

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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#### SUBPART A: RECOGNITION REQUIREMENTS

## Section 1.100 Waiver and Modification of State Board Rules and School Code Mandates

- a) As authorized in Section 2-3.25g of the School Code [105 ILCS 5/~~2-3.25g~~], an eligible applicant, as defined in 2-3.25g(a), or any *Independent Authority established under Section 2-3.25f-5 of the School Code* may petition for:
  - 1) ~~Approval~~State Board approval of waivers or modifications of State Board of Education rules and of modifications of School Code mandates, which may be requested to meet the *intent of the rule or mandate in a more effective, efficient or economical manner or when necessary to stimulate innovation or to improve student performance* [105 ILCS 5/2-3.25g(b)]; and/or
  - 2) ~~Approval~~General Assembly approval of waivers of School Code mandates, which may be requested *when necessary to stimulate innovation or to improve student performance or the intent of mandate in a more effective, efficient or economical manner* [105 ILCS 5/2-3.25g(b)]~~only to stimulate innovation or improve student performance.~~
- b) "The School Code" comprises only those statutes compiled at 105 ILCS 5.
  - 1) Waivers or modifications from State Board rules or School Code mandates implementing compliance with the Every Student Succeeds Act or the Every Student Succeeds Act State Plan~~pertaining to those areas enumerated in Section 2-3.25g(b) of the School Code [105 ILCS 5/2-3.25g(b)]~~ are not permitted.
    - A) ~~For the purposes of this subsection (b)(1), provisions of the School Code or the rules of the State Board of Education that reflect or implement ESEA shall include all requirements for:~~
      - i) ~~the entities to be held accountable for the achievement of their students;~~
      - ii) ~~the participation of students in the various forms of the State assessment;~~
      - iii) ~~the timing of administration of the State assessment;~~
      - iv) ~~the use of students' scores on the State assessment in describing the status of schools, districts, and other accountable entities;~~
      - v) ~~the use of indicators other than test scores in determining the progress of students;~~

- vi) ~~the required qualifications of paraprofessional educators;~~
- vii) ~~the placement of schools not making adequate yearly progress on academic early warning status or academic watch status, and the results to schools and districts that follow from such placement;~~
- viii) ~~the district's responsibility to prepare revised school and/or district improvement plans in response to placement on academic warning or watch status;~~
- ix) ~~the appointment of school or district improvement panels for schools or school districts on academic watch status;~~
- x) ~~the use of State interventions according to the timeline set forth in Section 2-3.25f of the School Code; and~~
- xi) ~~the appeals process set forth in Section 1.95, and the authority of the State Board of Education to make final determinations on these appeals.~~

2B) Waivers or modifications of mandates pertaining to the use of student performance data and performance categories for teacher and principal evaluations, as required under Article 24A of the School Code ~~[105 ILCS 5/Art. 24A]~~, are not permitted and *on September 1, 2014, any previously authorized waiver or modification from such requirements shall terminate* (Section 2-3.25g(b) of the School Code).

32) Waivers of mandates contained in Section 5-1 of the School Code ~~[105 ILCS 5/5-1]~~ or in Section 5-2.1 of the School Code ~~[105 ILCS 5/5-2.1]~~ also shall not be requested.

c) As used in this Section, "waiver" means a petition to discontinue the implementation of a mandate and "modification" means a petition to partially implement a mandate.

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

- 1) Identification of the rules or mandates involved, either by quoting the exact language of or by providing a citation to the rules or mandates at issue. Applicants unable to determine the exact language or citation may obtain a copy of, or citation to, the rules or mandates involved by contacting the State Board of Education Regulatory Support Division~~Legal Department~~ by mail at 100 North First Street, Springfield,

Illinois, 62777-0001, by email at [waivers@isbe.net](mailto:waivers@isbe.net), or by telephone at 217-782-5270.

