall choose a second evaluator using the process outlined in Section 51.210(d) of this Part from the list established pursuant to Section 51.210(a) of this Part, provided that:

1) the evaluator selected shall not be the same individual who made the determination to assign the affected tenured teacher an performance evaluation rating of “unsatisfactory” (Section 24-16.5(c)(3) of the School Code); and

2) if the evaluator selected is an administrator, then the evaluator does not directly report to the individual who assigned the “unsatisfactory” rating to the affected tenured teacher (Section 24-16.5(c)(3) of the School Code).

b) The school district's authority to select a second evaluator from the list of second evaluators must not be delegated or limited through any agreement with the teacher representatives (Section 24-16.5(c)(3) of the School Code).

c) Nothing in this Subpart C shall prohibit a school district and its teacher representatives from agreeing to use an individual as a second evaluator who is a member of the exclusive bargaining unit, provided that the individual otherwise qualifies under Section 51.220 of this Part and Section 24A-3 of the School Code.

Section 51.230 Use of a Second Evaluator in Specific Remediations

In accordance with the requirements of Section 24-16.5(c)(4) of the School Code, the second evaluator chosen to participate in an optional alternative evaluative dismissal process of a particular tenured teacher shall conduct an evaluation of that tenured teacher’s performance by one of the methods specified in this Section.

a) The second evaluator may conduct a mid-point and final evaluation of the tenured teacher subject to dismissal during the period of the tenured teacher's remediation
and award a performance evaluation rating of “excellent”, “proficient”, “needs improvement” or “unsatisfactory”.

1) The mid-point evaluation shall assess the tenured teacher’s performance during the time period since the completion of the evaluation that resulted in the “unsatisfactory” rating, and the final evaluation shall assess the tenured teacher’s performance during the time period since the completion of the mid-point evaluation. (Section 24A-5(k) of the School Code).

2) The final evaluation shall include an overall evaluation of the tenured teacher’s performance during the remediation period.

b) The second evaluator may conduct an independent assessment of whether the tenured teacher completed the remediation plan with a rating of “proficient” or “excellent”. The independent assessment may include, but is not limited to, personal or video-recorded observations of the teacher practice components of the remediation plan developed pursuant to Section 24A-5 of the School Code. (Section 24-16.5(c)(4) of the School Code).

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

Section 51.240 Hearing Procedures

A school district electing to use an optional alternative evaluative dismissal process shall comply with the procedures and requirements for a tenured teacher’s request for a hearing, the selection of a hearing officer, pre-hearing and hearing procedures, and post-hearing briefs set forth in this Subpart C, and in either Section 24-12(d) or Section 34-85(a) of the School Code, as applicable, and Subpart B of this Part. (Section 24-16.5(a) of the School Code)

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

Section 51.250 Notice of Dismissal to the Affected Tenured Teacher

a) A school district that meets the conditions set forth in Section 51.200(b) of this Part that elects to use an optional alternative evaluative dismissal proceeding shall provide a written notice to the affected tenured teacher of this fact within 30 days after the completion of the final remediation evaluation. (Section 24-16.5(d) of the School Code). The notice shall:
1) comply with the notice requirements set forth in Section 51.30(a) of this Part for a school district not organized under Article 34 of the School Code, including the right of the affected tenured teacher to request a hearing before a mutually selected hearing officer or a hearing officer selected by the Board; or

2) comply with the notice requirements set forth in Section 51.30(b) of this Part for a school district organized under Article 34 of the School Code, including the right of the affected tenured teacher to select a mutually selected hearing officer or a hearing officer selected by the general superintendent, should the tenured teacher not participate in the selection process.

b) The notice shall indicate that the dismissal is sought under the optional alternative evaluative dismissal process authorized under Section 24-16.5 of the School Code and this Subpart C. (Section 24-16.5(d) of the School Code)

c) The notice shall contain a copy of each performance evaluation that is the subject of the optional alternative evaluative dismissal process. (Section 24-16.5(d) of the School Code)

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

Section 51.260 Qualifications and Selection of Hearing Officers

a) School districts not organized under Article 34 of the School Code shall select a hearing officer in accordance with the requirements of Section 51.40(a) of this Part.

b) School districts organized under Article 34 of the School Code shall select a hearing officer in accordance with the requirements of Section 51.40(b) of this Part.

c) In addition to the applicable qualifications of Section 51.40 of this Part, each hearing officer shall have successfully completed the prequalification process required under Section 24A-3 of the School Code [105 ILCS 5/24A-3] before conducting a hearing under the optional alternative evaluative dismissal process.
d) In accordance with Section 24-16.5(d)(1) of the School Code, the State Board of Education may waive the requirement of the prequalification process in order to provide an adequate pool of hearing officers for consideration.

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

Section 51.270 Scope of the Hearing

a) In accordance with Section 24-16.5(d)(2)(A) of the School Code, the scope of the hearing held for an optional alternative evaluative dismissal process shall be limited to the school district’s demonstration of each of the components listed in this subsection (a).

1) The performance evaluation rating of "unsatisfactory" that preceded remediation applied the teacher practice components and student growth components and determined an overall evaluation rating of "unsatisfactory" in accordance with the standards and requirements of the school district's evaluation plan;

2) The remediation plan for the affected tenured teacher complied with the requirements of Section 24A-5 of the School Code;

3) The teacher failed to complete the remediation plan with a performance evaluation rating equal to or better than a "proficient" rating, based upon a final remediation evaluation that met the standards and requirements of the school district's evaluation plan, as applicable; and

4) If the second evaluator selected pursuant Section 51.220 of this Part conducts an independent assessment that results in a performance evaluation rating for the affected tenured teacher of “proficient” or “excellent”, then the school district must demonstrate that the final remediation evaluation is a more valid assessment of the teacher's performance than the assessment made by the second evaluator.

b) Limitations of Action by the Tenured Teacher Subject to Dismissal

A tenured teacher subject to dismissal under an optional alternative evaluative dismissal process shall challenge only the substantive and procedural aspects of
the process as set forth in this subsection (b). (See Section 24-16.5(d)(2)(B) of the School Code).

1) The affected tenured teacher may challenge the performance evaluation rating of "unsatisfactory" that led to the remediation, the remediation plan developed pursuant to Section 24A-5 of the School Code, and the final evaluation conducted at the conclusion of the remediation period.

2) To the extent the teacher challenges procedural aspects, including any in applicable collective bargaining agreement provisions, of a relevant performance evaluation rating or the remediation plan, the teacher must demonstrate how an alleged procedural defect materially affected the teacher's ability to demonstrate a level of performance necessary to avoid remediation or dismissal or successfully complete the remediation plan. Without any such material effect, a procedural defect shall not impact the assessment by the hearing officer, Board, or reviewing court of the validity of a performance evaluation or a remediation plan (Section 24-16.5(d)(2)(B) of the School Code).

c) The hearing officer shall only consider and give weight to performance evaluations relevant to the scope of the hearing as described in this Section (Section 24-16.5(d)(2)(C) of the School Code).

d) In accordance with Section 24-16.5(d)(3) of the School Code, each party shall have two business days, as defined in Section 51.60(c)(11) of this Part, to present evidence and testimony unless:

1) a longer period is mutually agreed to by the parties, or

2) the hearing officer deems the extension to be necessary to enable a party to present adequate evidence and testimony.

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

Section 51.280 Findings of Fact and Recommendation of the Hearing Officer

a) The hearing officer shall issue a report of findings of fact and recommendation to the Board, stating whether the affected tenured teacher shall be retained or
dismissed and the reasons for the recommended action (Section 24-16.5 of the School Code).

1) The report of findings of fact and recommendation shall be issued within 30 days after the hearing is concluded or the record of the hearing is closed, whichever is later. The record of the proceedings shall not be considered closed until all evidence has been submitted. The hearing officer shall notify the parties, in writing, of the closing date of the record.

