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ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF EMERGENCY AMENDMENT TO EMERGENCY RULE

TITLE 23: EDUCATION AND CULTURAL RESOURCES

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SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

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AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.44, 2-3.96, 2-3.159, 10-17a, 10-20.14, 10-21.4a, 10-22.43a, 21B-5, 21B-20, 22-30, 22-60, 24-24, 26-13, 27-3.5, 27-6, 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].

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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, 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; emergency amendment at 40 Ill. Reg. 15957, effective November 18, 2016, for a maximum of 150 days; amended at 41 Ill. Reg. 126, effective December 27, 2016; amended at 41 Ill. Reg. 4430, effective April 5, 2017; amended at 41 Ill. Reg. 6924, effective June 2, 2017; emergency amendment at 41 Ill. Reg. 8932, effective June 28, 2017, for a maximum of 150 days; amended at 41 Ill. Reg. 14044, effective November 3, 2017; amended at 42 Ill. Reg. 11512, effective June 8, 2018; amended at 43 Ill. Reg. 3792, effective February 28, 2019; amended at 43 Ill. Reg. 10213, effective August 30, 2019; amended at 43 Ill. Reg. 10718, effective September 11, 2019; amended at 43 Ill. Reg. 13324, effective October 29, 2019; emergency amendment at 43 Ill. Reg. 14305, effective November 20, 2019, for a maximum of 150 days; emergency amendment to emergency rule at 43 Ill. Reg. 14941, effective December 4, 2019, for the remainder of the 150 days; emergency amendment to amended emergency rule at 44 Ill. Reg. 4085, effective February 25, 2020, for the remainder of the 150 days; amended at 44 Ill. Reg. 1929, effective January 13, 2020; amended at 44 Ill. Reg. 6377, effective April 9, 2020; emergency amendment at 44 Ill. Reg. 7971, effective April 27, 2020, for a maximum of 150 days; emergency rule expired September 23, 2020; emergency amendment at 44 Ill. Reg. 8382, effective May 1, 2020, for a maximum of 150 days; emergency rule expired September 27, 2020; amended at 44 Ill. Reg. 9961, effective May 21,

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2020; emergency amendment at 44 Ill. Reg. 13498, effective July 31, 2020, for a maximum of 150 days; emergency amendment at 44 Ill. Reg. 16860, effective September 29, 2020, for a maximum of 150 days; emergency amendment to emergency rule at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, for the remainder of the 150 days.

SUBPART F: STAFF LICENSURE REQUIREMENTS

**Section 1.630 Paraprofessionals; Other Unlicensed Personnel**

**EMERGENCY**

- a) Pursuant to Sections 10-22.34 and 34-18 of the School Code [105 ILCS 5/10-22.34 and 34-18], school boards may employ nonteaching personnel or use volunteer personnel for nonteaching duties not requiring instructional judgment or evaluation of pupils.
- b) Paraprofessionals
  - 1) School boards may further utilize volunteer personnel or employ personnel who do not hold an educator license with stipulations endorsed for paraprofessional educator to serve as paraprofessionals (or "teacher aides") to assist in the instruction of pupils, so long as each individual is under the immediate supervision of a teacher who holds a valid professional educator license endorsed for the teaching field of assignment and is directly engaged in teaching subject matter or conducting activities (see Sections 10-22.34 and 34-18 of the School Code). To "assist in the instruction of pupils", i.e., to serve as a paraprofessional, means to support teachers through interactions with students that will help them master curricular content, such as by tutoring; or to assist with classroom management, such as by organizing instructional materials.
  - 2) Beginning July 1, 2013, an individual employed as a paraprofessional shall meet the requirements set forth in 23 Ill. Adm. Code 25.510 (Paraprofessionals) except in the following circumstances.
    - A) Any individual whose paraprofessional approval was continued after June 30, 2013, in accordance with the provisions of 23 Ill. Adm. Code 25.15 (Types of Licenses; Exchange), may continue to serve as a paraprofessional subject to any limitations of his or her approval.