- 2) Identification as to the specific waivers and/or modifications sought. For modifications, the specific modified wording of the rules or mandates must be stated.
- 3) Identification as to whether the request is for an initial waiver or modification or for the renewal of a previously approved request.  
~~Renewals of waivers and modifications of Section 27-6 of the School Code [105 ILCS 5/27-6] shall be subject to the requirements of subsection (1) of this Section.~~
- 4) For requests based upon meeting the intent of the rule or mandate in a more effective, efficient, or economical manner, a narrative description that sets forth:
  - A) the intent of the rule or mandate to be achieved;
  - B) the manner in which the applicant will meet that intent;
  - C) how the manner proposed by the applicant will be more effective, efficient or economical; and
  - D) if the applicant proposes a more economical manner, a fiscal analysis showing current expenditures related to the request and the projected savings that would result from approval of the request.
- 5) If the request is necessary for stimulating innovation or improving student performance, the request must include the specific plan for improved student performance and school improvement upon which the request is based. This plan must include a description of how the applicant will determine success in the stimulation of innovation or the improvement of student performance.
- 6) If the request is for a waiver of the administrative expenditure limitation established by Section 17-1.5 of the School Code ~~[105 ILCS 5/17-1.5]~~, the request must include the amount, nature, and reason for the requested relief and all remedies that have been exhausted to comply with the administrative expenditure limitation and shall otherwise comply with Section 17-1.5(d) of the School Code.
- 7) The time period for which the waiver or modification is sought. Pursuant to Section 2-3.25g of the School Code, this time period may not exceed five years, except for requests made pursuant to subsection (c)(6) of this

Section, which may not exceed one year (see Section 17-1.5(d) of the School Code), ~~and except for requests for relief from the mandate set forth in Section 27-6 of the School Code, which may not exceed two years.~~

- 8) A description of the public hearing held to take testimony about the request from educators, parents and students, which shall include the information required by Section 2-3.25g of the School Code.
- 9) An assurance stating the date of the public hearing conducted to consider the application and, if applicable, the specific plan for improved student performance and school improvement; affirming that the hearing was held before a quorum of the board or before the regional superintendent, as applicable, and that it was conducted as prescribed in Section 2-3.25g of the School Code; and stating the date the application (and, if applicable, the plan) was approved by the local governing board or regional superintendent.

~~10) For waivers or modifications of State Board of Education administrative rules governing contracting of driver education (23 Ill. Adm. Code 252), the information required under Section 2-3.25g(d) of the School Code.~~

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

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

gf) Applications must be postmarked not later than 15 calendar days following the local governing board's approval. (See Section 2-3.25g(d) of the School Code.) Applications addressed other than as specified on the application form shall not be processed.

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

- 1) An applicant submitting an incomplete application shall be contacted by staff of the State Board regarding the need for additional information and



the date by which the information must be received in order to avoid the application's return as ineligible for consideration.

- 2) The 45-day response time referred to in this subsection (g) shall not commence until the applicant submits the additional material requested by the State Board.
- 3) Each application that has not been made complete by the date identified in accordance with subsection (g)(1) shall be ineligible for consideration and shall be returned to the applicant with an explanation as to the deficiencies.

**ih)** *The State Board may disapprove a request for the waiver or modification of State Board rules or for the modification of School Code mandates if the request:*

- 1) *is not based upon sound educational practices;*
- 2) *endangers the health or safety of students or staff;*
- 3) *compromises equal opportunities for learning; or*
- 4) *does not address the intent of the rule or mandate in a more effective, efficient or economical manner or does not have improved student performance as a primary goal. [\[105 ILCS 5/2-3.25g\(d\)\]](#)*

**ji)** Disapproval of an application for a waiver or modification of a State Board rule or for a modification of a School Code mandate shall be sent by certified mail to the applicant no later than 45 calendar days after receipt of the application by the State Board. An applicant wishing to appeal the denial of a request may do so within 30 calendar days after receipt of the denial letter by sending a written appeal by certified mail to the Illinois State Board of Education, [Regulatory Support Rules and Waivers](#) Division, 100 North First Street, S-493, Springfield, Illinois 62777-0001 or by email to [waivers@isbe.net](mailto:waivers@isbe.net). The written appeal shall include the date the local governing board approved the original request, the citation of the rule or School Code section involved, and a brief description of the issue. Appeals of denials shall be submitted to the General Assembly in the semiannual report required under Section 2-3.25g of the School Code.

