



ILLINOIS STATE BOARD OF EDUCATION MEETING
November 18, 2016

TO: Illinois State Board of Education

FROM: Tony Smith, Ph.D., State Superintendent of Education 
Stephanie B. Donovan, General Counsel 

Agenda Topic: Part 1 (Public Schools Evaluation, Recognition and Supervision)

Materials: Recommended Rules

Staff Contacts: Kate Anderson Foley, Ph.D., Assistant Superintendent for Specialized Instruction, Nutrition and Wellness
Mark Haller, Division Administrator, Nutrition and Wellness Programs
Lindsay M. Bentivegna, Agency Rules Coordinator

Purpose of Agenda Item

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

Relationship to/Implications for the State Board's Strategic Plan

The proposed amendments relate to the Board's goal of ensuring that every school will offer a safe and healthy learning environment for all students.

The proposed amendments are technical amendments updating website addresses where physical fitness assessment protocols may be found, extending the deadline by when school districts are required to report the results of the assessment and clarifying schools must report the total number of students who are, for aerobic capacity only, assessed as "needs improvement-health risk zone". The overall effect of this Section is to provide school districts a mechanism to ensure healthy learning environments for all students.

Background Information

Part 1 is the agency's general set of rules that govern the State Board's required supervision and evaluation of public school districts' compliance with law, rules, and policy. The rules also establish a process for identifying the recognition status awarded a school district and its schools based on the extent of its compliance; that is, fully recognized, recognized pending further review, on probation or nonrecognized. The Part informs school districts of the requirements that apply in specific areas of operations and programming, such as school governance, instructional programs, health and safety, staff qualifications, and academic standards. Given the broad array of the rules' content, several agency divisions have been assigned responsibility for monitoring their provisions.

PA 98-859, effective August 4, 2014, charged the Enhance Physical Education Task Force with identifying an assessment to be used in schools to measure "aerobic capacity, body composition, muscular strength, muscular endurance, and flexibility" of students in order to ascertain the effectiveness of Goal 20 of the ILS for Physical Development and Health. The law further required that "health-related fitness testing" be part of a school's curriculum for students in grades 3 and above. The fitness testing used must be appropriate to the students' "developmental levels and abilities", and scores achieved on the testing may not be used as part of a student's grade or to evaluate a teacher. The law also required that rules pertaining to fitness testing be adopted by the State Board no later than

December 31, 2015. The rules implementing PA 98-859 were adopted by the Board at its December 16, 2015 meeting and became effective January 27, 2016.

This rulemaking will provide a more general website address to access the FitnessGram testing protocols and when applicable, the Brockport Physical Fitness Testing protocols all schools are required to use to assess the physical fitness levels of students. This rulemaking also extends the deadline from May 1 to June 30 for schools to report data. Schools voiced concern to staff that a May 1 reporting deadline means assessments would need to be taken by early April in order to report to districts so that districts in turn had time to report to ISBE by May 1. Pushing due date back to June 30 not only allows schools more time to assess closer to end of school year and end of instructional period but also aligns with when schools are required to report related physical health data such as dental and vision data in IWAS.

Program Staff determined that calculating “needs improvement-health risk zone” for aerobic capacity is not part of the free version in FitnessGram. In keeping with the task force’s intent that districts should not incur costs with this physical fitness assessment, this language is being removed from the proposed rulemaking.

The proposed amendments were published in the *Illinois Register* on September 9, 2016, to elicit public comment; 20 individuals submitted comments. The summary and analysis of that public comment, along with any recommendations for changes in the proposal as a result, are attached.

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

Policy Implications: None.

Budget Implications: None.

Legislative Action: None.

Communication: Please see “Next Steps” below.

Pros and Cons of Various Actions

The proposed changes align the rules to recently enacted statutory changes and incorporate agency policy and practices, as is required under the Illinois Administrative Procedure Act (IAPA).

Not proceeding with the rulemaking will cause the agency's rules to be in conflict with certain provisions of the IAPA, which requires that the policies of state agencies be set forth in administrative rules.

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 Schools Evaluation, Recognition and Supervision (23 Illinois Administrative Code 1) amending the Brockport Physical Fitness Test Manual web address, extending the date to report data to ISBE to June 30, and removing the proposed reporting requirement for "needs improvement – health risk zone" for aerobic capacity.

Further, the Board authorizes the State Superintendent of Education to make 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.

Summary and Analysis of Public Comment
23 Ill. Adm. Code 1
Public Schools Evaluation, Recognition and Supervision

Comment

All commentators support the change of reporting date to June 30 from May 1.

Analysis

ISBE appreciates the support.

Recommendation

No changes are proposed in response to these comments.