2) The report of findings of fact and recommendation shall not exceed 30 pages.

b) The hearing officer shall provide a copy of the report of findings of fact and recommendation to the affected tenured teacher and the superintendent of the school district at the same time as the report is provided to the Board. The hearing officer shall provide a copy of the report to the State Board of Education.

c) Pursuant to Section 24-16.5(c) of the School Code, if the hearing officer fails, without good cause, specifically provided in writing to the parties and the State Board of Education, to render findings of fact and recommendation within 30 days after the later of the close of the hearing or the record, then the parties may mutually agree to select a hearing officer pursuant to the alternative selection procedures provided under Section 24-12(d)(4) of the School Code to rehear the charges or to review the record and render a recommendation.

1) The hearing officer who failed to timely render findings of fact and recommendation shall have his or her name struck from the master list of hearing officers maintained by the State Board of Education for a period of not more than 24 months.

2) The parties and the State Board of Education may take other actions as they deem appropriate regarding reducing fees paid to the hearing officer. If any hearing officer again fails to provide in a timely manner a decision or findings of fact and recommendation, then the State Board of Education shall remove him or her permanently from the master list and prohibit any party from selecting this hearing officer through the alternative selection process in Section 24-12(d)(4) of the School Code.

(Source: Added at 36 Ill. Reg. ______, effective ____________)
Section 51.290 Decision of the Board

a) Within 45 after receiving the hearing officer’s findings of fact and recommendation, the Board shall render a written order as to whether the affected tenured teacher be retained or dismissed.

1) A copy of the Board’s decision shall be provided to the tenured teacher either by certified mail, return receipt requested, or personal delivery with receipt within five days of the date on which the Board rendered a decision to retain or dismiss the affected tenured teacher.

2) Only Board members who have successfully completed a training program regarding performance evaluations administered or approved by the State Board of Education shall consider the findings of fact and recommendation and make a determination as to whether the affected tenured teacher should be retained or dismissed. Approval of an entity to offer the training required under this subsection (a)(2) shall be as set forth in 23 Ill. Adm. Code 1.210 (Approval of Providers of Training for Board Members).

3) If the Board determines that the affected tenured teacher should be dismissed, contrary to the hearing officer’s findings of fact and recommendation, then the Board shall provide in its written order its conclusion and the reasons for making that determination.

4) The failure of the Board to strictly adhere to the timeline set forth in this subsection (a) does not render it without jurisdiction to dismiss the teacher or principal (Section 24-16.5(f) of the School Code).

b) The decision of the Board is final unless reviewed under the Administrative Review Law [735 ILCS 5/Art. III], as provided in Section 24-16.5(g) of the School Code.

1) The affected tenured teacher shall file the appeal within 35 days from the date that he or she received the Board’s decision pursuant to subsection (a)(1) of this Section.
A) For a teacher dismissed by a school district having fewer than 500,000 inhabitants, the judicial review must be taken directly to the appellate court of the judicial district in which the school district’s Board maintains its primary administrative offices (Section 24-16.5(g)(2) of the School Code).

B) For a teacher dismissed by a school district organized under Article 34 of the School Code, the judicial review must be taken directly to the Illinois Appellate Court for the First District (Section 24-16.5(g)(1) of the School Code).

2) If the hearing officer recommended dismissal, the decision of the Board may be reversed only if it is found to be arbitrary, capricious, an abuse of discretion, or not in accordance with law (Section 24-16.5(g) of the School Code).

3) In the event judicial review is instituted by a teacher, any costs of preparing and filing the record of proceedings must be paid by the teacher (Section 24-16.5(g) of the School Code).

4) The record of the proceedings shall contain each of the items enumerated in Section 51.70(a)(2)(B) of this Part.

e) Pursuant to Section 24-16.5(f) of the School Code, the Board shall not lose jurisdiction to discharge a teacher if the hearing officer fails to render a decision within the applicable time specified in this Section.

(Source: Added at 36 Ill. Reg. ______, effective ____________)
TO: Illinois State Board of Education
FROM: Christopher A. Koch, Ed.D., State Superintendent of Education
       Beth Hanselman, Assistant Superintendent
       Darren Reisberg, Deputy Superintendent and General Counsel

(Special Education)

Materials: Recommended Amendments

Staff Contact(s): David Andel, 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 change relates to Strategic Goal 2, in that under the proposal, the conduct of
medical reviews would be limited to registered nurses who also hold a school service personnel
certificate endorsed for school nursing.

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
In response to a request from the field, staff are proposing that the Board consider modifying
Section 226.840 to authorize only certified school nurses and physicians to conduct medical
reviews. In 2010, the rules were amended to expand those qualified to conduct a medical
review to include registered nurses and advanced practice nurses, categories of individuals who
have the medical expertise necessary to perform the review. This change was made at that
time in response to complaints from some school districts that they were having difficulty finding
a sufficient number of certified school nurses to conduct these reviews.

Last fall, the Illinois Association of School Nurses Association (IASN) complained to agency
staff and to the Joint Committee on Administrative Rules (JCAR) about the rule. The
association followed up those complaints in January with a formal request to the agency to
restore the original rule by removing the authority for registered nurses and advanced practice
nurses to conduct medical reviews. The association stated in its request that medical reviews
require that the individuals make “decisions on how to accommodate special education students
in the least restrictive setting and environment”. This, in turn, requires specialized training that it
said registered nurses and advanced practice nurses do not have.

The agency, in making the change in the rule in 2010, believed that medical reviews require
medical judgment, and therefore these reviews could be conducted by “non-certified registered
professional nurses”, including advanced practice nurses. Additionally, staff believed that the inclusion in the rules of these qualified individuals would alleviate concerns about perceived shortages in the availability of certified school nurses. That being said, staff recommend that a second opportunity be provided to formally hear from school districts and special education cooperatives, through the public comment period, about any concerns they may have with limiting the conduct of medical reviews to certified school nurses and physicians. It should be noted, however, that until the rulemaking is final, school districts and special education cooperatives may use registered nurses and advanced practice nurses to conduct medical reviews of their special education students.

The proposed amendment will be shared with the Illinois State Advisory Council (ISAC) and various stakeholders February 2, 2012, to inform them of the rulemaking and invite them to provide public comments, as appropriate.

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
In light of the request for reconsideration submitted by the IASN, it is appropriate to provide a second opportunity for school districts and special education cooperatives to provide public comment regarding the qualifications of individuals who conduct medical reviews. Retaining the current rule, on the other hand, may result in additional challenges from the association or from others in the special education community.

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:

Special Education (23 Illinois Administrative Code 226),

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.
ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

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

PART 226
SPECIAL EDUCATION

SUBPART A: GENERAL

Section 226.10 Purpose
Section 226.50 Requirements for a Free Appropriate Public Education (FAPE)
Section 226.60 Charter Schools
Section 226.75 Definitions

SUBPART B: IDENTIFICATION OF ELIGIBLE CHILDREN

Section 226.100 Child Find Responsibility
Section 226.110 Evaluation Procedures
Section 226.120 Reevaluations
Section 226.130 Additional Procedures for Students Suspected of or Having a Specific Learning Disability
Section 226.135 Additional Procedures for Students Suspected of or Having a Cognitive Disability
Section 226.140 Modes of Communication and Cultural Identification
Section 226.150 Evaluation to be Nondiscriminatory
Section 226.160 Determination of Eligibility (Repealed)
Section 226.170 Criteria for Determining the Existence of a Specific Learning Disability (Repealed)
Section 226.180 Independent Educational Evaluation
Section 226.190 Reevaluation (Repealed)

SUBPART C: THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Section 226.200 General Requirements
Section 226.210 IEP Team
Section 226.220 Development, Review, and Revision of the IEP
Section 226.230 Content of the IEP
STATE BOARD OF EDUCATION
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226.240 Determination of Placement
226.250 Child Aged Three Through Five
226.260 Child Reaching Age Three