**kj)** [Applications shall be received by August 15 to be considered for the fall waiver report and January 15 to be considered for the spring waiver report.](#) The State Superintendent of Education shall periodically notify school districts and other potential applicants of the date by which applications must be postmarked in order to be processed for inclusion in the next report to the General Assembly. Each application will be reviewed for completeness. Complete applications shall be submitted to the General Assembly in the next report. Incomplete applications shall be treated as discussed in subsections ([hg](#))(1) and ([hg](#))(3).

- 1k) The State Superintendent ~~of Education~~ shall notify Regional Superintendents of Schools and Intermediate Service Centers of the disposition of requests for waivers or modifications submitted by school districts located within their regions.
- l) ~~The limitation on renewals established in Section 2-3.25g(e) of the School Code shall apply to each waiver or modification of Section 27-6 of the School Code that is approved on or after January 1, 2008. Once an eligible applicant has received approval for a waiver or modification of that Section on or after January 1, 2008, any request submitted by that applicant for a subsequent time period shall be considered a renewal request, regardless of the rationale for the request or the schools or students to be affected. No applicant shall receive approval for more than two renewals after January 1, 2008, and no applicant shall receive approval for more than six years cumulatively beginning with that date.~~

(Source: Amended at 42 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, on line, 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 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] 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).
    - 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 these 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 educator licenses that are registered with the regional superintendent of schools for their county of employment. Other than substitute teachers, licensure appropriate to the grade level and subject areas 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.
  - A) If the certification is submitted under Section 18-12 of the School Code, it shall indicate whether instruction was provided to students using an e-learning day authorized under Section 10-20.56 of the School Code and Section 1.422 of this Part.
  - B) If the certification is submitted for reasons of a public health emergency under Section 18-12.5 of the School Code, it shall be accompanied by a signed statement from the local health department to the State Superintendent that includes:
    - i) the name of the building that is being recommended for closure;
    - ii) the specific public health emergency that warrants the closure; and

- iii) 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 10-20.56 or 10-29 of the School Code, 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 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.

- 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).
  - 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.
  - 3) Each public school district, including charter schools, offering a kindergarten program, whether full-day or half-day, shall report to the State Board of Education on the 14 State Readiness Measures listed in subsection (h)(3)(A) annually on each student enrolled in kindergarten, except as otherwise provided under this subsection (h)(3). The Kindergarten Individual Development Survey (KIDS) shall be available to school districts for this purpose. Data for each student, based on local instruction and assessment practices, shall be reported through the KIDSTech rating system. A school district is not obligated to administer KIDS in any school year in which the State does not provide funding sufficient for the cost of reporting or access to professional development for teachers and administrators.

A) For the purpose of this subsection (h)(3), the 14 State Readiness Measures shall address, at a minimum:

i) language and literacy development:

- communication and use of language (Expressive);
- reciprocal communication and conversation;
- comprehension of age-appropriate text;
- phonological awareness;
- letter and word knowledge;

ii) cognition; math:

- classification;
- number sense of quantity;
- number sense of math operations;
- shapes; and

iii) approaches toward learning and social and emotional development:

- curiosity and initiative in learning;
- self-control of feelings and behavior;
- engagement and persistence;
- relationships and social interactions with familiar adults;
- relationships and social interactions with peers.

B) Each school district shall report electronically the results of the observations conducted and evidence collected once each school year (i.e., after 40 days of enrollment beginning with the first day of official attendance). The data required under this subsection (h)(3)(B) shall be reported for any student who was enrolled in a

kindergarten classroom at least 30 days before the date on which the data is required to be reported.