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 a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

Section

- 1.10 Public School Accountability Framework
- 1.20 Operational Requirements
- 1.30 State Assessment
- 1.40 Adequate Yearly Progress
- 1.50 Calculation of Participation Rate
- 1.60 Subgroups of Students; Inclusion of Relevant Scores
- 1.70 Additional Indicators for Adequate Yearly Progress
- 1.75 Student Information System
- 1.77 Educator Licensure Information System (ELIS)
- 1.79 School Report Card
- 1.80 Academic Early Warning and Watch Status
- 1.85 School and District Improvement Plans; Restructuring Plans
- 1.88 Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency under Title III
- 1.90 System of Rewards and Recognition – The Illinois Honor Roll
- 1.95 Appeals Procedure
- 1.97 Survey of Learning Conditions
- 1.100 Waiver and Modification of State Board Rules and School Code Mandates
- 1.110 Appeal Process under Section 22-60 of the School Code

SUBPART B: SCHOOL GOVERNANCE

Section

- 1.210 Approval of Providers of Training for School Board Members under Section 10-16a of the School Code
- 1.220 Duties of Superintendent (Repealed)
- 1.230 Board of Education and the School Code (Repealed)
- 1.240 Equal Opportunities for all Students
- 1.242 Temporary Exclusion for Failure to Meet Minimum Academic or Attendance Standards

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 1.245 Waiver of School Fees
- 1.250 District to Comply with 23 Ill. Adm. Code 180 (Repealed)
- 1.260 Commemorative Holidays to be Observed by Public Schools (Repealed)
- 1.270 Book and Material Selection (Repealed)
- 1.280 Discipline
- 1.285 Requirements for the Use of Isolated Time Out and Physical Restraint
- 1.290 Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section

- 1.310 Administrative Qualifications and Responsibilities
- 1.320 Evaluation of Licensed Educators
- 1.330 Toxic Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section

- 1.410 Determination of the Instructional Program
- 1.420 Basic Standards
- 1.422 Electronic Learning (E-Learning) Days Pilot Program
- 1.425 Additional Criteria for Physical Education
- 1.430 Additional Criteria for Elementary Schools
- 1.440 Additional Criteria for High Schools
- 1.442 State Seal of Biliteracy
- 1.445 Required Course Substitute
- 1.450 Special Programs (Repealed)
- 1.460 Credit Earned Through Proficiency Examinations
- 1.462 Uniform Annual Consumer Education Proficiency Test (Repealed)
- 1.465 Ethnic School Foreign Language Credit and Program Approval
- 1.470 Adult and Continuing Education
- 1.480 Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

Section

- 1.510 Transportation
- 1.515 Training of School Bus Driver Instructors
- 1.520 Home and Hospital Instruction
- 1.530 Health Services
- 1.540 Undesignated Epinephrine Auto-injectors; Opioid Antagonists

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

SUBPART F: STAFF LICENSURE REQUIREMENTS

Section

- 1.610 Personnel Required to be Qualified
- 1.620 Accreditation of Staff (Repealed)
- 1.630 Paraprofessionals; Other Unlicensed Personnel
- 1.640 Requirements for Different Certificates (Repealed)
- 1.650 Transcripts of Credits
- 1.660 Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

Section

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

1.APPENDIX A Professional Staff Educator Licensure

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

1.APPENDIX B	Certification Quick Reference Chart (Repealed)
1.APPENDIX C	Glossary of Terms (Repealed)
1.APPENDIX D	State Goals for Learning
1.APPENDIX E	Evaluation Criteria – Student Performance and School Improvement Determination (Repealed)
1.APPENDIX F	Criteria for Determination – Student Performance and School Improvement (Repealed)
1.APPENDIX G	Criteria for Determination – State Assessment (Repealed)

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.159, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21B-5, 22-30, 22-60, 26-13, 27-6, 27-6.5, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3 and 27-23.8 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.159, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21B-5, 22-30, 22-60, 26-13, 27-6, 27-6.5, 27-3.5, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, 27-23.8 and 2-3.6].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006; amended at 30 Ill. Reg. 16338, effective September 26, 2006; amended at 30 Ill. Reg. 17416, effective October 23, 2006; amended at 31 Ill. Reg. 5116, effective March 16, 2007; amended at 31 Ill. Reg. 7135, effective April 25, 2007; amended at 31 Ill. Reg. 9897, effective June 26, 2007; amended at 32 Ill. Reg. 10229, effective June 30, 2008; amended at 33 Ill. Reg. 5448,

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

effective March 24, 2009; amended at 33 Ill. Reg. 15193, effective October 20, 2009; amended at 34 Ill. Reg. 2959, effective February 18, 2010; emergency amendment at 34 Ill. Reg. 9533, effective June 24, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 17411, effective October 28, 2010; amended at 35 Ill. Reg. 1056, effective January 3, 2011; amended at 35 Ill. Reg. 2230, effective January 20, 2011; amended at 35 Ill. Reg. 12328, effective July 6, 2011; amended at 35 Ill. Reg. 16743, effective September 29, 2011; amended at 36 Ill. Reg. 5580, effective March 20, 2012; amended at 36 Ill. Reg. 8303, effective May 21, 2012; amended at 38 Ill. Reg. 6127, effective February 27, 2014; amended at 38 Ill. Reg. 11203, effective May 6, 2014; amended at 39 Ill. Reg. 2773, effective February 9, 2015; emergency amendment at 39 Ill. Reg. 12369, effective August 20, 2015, for a maximum of 150 days; amended at 39 Ill. Reg. 13411, effective September 24, 2015; amended at 40 Ill. Reg. 1900, effective January 6, 2016; amended at 40 Ill. Reg. 2990, effective January 27, 2016; amended at 40 Ill. Reg. 4929, effective March 2, 2016; amended at 40 Ill. Reg. 12276, effective August 9, 2016; amended at 40 Ill. Reg. _____, effective _____.