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226.300 Continuum of Placement Options
226.310 Related Services
226.320 Service to Students Living in Residential Care Facilities
226.330 Placement by School District in State-Operated or Nonpublic Special Education Facilities
226.340 Nonpublic Placements by Parents Where FAPE is at Issue
226.350 Service to Parentally-Placed Private School Students
226.360 Placement by School Districts in Remote Educational Programs

SUBPART E: DISCIPLINE

Section
226.400 Disciplinary Actions
226.410 Manifestation Determination Review (Repealed)
226.420 Appeals (Repealed)
226.430 Protection for Children Not Yet Eligible for Special Education (Repealed)
226.440 Referral to and Action by Law Enforcement and Judicial Authorities (Repealed)

SUBPART F: PROCEDURAL SAFEGUARDS

Section
226.500 Language of Notifications
226.510 Notification of Parents’ Rights
226.520 Notification of District’s Proposal
226.530 Parents’ Participation
226.540 Consent
226.550 Surrogate Parents
226.560 Mediation
226.570 State Complaint Procedures

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Section
STATE BOARD OF EDUCATION
NOTICE OF PROPOSED AMENDMENT

226.600 Calculation of Timelines
226.605 Request for Hearing; Basis (Repealed)
226.610 Information to Parents Concerning Right to Hearing
226.615 Procedure for Request
226.620 Denial of Hearing Request (Repealed)
226.625 Rights of the Parties Related to Hearings
226.630 Qualifications, Training, and Service of Impartial Due Process Hearing Officers
226.635 Appointment, Recusal, and Substitution of Impartial Due Process Hearing Officers
226.640 Scheduling the Hearing and Pre-Hearing Conference
226.645 Conducting the Pre-Hearing Conference
226.650 Child’s Status During Due Process Hearing (Repealed)
226.655 Expedited Due Process Hearing
226.660 Powers and Duties of Hearing Officer
226.665 Record of Proceedings
226.670 Decision of Hearing Officer; Clarification
226.675 Monitoring and Enforcement of Decisions; Notice of Ineligibility for Funding
226.680 Reporting of Decisions (Repealed)
226.690 Transfer of Parental Rights

SUBPART H: ADMINISTRATIVE REQUIREMENTS

Section
226.700 General
226.710 Policies and Procedures
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226.730 Class Size for 2009-10 and Beyond
226.731 Class Size Provisions for 2007-08 and 2008-09
226.735 Work Load for Special Educators
226.740 Records; Confidentiality
226.750 Additional Services
226.760 Evaluation of Special Education
226.770 Fiscal Provisions
226.780 Procedures for Withdrawal Hearings before the Regional Board of School Trustees

SUBPART I: PERSONNEL

Section
226.800 Personnel Required to be Qualified
226.810 Special Education Teaching Approval
226.820 Authorization for Assignment
226.830 List of Independent Evaluators
226.840 Qualifications of Evaluators
226.850 List of Qualified Workers
226.860 List of Noncertified Employees

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

Reg. 37, p. 29, effective September 1, 1978, for a maximum of 150 days; rules repealed and new
rules adopted at 3 Ill. Reg. 5, p. 932, effective February 1, 1979; emergency amendment at 4 Ill.
Reg. 38, p. 328, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill.
emergency amendment at 7 Ill. Reg. 6511, effective May 6, 1983, for a maximum of 150 days;
emergency amendment at 7 Ill. Reg. 8949, effective July 15, 1983, for a maximum of 150 days;
codified at 8 Ill. Reg. 6669; amended at 8 Ill. Reg. 7617, effective May 17, 1984; emergency
amendment at 10 Ill. Reg. 3292, effective January 27, 1986, for a maximum of 150 days;
emergency expired June 24, 1986; amended at 10 Ill. Reg. 18743, effective October 22, 1986;
amended at 10 Ill. Reg. 19411, effective October 31, 1986; amended at 13 Ill. Reg. 15388,
effective September 14, 1989; emergency amendment at 14 Ill. Reg. 11364, effective June 26,
1990, for a maximum of 150 days; emergency expired November 23, 1990; amended at 15 Ill.
Reg. 40, effective December 24, 1990; amended at 16 Ill. Reg. 12868, effective August 10, 1992;
emergency amendment at 17 Ill. Reg. 13622, effective August 3, 1993, for a maximum of 150
days; emergency expired December 31, 1993; amended at 18 Ill. Reg. 1930, effective January 24,
1994; amended at 18 Ill. Reg. 4685, effective March 11, 1994; amended at 18 Ill. Reg. 16318,
effective October 25, 1994; amended at 19 Ill. Reg. 7207, effective May 10, 1995; amended at 20
Ill. Reg. 10908, effective August 5, 1996; amended at 21 Ill. Reg. 7655, effective July 1, 1997;
Part repealed, new Part adopted at 24 Ill. Reg. 13884, effective August 25, 2000; amended at 27
amended at 32 Ill. Reg. 4828, effective March 21, 2008; amended at 34 Ill. Reg. 17433, effective
October 28, 2010; amended at 35 Ill. Reg. 8836, effective May 26, 2011; peremptory amendment

Section 226.840 Qualifications of Evaluators
The following list identifies the credentials required to administer certain types of evaluations. Where no requirements are established, an evaluation may be performed by an individual who is qualified to administer it according to the technical specifications of the publisher.

<table>
<thead>
<tr>
<th>TYPE</th>
<th>REQUIRED QUALIFICATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Academic Performance</td>
<td>Teaching certificate/approval appropriate for the age or disability of the child, or School Service Personnel Certificate endorsed for school psychology or guidance. (See Article 21 of the School Code [105 ILCS 5/Art.21] and the State Board’s rules at 23 Ill. Adm. Code 1 and 23 Ill. Adm. Code 25.)</td>
</tr>
<tr>
<td>Adapted Physical Education</td>
<td>Special Certificate endorsed for physical education with approval in adapted physical education (23 Ill. Adm. Code 25.43).</td>
</tr>
<tr>
<td>Assistive Technology</td>
<td>To the extent that a test is used in performing this assessment, qualification for administering the test according to the instructions provided by the test’s publisher.</td>
</tr>
<tr>
<td>Audiological</td>
<td>License to practice as an Audiologist issued by the Department of Financial and Professional Regulation pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110].</td>
</tr>
<tr>
<td>Clinical Psychological</td>
<td>License issued pursuant to the Clinical Psychologist Licensing Act [225 ILCS 15].</td>
</tr>
<tr>
<td>Cultural Background Assessment</td>
<td>School Service Personnel Certificate endorsed for school psychology, school social work, or school counseling.</td>
</tr>
<tr>
<td>Hearing Screening</td>
<td>License to practice as an Audiologist issued by the Department of Financial and Professional Regulation pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110], Special Certificate endorsed for speech and language impairment (23 Ill. Adm. Code 25.45), or certificate of training</td>
</tr>
<tr>
<td>TYPE</td>
<td>REQUIRED QUALIFICATIONS</td>
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<tr>
<td>Medical Review</td>
<td>School Service Personnel Certificate endorsed for school nursing (23 Ill. Adm. Code 25.245), or a license to practice medicine in all of its branches, or under Section 60 or 65 of the Nurse Practice Act [225 ILCS 65].</td>
</tr>
<tr>
<td>Neurological Evaluation</td>
<td>Licensure/registration issued by the Department of Financial and Professional Regulation pursuant to the Medical Practice Act of 1987 [225 ILCS 60].</td>
</tr>
<tr>
<td>Occupational Therapy Evaluation</td>
<td>Certificate/Registration issued by the Department of Financial and Professional Regulation pursuant to the Illinois Occupational Therapy Practice Act [225 ILCS 75].</td>
</tr>
<tr>
<td>Orientation/Mobility</td>
<td>Certification for orientation/mobility instruction and evaluation (Certification for Orientation and Mobility, Orientation and Mobility Division, Association for Education and Rehabilitation of the Blind and Visually Impaired, 4600 Duke Street, #430, P.O. Box 22397, Alexandria, Virginia 22304; 1984; no later amendments or editions are included).</td>
</tr>
<tr>
<td>Physical Therapy Evaluation</td>
<td>Certificate/registration issued by the Department of Financial and Professional Regulation pursuant to the Illinois Physical Therapy Act [225 ILCS 90].</td>
</tr>
<tr>
<td>Psychiatric Evaluation</td>
<td>Licensure/registration issued by the Department of Financial and Professional Regulation pursuant to the Medical Practice Act of 1987.</td>
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## NOTICE OF PROPOSED AMENDMENT