- C) By August 1 of each school year, each school district shall provide to the State Superintendent the name, title, email address and telephone number for the district staff personnel who will serve as the KIDS contact persons, using a form prescribed for this purpose. Staff personnel serving as the KIDS contact person can be anyone that the district chooses, but preferably is someone who is working closely with the kindergarten teachers and can act as a liaison between SBE and the kindergarten teachers. This can include teachers and administrators.
- D) Each KIDS contact person designated under subsection (h)(3)(C) shall participate in, at a minimum, a KIDS administrator training sponsored by the State Board no later than 30 days after the beginning of the school year. A KIDS contact person need only take the KIDS administrator training once.
- E) All teachers teaching in a public or charter school classroom containing kindergarten students shall complete or have had completed the KIDS teacher training sponsored by the State Board.
- F) Beginning in the 2017-18 school year and thereafter, a public school district, including charter schools, shall report the data required under subsection (h)(3)(B) for each student enrolled in kindergarten.
- G) The 14 State Readiness Measures shall be reported for kindergarten children taught in a self-contained special education classroom or an alternative setting unless a special education team deems it inappropriate, at which time the justification for this decision must be recorded in the Individualized Education Program.
- H) The 14 State Readiness Measures shall be reported for kindergarten children who are English learners unless the school district deems that required Language and Literacy Measures should be substituted with more appropriate non-required measures.

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.
- 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 grade 12. 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.
- 4) Teachers instructing in consumer education courses shall hold educator licensure 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.
- 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. 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 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, 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. Each district shall assign responsibility for overall direction of its program of library media services to an employee who holds a professional educator license endorsed for a teaching or an administrative field. Except as otherwise provided in subsection (o)(4)(A), the individual to whom this responsibility is assigned shall meet the requirements of Section 1.755, and the individual to whom this responsibility is assigned shall not provide the services described in Section 1.755 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, 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.

- p) **Physical Education**  
Appropriate activity related to physical education shall be required as provided ~~for of all students each day unless otherwise permitted~~ by Section 27-6 of the School Code. 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. See Section 1.425 for additional requirements that apply to the provision of physical education instruction.
- q) **School Support Personnel Services**  
To assure provision of School Support 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 the world (see Section 27-21 of the School Code);
  - 2) *include in the teaching of United States history the role and contributions of ethnic groups in the history of this country and the State* (Section 27-21 of the School Code);
  - 3) *include in the teaching of United States history the role of labor unions and their interaction with government in achieving the goals of a mixed free-enterprise system* (Section 27-21 of the School Code);
  - 4) *include the study of that period in world history known as the Holocaust* (Section 27-20.3 of the School Code);

- 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);
  - 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); 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 career and technical education courses and chemical-physical courses of laboratories as specified in Section 1 of the Eye Protection in School Act [105 ILCS 115/4]. The 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/ISEA Z87.1-2010, issued by the American National Standards Institute, Inc., 1899 L Street, NW, 11<sup>th</sup> Floor, Washington, D.C. 20036. No later editions or amendments to these standards are incorporated.
  - t) Each school district shall provide instruction as required by Sections 27-3.5, 27-13.2, 27-13.3, 27-23.3, 27-23.4 and 27-23.8 of the School Code.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### **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) Appropriate activity related to physical education shall be required of all students at least three days per five day instructional week except when an appropriate medical excuse is submitted (see Section 1.425 (d)). A school board may also choose to allow for student exemptions as permitted by Section 27-6 of the School Code (see Section 1.425(e)). If a student nonattendance day is scheduled for a day that would otherwise include physical education or the school building is not open to students, physical education for that day does not need to be made up (i.e., if physical education is regularly scheduled for Monday, Wednesday and Friday, but a teacher inservice is scheduled on a given Monday, physical

education for that Monday does not have to be moved to Tuesday or Thursday.)  
School districts shall however make every effort to ensure all students have the ability to participate in physical education at least three days per week even when school is in session fewer than five days in a given week.  
~~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).*

~~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).*~~

de) 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 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.*~~

~~23)~~ 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.