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.425 Additional Criteria for Physical Education

The requirements of this Section apply to a school's provision of physical education required under Section 27-6 of the School Code [\[105 ILCS 5\]](#).

- a) There shall be a definite school policy regarding credit earned each semester in physical education, with provisions for allowable variables in special cases.
- b) 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.
- c) *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]~~).*
- d) *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 of 1987 [225 ILCS 60], prevents their participation in the courses provided for normal children (Section 27-6 of the School Code).*
- e) Pursuant to Section 27-6(a) of the School Code, a student who presents an appropriate excuse from his or her parent or guardian or from a person licensed

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

under the Medical Practice Act of 1987 shall be excused from participation in physical education.

- 1) 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 not be limited to, reliance upon religious prohibitions.
 - 2) A board shall 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, except as otherwise authorized under Section 27-6(b) of the School Code.
 - 3) 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.
- f) Pursuant to Section 27-6(b) of the School Code, each school board that chooses to excuse pupils enrolled in grades 9 through 12 (or grades 3 through 12 for a student eligible for special education) 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.
- g) Assessment and Reporting

| In accordance with Section 27-6.5 of the School Code ~~[105 ILCS 5/27-6.5]~~, each school shall *use a scientifically-based, health-related physical fitness assessment for grades 3 through 12 and periodically report fitness information to the State Board of Education to assess student fitness indicators.*

- 1) For the purposes of this subsection (g), each school shall administer the FitnessGram® (<http://www.fitnessgram.net/>; also see subsection (g)(3)) to students in grades 3 through 12 (except as noted in subsection (g)(1)(A)) for the components and using the test items listed in subsections (g)(1)(A) through (g)(1)(D). Beginning in school year 2016-17, the FitnessGram® shall be administered at least annually in the second semester of the school

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

year; however, schools also are encouraged to administer the assessment at the start of the school year in order to receive pre- and post-results.

- A) Aerobic Capacity, grades 4 through 12, either the PACER test or the Mile Run test.
 - B) Flexibility, either the Back-Saver Sit and Reach test or the Trunk Lift test.
 - C) Muscular Endurance, the Curl-up test.
 - D) Muscular Strength, the Push-up test.
- 2) As applicable, a school shall use the methodologies of the Brockport Physical Fitness Testing accessible at <http://www.pyfp.org/http://www.pyfp.org/assessment/free-materials.shtml> to meet the requirements of this subsection (g) for any student with disabilities whose Individualized Education Program (IEP) identifies the FitnessGram® as not appropriate.
- 3) In order to ensure that the FitnessGram® and Brockport protocols are followed, school personnel administering the assessments shall participate in training related to the proper administration and scoring of the assessment by reviewing the chapters of the FitnessGram® Test Administration Manual titled "Test Administration", "Aerobic Capacity", and "Muscular Strength, Endurance and Flexibility" and, if applicable, the Brockport Physical Fitness Test Manual for students with disabilities, which are accessible at <http://www.pyfp.org/http://www.pyfp.org/assessment/free-materials.shtml>. Each school district shall maintain evidence of an individual's successful completion of the training and make it available to the State Board of Education upon request.
- 4) *Fitness scores shall not be used for grading students or evaluating teachers* under the provisions of Article 24A of the School Code (Section 27-6.5(b) of the School Code).
- 5) Each school district shall annually report aggregate data regarding the total number of students whose fitness results for each of the components listed in subsection (g)(1) were identified as meeting the "healthy fitness zone" or as "needs improvement zone".

ILLINOIS REGISTER

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- A) Data shall be submitted electronically to the State Board of Education no later than ~~June 30~~^{May 1} of each school year, beginning in school year 2016-17, using the Illinois State Board of Education Web Application Security System (IWAS).
- B) Data shall be reported for students in grades 5, 7 and 10 only and include:
- i) the total number of students tested by grade and gender;
 - ii) the total number of students achieving at the "healthy fitness zone" by grade and gender; and
 - iii) the total number of students identified as "needs improvement zone" by grade and gender.
- h) Each school district shall establish procedures and protocols to ensure the confidentiality of individual student assessment results consistent with the requirements of the Illinois School Student Records Act [105 ILCS 10] and the Family Educational Rights and Privacy Act (20 USC 1232g).

(Source: Amended at 40 Ill. Reg. _____, effective _____)