<table>
<thead>
<tr>
<th>TYPE</th>
<th>REQUIRED QUALIFICATIONS</th>
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<tbody>
<tr>
<td>Behavior, Cultural Background, Family</td>
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<tr>
<td>History)</td>
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</table>

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

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

(School Technology Program)

Materials: Recommended Amendments

Staff Contact(s): David Andel, 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 changes link to Strategic Goal 1 (academic achievement), in that they broaden the ability of entities eligible to receive a loan from the Technology Revolving Loan Fund to more quickly acquire technology resources that can advance their academic improvement agendas.

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 Technology Revolving Loan Fund was created in 1998 as a mechanism for school districts to access resources to be used to purchase technology hardware for students and staff. This is accomplished by the award of low-cost loans to eligible applicants for a three-year period. Payments made on the loans by recipients are then placed back into the revolving loan fund to be used for future loans.

The program has been modified over the years in several respects, particularly to broaden the types of entities eligible to receive a loan from only school districts to charter schools, area vocational centers, approved university laboratory schools and nonpublic schools recognized by the State Board of Education pursuant to Part 425 (Voluntary Registration and Recognition of Nonpublic Schools). Loans are made on a first come, first serve basis, with priority in making loan awards given to applications received before October 1 from school districts, charter schools, area vocational centers and approved university laboratory schools.
The Technology Revolving Loan Program is popular among eligible applicants, as evidenced by the fact that the loan amounts requested in applications that are approved often exceed the amount of funding available in the revolving loan fund by the final award determination date, which is December 15. While the agency has spending authority of up to $5 million for the fund, the actual amount of funds that are available at any given time varies depending on the number of outstanding loans and the amount of payments being made. For instance, for FY 2012, only six of the 28 applications approved for loan awards were funded. If an application is not funded by December 15, then the eligible applicant must reapply the following year if it still wishes to receive a loan.

In order to maximize the ability of the agency to make loan awards, staff are proposing two changes in the current rules.

1. Expand the number of loan determination dates by three (see Section 575.500(b)): Currently, loan determinations are made on or before October 15, for applicants other than recognized nonpublic schools, and on or before December 15 for remaining approved applications. Staff also would like the option to make loan determinations on September 15, March 15 and May 15 of each fiscal year. The September 15 loan determination date will encourage certain eligible applicants to submit applications for loans sooner in the process, while the two additional spring loan determination dates will allow the agency to continue to make loan awards if sufficient funds remain in the revolving loan fund.

2. Expand the number of payment due dates by two (see Section 575.600(b)): Loan payments are required to be made on December 1 and June 1. Staff propose adding two additional loan payment opportunities for those recipients receiving loans in March and September. Under the proposal, payment due dates for these recipients would be March 1 and September 1. The two additional payment due dates will increase the amount of money available for loans, both at the start of the funding cycle in the fall and again in the spring when approved applications not yet funded will be considered for loans.

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

Policy Implications
Please see “Background” section above.

Budget Implications
None.

Legislative Action
None.

Communication
Please see “Next Steps” below.

Pros and Cons of Various Actions
The proposed changes are advantageous to loan applicants, in that they will be able to qualify for loans later in the school year, should funds remain available, enabling more eligible applicants to take advantage of the program. Collecting loan payments four times a year will infuse the revolving loan fund with additional dollars throughout the school year, allowing for additional loans to be made.

If the agency does not proceed with the changes, as proposed, it will not have the flexibility and resources to award loans throughout the school year, thus delaying the ability for applicants whose loan applications have been approved from implementing technology improvements immediately.
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:

School Technology Program (23 Illinois Administrative Code 575),

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.
## PART 575
### SCHOOL TECHNOLOGY PROGRAM

#### SUBPART A: SCHOOL TECHNOLOGY GRANTS

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<td>575.20</td>
<td>Eligible Expenditures (Repealed)</td>
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<td>575.50</td>
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<td>575.60</td>
<td>Terms of the Grant (Repealed)</td>
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#### SUBPART B: SCHOOL TECHNOLOGY REVOLVING LOAN PROGRAM

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<td>575.600</td>
<td>Repayment Procedures</td>
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<tr>
<td>575.700</td>
<td>Terms and Conditions of Loan Agreement</td>
</tr>
</tbody>
</table>

**AUTHORITY:** Implementing and authorized by Section 2-3.117a of the School Code [105 ILCS 5/2-3.117a].

SUBPART B: SCHOOL TECHNOLOGY REVOLVING LOAN PROGRAM

Section 575.500 Review of Application and Notification of Loan Award

a) Applications shall be reviewed for completeness. If an application is incomplete, then State Board of Education staff shall request the needed information from the applicant no later than 20 calendar days after receipt of the application. Applications will not be processed until all requested information is received.

b) All complete applications that demonstrate compliance with Section 2-3.117a of the School Code and this Subpart shall be approved for funding.

1) Approved applications from school districts, charter schools, area vocational centers and laboratory schools received on or before September 130 of each fiscal year shall receive a loan on a first-come, first-served basis, as long as funds appropriated for a given fiscal year remain available. Applications from recognized nonpublic schools shall not be considered in this round regardless of date of receipt. Loan award determinations under this subsection (b)(1) shall be made no later than September October 15 of each fiscal year.

2) Approved applications from school districts, charter schools, area vocational centers and laboratory schools received between September 1 and on or after October 1 and applications from any recognized nonpublic school shall receive a loan on a first come, first served basis, as long as funds appropriated for a given fiscal year remain available after funding any loans awarded pursuant to subsection (b)(1) of this Section. Applications from recognized nonpublic schools shall not be considered in this round regardless of date of receipt. Loan award determinations under this subsection (b)(2) shall be made no later than October December 15 of each fiscal year.

3) Approved applications from school districts, charter schools, area vocational centers and laboratory schools received on or after October 1 and applications from any recognized nonpublic school shall receive a loan on a first come, first served basis, as long as funds appropriated for a given fiscal year remain available after funding any loans awarded pursuant to subsection (b)(2) of this Section. Loan award determinations
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state board of education

notice of proposed amendments

under this subsection (b)(3) shall be made no later than December 15 of each fiscal year.

4) If funds appropriated for a given fiscal year remain after the December 15 loan determination date specified in subsection (b)(3) of this Section, then the State Board of Education, at its option, may fund additional loan requests received by the December 1 due date specified in Section 575.400(d) on a first come, first serve basis. Loan award determinations under this subsection (b)(4) shall be made no later than March 15 or no later than May 15 of each fiscal year.

c) Notification of a loan award shall be made no later than 15 calendar days after the applicable award determination date established in subsection (b) of this Section. Applications not approved for funding on or before May December 15 of the fiscal year in which the application was made shall expire.

d) Applications received after the December 1 deadline in a given fiscal year shall not be considered for funding in that fiscal year and shall be returned to the applicant.

e) School districts, charter schools, area vocational centers and laboratory schools otherwise eligible but not receiving loans due to insufficiency of the appropriation shall receive first consideration in the next fiscal year in which the grade levels specified on the application shall be eligible for funding. Otherwise eligible but not funded recognized nonpublic schools shall receive first consideration among all applications received on or after October 1 in that fiscal year.