3) *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) *Under Section 27-6(b) of the School Code, a school board may excuse pupils from engaging in physical education courses if those pupils request to be excused*

*for any of the following reasons. A school board which chooses to allow any of these exemptions shall establish a policy to excuse pupils on an individual basis. 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 of the School Code to the student's individual circumstances.*

- 1) *Students in grades 7-12 on a case-by-case basis, for participation in an interscholastic or extracurricular athletic program. Interscholastic and extracurricular athletic programs are limited to those programs that are sponsored by the school district as defined by school district policy.*
- 2) *Students in grades 11-12*
  - A) *ongoing participation in interscholastic athletics;*
  - B) *enrollment in a course required for admittance into postsecondary education; or*
  - C) *enrollment in a course required for high school graduation provided that failure to take such classes will result in the pupil being unable to graduate;*
- 3) *Students in grades 9-12*
  - A) *ongoing participation in marching band for credit; or*
  - B) *enrollment in a Reserve Officer's Training Corps (ROTC) program sponsored by the school district;*
- 4) *Students in grades 3-12*
  - A) *eligibility for special education services and the student's parent or guardian agrees or there is a determination by the student's individualized education program (IEP) team that the student needs this time for special education support and services; or*
  - B) *participation in an adaptive athletic program outside school setting as outlined in the student's IEP and as documented according to school board policy. (See Section 27-6 of the School Code.)*
- 5f) *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. 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.~~

**(fg) Assessment and Reporting**

In accordance with Section 27-6.5 of the School Code, 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 (fg), each school shall administer the FitnessGram® (<http://www.fitnessgram.net/>; also see subsection (fg)(3)) to students in grades 3 through 12 (except as noted in subsection (fg)(1)(A) and as exempted under Section 27-6 of the School Code) for the components and using the test items listed in subsections (fg)(1)(A) through (fg)(1)(D). Beginning in school year 2016-17, the FitnessGram® shall be administered at least annually in the second semester of the school 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/> to meet the requirements of this subsection (fg) for any student with known orthopedic, intellectual, and/or visual ~~with~~ disabilities whose Individualized Education Program (IEP) and/or 504 Plan 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/>. 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 (f)(1) were identified as meeting the "healthy fitness zone" or as "needs improvement zone".
  - A) Data shall be submitted electronically to the State Board of Education no later than June 30 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;
    - 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 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### **Section 1.440 Additional Criteria for High Schools**

The School Code establishes differing requirements for the coursework that high schools must offer, the courses students must take, and the courses students must pass in order to graduate.

- a) **Course Offerings.** Each district shall provide a comprehensive curriculum that includes at least the following offerings. The time allotment, unless specified by the School Code or applicable rules, is the option of the local school district.
  - 1) **Language Arts**

- 2) Science
- 3) Mathematics
- 4) History of the United States
- 5) Foreign Language
- 6) Music
- 7) Art
- 8) Career and Technical Education – Orientation and Preparation
- 9) Health Education (see the Critical Health Problems and Comprehensive Health Education Act)
- 10) Physical Education (see Section 27-6 of the School Code)
- 11) Consumer Education (see Section 27-12.1 of the School Code)
- 12) Conservation of Natural Resources (see Section 27-13.1 of the School Code)
- 13) Driver and Safety Education (see the Driver Education Act [105 ILCS 5/27-24 through 27-24.10] and 23 Ill. Adm. Code 252)

b) Required Participation

- 1) Each student shall be required to take one semester or the equivalent, i.e., at least 18 weeks, of health education during the secondary school experience.
- 2) Appropriate activity related to physical education shall be required as provided for~~of all students each day unless otherwise permitted~~ by Section 27-6 of the School Code. 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. See Section 1.425 for additional requirements that apply to the provision of physical education instruction.
- 3) Each student shall be required to take consumer education for 50 minutes per day for a period of nine weeks in any of grades 9-12.