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

section 575.600 repayment procedures

loans shall be repaid within three years (see section 2-3.117a of the school code).

a) The rate of interest shall be stipulated on the loan application and shall not be greater than 50% of the rate for the most recent date shown in the 20 G.O. Bonds Index of average municipal bond yields as published in the most recent edition of The Bond Buyer, published in New York, New York (section 2-3.117a(a) of the School Code). Interest shall be computed semi-annually.
b) Payments on the loan (principal and interest) shall be made by check twice annually in six equal installments.

1) Due dates for loan payments shall be based on the date on which the recipient’s loan determination was due on December 1 and June 1, with the first payment under each loan due on June 1 of the fiscal year in which the loan is made.

A) For recipients with loan determination dates of September 15 or October 15, loan payments shall be due on September 1 and March 1, with the first payment under each loan due on March 1 of the fiscal year in which the loan is made.

B) For recipients with loan determination date of December 15, loan payments shall be due on December 1 and June 1, with the first payment under each loan due on June 1 of the fiscal year in which the loan is made.

C) For recipients with loan determination date of March 15, loan payments shall be due on March 1 and September 1, with the first payment under each loan due on September 1 of the fiscal year following the fiscal year in which the loan is made.

D) For recipients with loan determination date of May 15, loan payments shall be due on December 1 and June 1, with the first payment under each loan due on December 1 of the fiscal year following the fiscal year in which the loan is made.

2) Checks shall be made payable to the "ISBE - School Technology Revolving Loan Fund" and mailed to the Fiscal and Procurement Division, Illinois State Board of Education, 100 North First Street, W-380, Springfield, Illinois 62777-0001.

3) Payments not received within 15 calendar days after the due date shall be assessed a penalty of 5 percent of the payment due; however, the late payment penalty shall be waived when either:

A) the postmark date on the envelope used to submit the payment is dated five days or more before the end of the 15-day grace period; or
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B) the payment is not received at the State Board’s office within 60 days after the due date, but the participant provides to the State Superintendent of Education no later than 70 days beyond the due date the following:

i) a copy of the original check, dated at least five days before the end of the 15-day grace period;

ii) a copy of the stop payment order placed on the original check; and

iii) a new check issued in the amount due.

c) A participant may prepay the balance due on the loan in its entirety on any scheduled payment date or at the midpoint between any two scheduled payment dates, provided that the participant first contacts the State Superintendent’s designee to obtain the total amount of the principal and interest due at that time.

d) A participant may prepay a portion of the balance due on the loan on any scheduled payment date or at the midpoint between any two scheduled payment dates, provided that the participant first contacts the State Superintendent’s designee for instructions. The remaining payments shall be recalculated to account for any early repayment, and the participant shall be notified accordingly.

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

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

Agenda Topic: Action Item: Amendments for Adoption – Part 1 (Public Schools Evaluation, Recognition and Supervision)

Materials: Recommended Rules

Staff Contacts: Deb Vespa, Division Administrator

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

Relationship to/Implications for the State Board’s Strategic Plan
New Section 1.210 relates indirectly to each of the Strategic Goals in that the section sets forth the criteria for approval of entities offering training for school board members in the areas of education and labor law, financial oversight and accountability, and fiduciary responsibilities. Other portions of the rulemaking are technical in nature or respond to recently enacted legislation, and none relates directly to the State Board’s goals.

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

Background Information
P.A. 97-8, effective June 13, 2011, added Section 10-16a to the School Code (105 ILCS 5/10-16a), which establishes training requirements for school board members. Any board member who, after the law’s effective date, is elected, re-elected, or appointed for at least a one-year term must receive the training within a year of joining the local board. The training must be a minimum of four hours and as indicated above, focus on three primary areas: education and labor law, financial oversight and accountability, and fiduciary responsibilities. The law further requires that the training be conducted by “an association established under (Article 23 of the School Code) for the purpose of training school board members” (i.e., the Illinois Association of School Boards (IASB)) or other entities that the State Board approves in consultation with IASB.

Since the criteria and process for approving training entities represent policies of the State Board, these requirements must be set forth in rules. New Section 1.210 will allow entities to submit applications for approval anytime between March 1 and May 1 of the calendar year preceding school board elections (i.e., in April of each odd-numbered year) and provides for a 30-day timeline for the State Superintendent and IASB to review and act on each application. This submission timeframe will spread the review process over a longer period of time, in the event that a significant number of entities apply, but still allow for the approval process to
completed by in ample time before an election is held. This will ensure enable providers to finalize curriculum, secure training sites, and notify school districts and others of the availability of the training.

Entities wishing to offer training will have to offer professional development that addresses all three topic areas required under the law. As part of the application, each entity must provide evidence of both its and any presenters’ experience with and competency in the subject matter to be covered in the trainings. Each entity approved also will be required to verify attendance at the sessions, provide school board members with a certificate of completion, and maintain records of participants’ attendance at and evaluations of the training received. Approval of a provider is for two years, which is renewable, and that approval can be withdrawn by the State Superintendent if an evaluation of the provider conducted by the agency indicates that the provider is not complying with the requirements of the law and rules.

Other changes in the rulemaking address two public acts:
- P.A. 97-339, effective August 12, 2011, specific to the calculation of general state aid for students participating in a remote educational program (see Section 1.420(f)(5)(D)); and
- P.A. 97-87, effective July 8, 2011, regarding violence prevention and conflict resolution education in kindergarten through grade 12 (see Section 1.420(t)).

An amendment also is proposed for Section 1.705, regarding supervisory approval, since this type of approval is no longer issued; rather, a certified teacher would need to meet the requirements for a supervisory endorsement in Section 25.497 (Certification). Finally, the incorporation of standards addressing eye protection devices is being updated to reference the American National Standards Institute, Inc.’s 2010 version of these standards (Section 1.420(s)).

The proposed rules were published in the Illinois Register November 4, 2011, to elicit public comment; none was received. The version of the rules presented to the Board for adoption is identical to the version the Board initially considered in October.

**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**

New Section 1.210 proposes criteria and a process for approval of providers of school board training that help ensure that high-quality providers are identified without being overly burdensome for the entity applying. Also, the changes made in response to recently enacted statutes will conform the rules to requirements of the law.

Not proceeding with the changes will mean that agency policy for the approval of providers is not stated in administrative rules, as is required under the Illinois Administrative Procedure Act. Additionally, failure to update the rules to conform to statute would result in confusion among those being regulated by these requirements.
**Superintendent’s Recommendation**
The State Superintendent recommends that the State Board of Education adopt the following motion:

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

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

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

**Next Steps**
Notice of the adopted amendments will be submitted to the Joint Committee on Administrative Rules to initiate JCAR’s review. When that process is complete, the amendments will be filed with the Secretary of State and disseminated as appropriate.
TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER I: STATE BOARD OF EDUCATION  
SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION  

PART 1  
PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION  

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STATE BOARD OF EDUCATION

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

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SUBPART B: SCHOOL GOVERNANCE

Section 1.210 Approval of Providers of Training for School Board Members Powers and Duties (Repealed)

Entities that offer professional development activities, such as training organizations, institutions, regional offices of education, firms, professional associations, teachers’ unions, and universities and colleges, may apply to the State Board of Education for approval to conduct leadership training activities for members of Illinois boards of education in each of the topics specified in Section 10-16a of the School Code [105 ILCS 5/10-16a].

a) Except as provided in subsection (b) of this Section, each entity wishing to receive approval to offer the leadership training required under Section 10-16a of the School Code shall submit an application on a form supplied by the State Board of Education. An entity shall submit the application to the State Board of Education any time between March 1 and May 1 of each even-numbered year. Any application received after May 1 shall not be considered for that approval cycle. Each entity shall provide:

1) a description of the intended offerings in each of the required areas;

2) the qualifications and experience of the entity and of each presenter to be assigned to provide the leadership training, which shall include evidence of a presenter’s specific skills and knowledge in the area or areas in which he or she will be assigned;

3) the mode of delivery of the professional development (e.g., in-person instruction, distance-learning); and

4) assurances that the requirements of subsection (c) of this Section will be met.
b) An organization that has one or more affiliates (e.g., regional offices, local chapters) based in Illinois may apply for approval on their behalf.

1) The applicant organization shall provide a list of its affiliates for which approval is sought and supply the information required pursuant to subsection (a) of this Section with respect to each one.

2) The applicant organization’s provision of the assurances required pursuant to subsection (a)(4) of this Section shall be understood to apply to each affiliate for which approval is sought.

3) The applicant organization shall notify the State Board of Education any time it determines that one or more affiliates should be removed from the list of approved providers.

4) The approval status of the applicant organization shall be contingent upon its affiliates’ compliance with the applicable requirements of this Section.

c) Each entity approved to provide leadership training under this Section shall:

1) verify attendance at its training activities, provide to participants a written confirmation of their completion of the training, and require participants to complete an evaluation of the training; and

2) maintain attendance and evaluation records for each event or activity it conducts or sponsors for a period of not less than five years.

d) Applicants may be asked to clarify particular aspects of their materials.

e) The State Superintendent of Education, in consultation with the Illinois Association of School Boards (IASB), shall respond to each application for approval no later than 30 days after receiving it.

f) An entity shall be approved to offer leadership training if the entity’s application presents evidence that:

1) the leadership training that it sponsors or conducts will be developed and presented by persons with education and experience in the applicable areas to which they will be assigned; and
2) the proposed training meets the requirements of Section 10-16a of the School Code.

The State Board of Education shall post on its website at www.isbe.net the list of all approved providers. The website also shall indicate that the IASB is authorized under Section 10-16a(c) of the School Code to provide leadership training.

Approval as a provider shall be valid for two calendar years (i.e., January 1 through December 31). To request renewal of approval, a provider shall submit a renewal application on a form supplied by the State Board of Education, within the timeframe specified in subsection (a) of this Section, and containing:

1) a description of any significant changes in the material submitted as part of its approved application or a certification that no such changes have occurred;

2) evidence that the material to be used in the renewal cycle conforms to current statute, rules and procedures of the State Board of Education; and

3) copies of the evaluations of the training that participants completed during the last approval period.

A provider’s approval shall be renewed if the application conforms to the requirements of subsection (h) of this Section, provided that the State Superintendent has received no evidence of noncompliance with the requirements of this Section.

The State Board of Education may evaluate an approved provider at any time to ensure compliance with the requirements of this Section. Upon request by the State Board, a provider shall supply information regarding its schedule of leadership training, which the State Board may, at its discretion, monitor at any time. In the event an evaluation indicates that the requirements have not been met, the State Board of Education, in consultation with IASB, may withdraw approval of the provider.

(Source: Old Section repealed at 29 Ill. Reg. 15789, effective October 3, 2005; new Section added at 36 Ill. Reg. ______, effective ____________)

SUBPART D: THE INSTRUCTIONAL PROGRAM
Section 1.420 Basic Standards

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

b) Every school district shall have an organized plan for recording pupil progress and/or awarding credit, including credit for courses completed by correspondence, online, or from other external sources, that can be disseminated to other schools within the State.

c) Every school district shall:

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

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

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

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

f) Sections 10-19, 18-8.05, 18-12, and 18-12.5 of the School Code [105 ILCS 5/10-19, 18-8.05, 18-12, and 18-12.5] establish certain requirements regarding the school year and the school day. School districts shall observe these requirements when preparing their calendars and when calculating average daily attendance for the purpose of claiming general State financial aid.

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

A) The district superintendent’s request to the State Superintendent shall be accompanied by an assurance that the local school board has approved the plan for multiple sessions, including the date of the meeting at which this occurred, and evidence of the approval of the responsible regional superintendent.

B) Each request shall include a description of the circumstances that resulted in the need for multiple sessions; information on the buildings and grades affected; the intended beginning and ending dates for the multiple sessions; a plan for remedying the situation leading to the request; and a daily schedule showing that each student will be in class for at least four clock-hours.

C) Approval for multiple sessions shall be granted for the school year to which the request pertains. Each request for renewed approval shall conform to the requirements of subsections (f)(1)(A) and (B) of this Section.

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

2) Section 18-8.05(F)(2)(h) of the School Code allows for a determination under rules of the State Board regarding the necessity for a second year’s attendance at kindergarten for certain students so they may be included in a district’s calculation of average daily attendance. Districts may count such students when they determine through an assessment of their individual educational development that a second year of kindergarten is warranted.
3) A school district shall be considered to have conducted a legal school day, which is eligible to be counted for General State Aid, when the following conditions are met during a work stoppage.

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

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

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

4) Sections 18-12 and 18-12.5 of the School Code set forth requirements for a school district to claim General State Aid in certain circumstances when one or more, but not all, of the district’s school buildings are closed either for a full or partial day. A school district shall certify the reasons for the closure in an electronic format specified by the State Superintendent within 30 days from the date of the incident. In addition, the certification submitted for reasons of a public health emergency under Section 18-12.5 of the School Code shall be accompanied by a signed statement from the local health department to the State Superintendent that includes:

A) the name of the building that is being recommended for closure;

B) the specific public health emergency that warrants the closure; and

C) the anticipated building closure dates recommended by the health department.

5) Attendance for General State Aid Purposes

A) For purposes of determining average daily attendance on the district’s General State Aid claim, students in full-day kindergarten and first grade may be counted for a full day of attendance only when they are in attendance for four or more clock hours of school...
work; provided, however, that students in attendance for more than
two clock hours of school work but less than four clock hours may
be counted for a half day of attendance. Students in attendance for
fewer than two hours of school work shall not be counted for
purposes of calculating average daily attendance.

B) For purposes of determining average daily attendance on the
district’s General State Aid claim, students enrolled full time in
grades 2 through 12 may be counted for a full day of attendance
only when they are in attendance for five or more clock hours of
school work; provided, however, that students in attendance for
more than two and one-half clock hours of school work but less
than five clock hours may be counted for a half day of attendance.
Students in attendance for fewer than two and one-half hours of
school work shall not be counted for purposes of calculating
average daily attendance.

C) For purposes of determining average daily attendance for General
State Aid received under Sections 18-12 and 18-12.5 of the School
Code, “immediately preceding school day” shall include school
days in the previous school year in instances in which the building
closure occurs before three or more days of instruction have been
provided in the school year for which attendance is being counted.

D) For the purposes of determining average daily attendance for
General State Aid under Section 10-29 of the School Code [105
ILCS 5/10-29], a school district operating a remote educational
program shall document the clock hours of instruction for each
student, and make available to the State Superintendent of
Education or his or her designee upon request, a written or online
record of instructional time for each student enrolled in the
program that provides sufficient evidence of the student’s active
participation in the program (e.g., log in and log off process,
electronic monitoring, adult supervision, two-way interaction
between teacher and student, video cam). “Clock hours of
instruction” shall be calculated in accordance with Section 18-
8.05(F)(2)(j) of the School Code [105 ILCS 5/18-8.05(F)(2)(j)].

g) Each school board shall annually prepare a calendar for the school term,
specifying the opening and closing dates and providing a minimum term of at
least 185 days to ensure 176 days of actual pupil attendance, computable under Section 18-8.05 of the School Code (see Section 10-19 of the School Code).

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

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

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

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

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

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

i) Career Education

1) The educational system shall provide students with opportunities to prepare themselves for entry into the world of work.
2) Every district shall initiate a Career Awareness and Exploration Program that should enable students to make more meaningful and informed career decisions. This program should be available at all grade levels.

j) Co-Curricular Activities

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

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

k) Consumer Education and Protection

1) A program in consumer education shall include at least the topics required by Section 27-12.1 of the School Code [105 ILCS 5/27-12.1].