- 4) Each student shall be required to take a course covering *American patriotism and the principles of representative government, as enunciated in the American Declaration of Independence, the Constitution of the United States of America and the Constitution of the State of Illinois, and the proper use and display of the American flag for not less than one hour per week, or the equivalent.* (Sections 27-3 and 27-4 of the School Code)
- c) Specific Requirements for Graduation. A "unit" is the credit accrued for a year's study or its equivalent. A student may be permitted to retake a course that he or she has already successfully completed (for example, to earn a better grade). However, credit may not be awarded more than once for completion of the same course, and the same course may not be counted more than once toward fulfillment of the State requirements for graduation.
  - 1) Each student shall be required to have accrued at least 16 units in grades 9-12 if graduating from a four-year school or 12 units in grades 10-12 if graduating from a three-year high school. In either case, one unit shall be in American History or American History and Government. (Section 27-22 of the School Code) *No student shall receive certification of graduation without passing an examination on the subjects discussed in subsection (b)(4).*
  - 2) Pursuant to Section 27-22 of the School Code, all students, except students with disabilities whose course of study is determined by an individualized education program, must successfully complete certain courses, depending upon the school year in which they enter grade 9 and subject to the exceptions provided in Section 1.445 of this Part, as a prerequisite to receiving a high school diploma.
  - 3) Credits earned by students prior to entry into grade 9 as authorized by Section 27-22.10 of the School Code ~~105 ILCS 5/27-22.10~~ may be used to fulfill any of the requirements of subsection (c)(2) of this Section.
- d) School districts shall have on file in the local district office a description of all course offerings that may comply with the requirements of the law. A course will be accepted as meeting the relevant requirement for graduation if its description shows that its principal instructional activity is the development and application of knowledge and skills related to the applicable requirement.
  - 1) "Writing-Intensive" Courses  
The course description for a "writing-intensive" course will be accepted for purposes of Section 27-22 of the School Code if:
    - A) a goal of the course is to use the writing that students do relative to the subject matter being presented as a vehicle for improving their writing skills;

- B) writing assignments will be an integral part of the course's content across the time span covered by the course;
  - C) the written products students are required to prepare in order to receive credit for the course and the feedback students receive are such that:
    - i) students' writing proficiency is evaluated against expectations that are appropriate to early or late high school and encompass all of the writing standards for those grades enumerated in the Illinois Learning Standards for English Language Arts and Literacy in History/Social Studies, Sciences, and Technical Subjects (see Appendix D); and
    - ii) students receive information from the evaluation of their written products that will permit them to improve their writing skills in terms of correct usage; well-organized composition; communication of ideas for a variety of purposes; and locating, organizing, evaluating and using information;
  - D) The writing-intensive study provided in at least one writing-intensive course is designed to address and integrate the elements of the writing process and to refine or apply research skills.
- 2) Foreign Language Courses
- The description for any foreign language course shall indicate whether the school district will award a State Seal of Biliteracy in accordance with the requirements of Section 1.442 of this Part and Section 2-3.159 of the School Code ~~[105 ILCS 5/2-3.159]~~ and state the qualifications for receipt of the seal.
- 3) Advanced Placement Computer Science Course
- The description for an Advanced Placement Computer Science course shall indicate that the course is *equivalent to a high school mathematics course* and *qualifies as a mathematics-based, quantitative course* for purposes of the fulfillment of State graduation requirements in mathematics. (Section 27-22(f-5) of the School Code)
- e) It is the responsibility of the school district's administration to provide parents and guardians timely and periodic information concerning graduation requirements for all students, particularly in cases where a student's eligibility for graduation may be in question.

- f) Additional requirements for graduation may be adopted by local boards of education.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E; SUPPORT SERVICES

### Section 1.530 Health Services

- a) Each school shall maintain records for each student that reflect compliance with the examinations and immunizations prescribed by Section 27-8.1 of the School Code [105 ILCS 5] and the applicable rules and regulations of the Illinois Department of Public Health at 77 Ill. Adm. Code 665 (Child and Student Health Examination and Immunization Code). The information relative to examinations and immunizations shall be placed in the student permanent record in accordance with 23 Ill. Adm. Code 375 (Student Records).