2) The superintendent of each unit or high school district shall maintain evidence showing that each student has received adequate instruction in consumer education prior to the completion of the 12th grade. Consumer education may be included in course content of other courses, or it may be taught as a separate required course.

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

4) Teachers instructing in consumer education courses shall hold certification valid for the grade levels taught and have completed at least three semester hours in consumer education courses.

l) Conservation of Natural Resources

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

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

n) Health Education

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

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

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

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

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

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

o) Library Media Programs

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

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

2) Financial Resources

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

3) Facilities

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

4) Staff

Nothing in this subsection (o)(4) shall be construed as prohibiting districts or schools from sharing the services of individuals qualified under Section 1.755 of this Part, and nothing in this subsection (o) shall be construed as permitting an individual who is not qualified as a library information
specialist to assume that role. No later than the beginning of the 2009-10 school year, each district shall assign responsibility for overall direction of its program of library media services to an employee who holds an elementary, a secondary, a special K-12, a special preschool-age 21, an early childhood, or an administrative certificate. Except as otherwise provided in subsection (o)(4)(A) of this Section, the individual to whom this responsibility is assigned shall meet the requirements of Section 1.755 of this Part, and the individual to whom this responsibility is assigned shall not provide the services described in Section 1.755 of this Part unless he or she meets the requirements of that Section.

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

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

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

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

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

p) Physical Education
STATE BOARD OF EDUCATION

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1) Appropriate activity related to physical education shall be required of all students each day unless otherwise permitted by Section 27-6 of the School Code [105 ILCS 5/27-6]. The time schedule shall compare favorably with other courses in the curriculum. Safety education as it relates to the physical education program should be incorporated.

2) There shall be a definite school policy regarding credit earned each semester in physical education with provisions for allowable variables in special cases.

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

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

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

6) Pursuant to Section 27-6 of the School Code, a student who presents an appropriate excuse from his or her parent or guardian or from a person licensed under the Medical Practice Act of 1987 shall be excused from participation in physical education. Each school board shall honor excuses signed by persons licensed under the Medical Practice Act of 1987 and shall establish a policy defining the types of parental excuses it will deem “appropriate” for this purpose, which shall include, but need not be limited to, reliance upon religious prohibitions. A board shall, however, have no authority to honor parental excuses based upon students’ participation in athletic training, activities, or competitions conducted outside the auspices of the school district. For each type of excuse that will be considered “appropriate”, the school board shall identify in its policy any evidence or support it will require. For example, a board may require a signed statement from a member of the clergy corroborating the religious basis of a request.
7) In addition, pursuant to Section 27-6(b) of the School Code, each school board that chooses to excuse pupils enrolled in grades 9 through 12 from engaging in physical education courses under that subsection shall establish a policy to excuse pupils on an individual basis and shall have the policy on file in the local district office. The district shall maintain records showing that, in disposing of each request to be excused from physical education, the district applied the criteria set forth in Section 27-6 to the student's individual circumstances.

q) Pupil Personnel Services

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

1) Guidance and Counseling Needs;
2) Psychological Needs;
3) Social Work Needs;
4) Health Needs.

r) Social Sciences and History

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

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

2) include in the teaching of United States history the role and contributions of ethnic groups in the history of this country and the State (Section 27-21 of the School Code);
STATE BOARD OF EDUCATION
NOTICE OF ADOPTED AMENDMENTS

3) include in the teaching of United States history the role of labor unions and their interaction with government in achieving the goals of a mixed free-enterprise system (Section 27-21 of the School Code);

4) include the study of that period in world history known as the Holocaust (Section 27-20.3 of the School Code [105 ILCS 5/27-20.3]);

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

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

7) include the study of the events related to the forceful removal and illegal deportation of Mexican-American U.S. citizens during the Great Depression (Section 27-21 of the School Code).

s) Protective eye devices shall be provided to and worn by all students, teachers, and visitors when participating in or observing dangerous vocational arts and chemical-physical courses of laboratories as specified in Section 1 of the Eye Protection in School Act [105 ILCS 115/1]. Such eye protective devices shall meet the nationally accepted standards set forth in "American National Standard Practice for Occupational and Educational Personal Eye and Face Protection Devices", ANSI Z87.1-2010 Z87.1-2003, issued by the American National Standards Institute, Inc., 1899 L Street, NW, 11th Floor Suite 600, Washington, D.C. 20036. No later additions or amendments to these standards are incorporated by this Part.


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

SUBPART G: STAFF QUALIFICATIONS

Section 1.705 Requirements for Supervisory and Administrative Staff
a) Each district superintendent shall hold an administrative certificate with a Superintendent’s endorsement.

b) Each assistant superintendent, principal, or assistant principal shall hold an administrative certificate with a General Administrative, Principal or Superintendent’s endorsement, except that a head teacher serving in place of a principal as permitted by Section 10-21.4a of the School Code [105 ILCS 5/10-21.4a] shall hold a teaching certificate endorsed for supervision.

c) Each general administrator (e.g., director, assistant director, coordinator, administrative assistant, or general supervisor) in general education shall hold an administrative certificate with a General Supervisory, General Administrative, Principal or Superintendent’s endorsement.

d) Each head of a general education department or supervisor for a specific subject shall hold either:

1) an administrative certificate with a General Supervisory, General Administrative, Principal or Superintendent’s endorsement; or

2) a teaching certificate endorsed for supervision in the area supervised.

e) Each supervisory dean shall hold an administrative certificate with a General Supervisory, General Administrative, Director of Special Education’s, Principal or Superintendent’s endorsement.

f) Each dean of students shall hold:

1) an administrative certificate with a General Supervisory, General Administrative, Director of Special Education’s, Principal or Superintendent’s endorsement; or

2) a teaching certificate (endorsed for supervision if the holder suspends students pursuant to Section 10-22.6 of the School Code); or

3) a school service personnel certificate endorsed for any field other than school nursing (and for supervision if the holder disciplines or suspends students).
g) Each special education director or assistant director shall meet the requirements of 23 Ill. Adm. Code 226.800(g)(2) and hold an administrative certificate endorsed for “Director of Special Education”.

h) Each special education supervisor shall meet the requirements of 23 Ill. Adm. Code 226.800(h)(2) and hold either:

1) an administrative certificate with a General Supervisory, General Administrative, Director of Special Education’s, Principal or Superintendent’s endorsement and teaching qualifications in each area supervised; or

2) a teaching certificate endorsed for each area supervised and for supervision (see 23 Ill. Adm. Code 25.497 (Supervisory Endorsements)).

i) Each supervisor of more than one school service personnel area shall hold either:

1) an administrative certificate and a General Administrative, Principal or Superintendent’s endorsement; or

2) a school service personnel certificate endorsed for supervision in each field supervised.

j) Each supervisor of one school service personnel area shall hold:

1) an administrative certificate with a General Supervisory, General Administrative, Director of Special Education’s, Principal or Superintendent’s endorsement; or

2) a school service personnel certificate endorsed for the field supervised and for supervision; or

3) a teaching certificate endorsed for speech-language pathology and for supervision (if applicable).

k) Each director of an area vocational center and each director or supervisor of more than one field in career and technical education (including regional system directors) shall hold an administrative certificate with a General Administrative, Principal or Superintendent’s endorsement and have teaching qualifications in one
of the five occupational areas and 2,000 hours of work experience outside the field of education.

l) Each supervisor of one field in career and technical education shall hold either:

1) an administrative certificate with a General Supervisory, General Administrative, Principal or Superintendent’s endorsement and teaching qualifications in one field of career and technical education, including 2,000 hours of work experience in the specific field outside of education; or

2) teaching qualifications in the specific field supervised, including 2,000 hours of work experience in the specific field outside of education, and a supervisory endorsement.

m) Each administrator in a bilingual education program shall hold a valid administrative certificate or supervisory endorsement issued on an initial or standard teaching certificate by the State Board of Education in accordance with the applicable provisions of 23 Ill. Adm. Code 25 and this Part and meet the applicable requirements of Section 1.783 of this Part.

n) Each chief school business official shall hold an administrative certificate and a Chief School Business Official’s endorsement.

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

Plenary Packet - Page 97
TO: Illinois State Board of Education
FROM: Christopher A. Koch, Ed.D., State Superintendent of Education
Linda Mitchell, Chief Financial Officer
Darren Reisberg, Deputy Superintendent and General Counsel

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

Materials: Recommended Amendment

Staff Contact(s): Debbie Vespa

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

Relationship to/Implications for the State Board’s Strategic Plan
This item is technical in nature, but the rulemaking indirectly links to Strategic Plan Goal 3, safe and healthy learning environments, in that it enables special education cooperatives to access funding under the Energy Efficiency Grant Program.

Expected Outcome(s) of Agenda Item
The Board will be asked to adopt amendments to Part 151.

Background Information
P.A. 97-205, effective July 28, 2011, added special education cooperatives to the list of entities eligible to apply for energy efficiency grants under Section 5-200 of the School Construction Law [105 ILCS 230/5-200], necessitating a change in Section 151.200 of the Board’s administrative rules governing that program.

The proposed rules were published November 4, 2011, in the Illinois Register to elicit public comment; none was received. The version of the rules presented to the Board for adoption is identical to the version the Board initially considered in October.

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 amendment is technical in nature and will align Part 151 with the provisions of the School Construction Law. Failure to make this change would not alter a special education cooperative’s eligibility to apply for an energy efficiency grant.

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

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

School Construction Program (23 Illinois Administrative Code 151).

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

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

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

PART 151
SCHOOL CONSTRUCTION PROGRAM

SUBPART A: SCHOOL CONSTRUCTION PROJECT GRANTS

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

SUBPART B: SCHOOL MAINTENANCE PROJECT GRANTS

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

SUBPART C: SCHOOL ENERGY EFFICIENCY PROJECT GRANTS

Section
151.200 Purpose; Eligible Applicants
151.210 Definitions
151.220 Application for School Energy Efficiency Project Grants
151.230 Award of School Energy Efficiency Project Grants - Applicants with a Population of 500,000 or Fewer
151.235 Award of School Energy Efficiency Project Grants - School Districts with a Population Exceeding 500,000
151.240 Terms of the Grant

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


SUBPART C: SCHOOL ENERGY EFFICIENCY PROJECT GRANTS

Section 151.200 Purpose; Eligible Applicants

a) This Subpart implements Section 5-200 of the School Construction Law [105 ILCS 230/5-200], which requires that the State Board of Education issue grants for school energy efficiency projects.

b) Any school district, charter school, public university laboratory school approved by the State Board of Education pursuant to Section 18-8.05(K) of the School Code [105 ILCS 5/18-8.05(K)], or area vocational center or special education cooperative may apply for a grant. An eligible applicant may apply for and receive more than one grant during a fiscal year. Applicants not awarded funding
in a fiscal year may reapply in a subsequent fiscal year, provided the proposed work has not been started or completed.

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

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT
TO: Illinois State Board of Education
FROM: Christopher A. Koch, Ed.D., State Superintendent of Education
                  Darren Reisberg, General Counsel

Agenda Topic: Election to Fill Vacancy – Vice Chair

Materials: Nomination Form

Staff Contact(s): Darren Reisberg, General Counsel

Purpose of Agenda Item
Pursuant to Section IV of the Bylaws, vacancies occurring in the elected offices of the Board shall be filled by the Board at the next regular or special meeting thereof for the unexpired term of such officer.

Background Information
A vacancy in the Vice Chairmanship has occurred as a result of the resignation of former Vice Chairman Christopher Ward. During the December Board Operations Committee meeting, Chairman Chico asked that this item be deferred until the January plenary session so all members could be present.

Expected Outcome(s) of Agenda Item
During the January plenary session, Chairman Chico will hear nominations to fill the unexpired term of Vice Chair followed by a roll call ballot.

Superintendent’s Recommendation
If only one person is nominated to fill the vacancy, the Board may move to elect the candidate and a roll call vote will verify the election.

If more than one person is nominated to fill the vacant office, a closed ballot will be collected and the Board may then move to elect the candidate with the majority of votes along with a motion to destroy the ballots.

Recommended motion if there is one nominee:
I move that _____________ be elected as Vice Chair of the State Board of Education, serving the remainder of a two-year term expiring in February, 2013.

Recommended motion if there are multiple nominees:
Per the results of the balloting procedure, I move that _____________ be elected as Vice Chair of the State Board of Education, serving the remainder of a two-year term expiring in February, 2013, and further move that all ballots destroyed.
ILLINOIS STATE BOARD OF EDUCATION

Election to Fill Vice Chair Vacancy
January 2012

Voting Ballot for Vice Chair Vacancy
(Closed Ballot needed if multiple nominations are made from the floor.)

☐ ______________________

☐ ______________________

☐ ______________________
ILLINOIS STATE BOARD OF EDUCATION
January 25-26, 2012

TO: Illinois State Board of Education
FROM: Christopher A. Koch, Ed.D., State Superintendent of Education
Jean Ladage, Board Services Coordinator
Matt Vanover, Director, Public Information

Agenda Topic: Board Visibility Across the State

Materials: Options for FY13 Schedule of Meetings & Board Visits

Purpose of Agenda Item
The purpose of this agenda item is for the Board to have an opportunity to discuss alternative sites for Board meetings.

Relationship to/Implications for the State Board’s Strategic Plan
Action at meetings of the State Board of Education allows for the implementation of the Board’s Strategic Plan.

Background Information
Per discussion at the December Board Operations Committee meeting, staff providing options for conducting Board meetings across the state during FY13 at an estimated annual additional cost of $15,000.

We would like the Board to keep in mind that it is important for the Superintendent and many management staff to remain in Springfield through the height of the legislative session when appropriations and subject matter hearings are being held (April/May). Also, in June 2012, we have arranged for the second annual recognition luncheon for the various organizations’ teachers of the year, so the Board needs to remain in Springfield in June 2012.

In addition, the Board discussed making regional visits in their home areas of the state. In order to initiate a few visits, Superintendent Koch will be scheduling visits with legislators prior to appropriation hearings and will invite area State Board members to accompany him during those visits. Board members are encouraged to accept invitations or visit local community education events in order to become more visible throughout the state.

Staff are recommending the following general plan for alternative meeting sites for Board meetings starting after July 1, 2012 (FY13 budget):

2012
July – no meeting
August 16 – video conference meeting (as needed)
September 19-20 – Board retreat (Bloomington)
October 29-30 – Chicago area
November 16 – one day meeting in Chicago (as needed, in conjunction with Triple I)
December 12-13 – Springfield
2013 (dates to be determined)
January – Springfield (budget development; staff needed)
February – video conference meeting
March – Metro East area (find a board room type set up with mics)
April – Springfield
May – Springfield
June – Suburbs (collar counties; find a board room w/mics)
July – no meeting
August – video conference meeting
September – Board retreat
October – downstate site (western or eastern Illinois?; find a board room w/mics)
November – one day meeting in Chicago (as needed, in conjunction with Triple I)
December - Springfield

Expected Outcomes

The plan as outlined provides the Board with an opportunity to meet with educators throughout the state in their home regions. It will allow them to interact and understand what is on the minds of their constituents and get a better understanding of the local challenges and concerns. Staff can plan to work with local hosts for opportunities for the Board to meet with local educators and the public, as well as to look for additional public opportunities to coincide with the scheduled meetings.

The Board will discuss the staff recommendation and provide direction for the planning of future meeting sites.

Recommended Motion

No need for Board action.

Next Steps

Following Board discussion, staff will move forward with changing the Board calendar for the remainder of 2012 and make plans for 2013 meetings as directed by the Board.