- +) School districts shall, by November 15 of each school year, report to the State Superintendent of Education the number of students who have received the necessary health examinations and immunizations, the number of students who are not exempt and have not received the necessary health examinations and immunizations, and the number of students exempt from the health examination and immunization requirements for religious or medical reasons, in the manner prescribed by the State Superintendent.

- 2) ~~Any school district that, for two years in a row and in any combination, either fails to deliver its report to the State Superintendent of Education by November 15 or delivers a report that does not comply with the percentage requirements of Section 27-8.1 of the School Code shall be issued a Notice of Non-Compliance. Unless, within seven school days after the mailing of the notice, the district presents written evidence to the State Superintendent that it has delivered the report required by Section 27-8.1 and the report complies with the percentage requirements of that Section, the State Superintendent shall reduce by 10 percent each subsequent payment to the district of General State Aid funds under Section 18-8.05 of the School Code, provided that all amounts withheld shall be restored to the district after compliance is documented. The reduction in the district's General State Aid payments shall commence on January 1 and shall occur semi-monthly thereafter, provided that all amounts withheld shall be restored to the district after compliance is documented.~~

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

- 1) A district shall include as *part of any agreement, contract, code, or other written instrument that the district requires a student athlete and his or*

*her parents or guardian to sign before participating in practice or interscholastic competition* information relative to the school board's adopted concussion and head injury policy. (See 105 ILCS 5/10-20.54 and 34-18.46.)

- 2) A district shall ensure that each student athlete and his or her parent or guardian receive and read information relative to concussions that meets the requirements of Section 22-80 of the School Code [105 ILCS 5/22-80]. A student shall *not participate in an interscholastic athletic activity for a school year until he or she and his or her parent or guardian, or another person with legal authority to make medical decisions for the student,* acknowledge by written signature the receipt and review of this information. (Section 22-80(e) of the School Code)
- c) Each district shall adopt an emergency procedure to be followed in cases of injury to or sudden illness of students and/or staff, which shall include policy and procedures relative to student athletes that meet the requirements of Section 22-80 of the School Code.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART G: STAFF QUALIFICATIONS

### Section 1.790 Substitute Teacher

- a) To serve as a substitute teacher, a person shall hold a valid substitute teaching license issued pursuant to Section 21B-20(3) of the School Code [105 ILCS 5].
  - 1) Any individual who holds a valid and active Illinois educator license and at least a bachelor's degree may serve as a substitute teacher without having to also hold the substitute teaching license.
  - 2) Any individual who may serve as a substitute teacher for driver's education must be endorsed for driver's education pursuant to 23 Ill. Adm. Code 25.100(k).
  - 3) Any individual who holds a valid career and technical educator, part-time or provisional endorsement on an educator license with stipulations but does not have a bachelor's degree may substitute teach in any career and technical education classroom. (See Sections 21B-20(2)(E) and (F)) of the School Code.)
- b) A teacher holding a substitute teaching license may teach only in the place of a licensed teacher who is under contract with the employing board. (See Section 21B-20(3) of the School Code.)

- c) In accordance with Section 21B-20(3) of the School Code, there is no limit on the number of days that a substitute teacher may teach except that:
- 1) A person who holds only a substitute teaching license may teach for no longer than 90 paid school days for any one licensed teacher who is under contract with the school district in any one school term.
  - 2) A person who holds a professional educator license or an educator license with stipulations endorsed for a teaching field may teach for no longer than 120 paid school days for any one licensed teacher who is under contract with the school district.
- d) A school district may employ a substitute teacher to fill a position when there is no licensed teacher under contract with the school district only in an emergency situation, as defined in Section 21B-20(3) of the School Code. Any substitute teacher hired under this subsection (d) shall work no more than 30 calendar days per each vacant position.

(Source: Amended at 42 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)