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- B) An individual who holds an educator license indicative of completion of a bachelor's degree may serve as a paraprofessional without obtaining an educator license with stipulations endorsed for paraprofessional educator.
  - C) An individual who holds an educator license with stipulations endorsed for career and technical educator may serve as a paraprofessional without obtaining an additional endorsement for paraprofessional educator.
- 3) Each paraprofessional shall be under the direct supervision and control of a fully licensed teacher when assisting with instruction, whether this occurs in classrooms, laboratories, shops, playgrounds, libraries, or other educational settings where instructional judgment requires the supervision of a fully licensed teacher. The fully licensed teacher shall be responsible for planning the activities to be conducted by the paraprofessional and for evaluating the pupils with whom the paraprofessional works. The fully licensed teacher shall be continuously aware of the paraprofessional's activities, i.e., the teacher shall be responsible for controlling the paraprofessional's activities and shall be able to modify them at any time.
- 4) Paraprofessionals shall not be utilized as substitutes for or replacement of fully licensed teachers, and they shall not have equivalent responsibilities. Fully licensed teachers shall exercise professional judgment when assigning duties to paraprofessionals and shall retain the responsibility for determining students' scholastic activities.
- 5) Each school district shall:
- A) submit a list of all paraprofessionals it employs to the State Superintendent of Education with its annual application for recognition;
  - B) maintain a file for each paraprofessional that describes his or her functions and includes his or her statement of approval, if applicable, or verification of his or her holding an educator license with stipulations endorsed for paraprofessional educator; and
  - C) be responsible for ensuring that no individual is employed as a paraprofessional without an educator license with stipulations

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endorsed for paraprofessional educator, except as permitted under subsection (b)(2) of this Section, and that paraprofessionals whose paraprofessional approval was continued are assigned only to tasks for which their approval is valid.

c) Other Unlicensed Personnel

- 1) School boards may designate unlicensed persons of good character, as defined in Section 21B-15 of the School Code, to serve as supervisors, chaperones or sponsors, either on a voluntary or on a compensated basis, for the following activities:
  - A) for school activities not connected with the academic program of the schools (see Section 10-22.34a of the School Code [105 ILCS 5/10-22.34a]); and
  - B) for school activities connected to the academic programs of the schools during any time in which the Governor has declared a disaster due to a public health emergency under Section 7 of the Illinois Emergency Management Agency Act [and, due to that disaster declaration, teachers are instructing from a remote location while students are physically present at school](#). Individuals designated under this subsection (c)(1)(B) shall work under the [direction of the remote teacher and](#) supervision of licensed personnel who are physically present in the same building. Unlicensed personnel shall not enact student discipline. Licensed personnel shall enact student discipline and provide classroom support to non-licensed individuals as needed.
- 2) Unlicensed personnel in special education programs under contract to the local board of education, other than paraprofessionals, shall be governed by 23 Ill. Adm. Code 226 (Special Education). Also, beginning July 1, 2006, educational interpreters for persons who are deaf or hard of hearing shall be approved pursuant to 23 Ill. Adm. 25.550 (Approval of Educational Interpreters).
- 3) In accordance with Section 10-22.34(d) of the School Code [105 ILCS 5/10-22.34(d)], school districts may utilize unlicensed persons who are completing their clinical experiences and/or student teaching.



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- A) A candidate participating in clinical experiences shall not be required to hold an educator license with stipulations endorsed for paraprofessional if:
  - i) the candidate is engaging in the clinical experience as part of an approved Illinois teacher preparation program in which he or she is enrolled;
  - ii) when the candidate assists in instruction, he or she is under the immediate supervision of a teacher who holds a valid professional educator license and is directly engaged in teaching the subject matter or conducting other learning activities; and
  - iii) the cooperating teacher constantly evaluates the candidate's activities and is able to control or modify them.
  
- B) Unlicensed personnel enrolled in a student teaching course at a college or university are not required to be under the constant supervision of a teacher, provided that their activity has the prior approval of the representative of the higher education institution, that teaching plans have been previously discussed with and approved by the supervising teacher, and the teaching is performed in accordance with the requirements of 23 Ill. Adm. Code 25.620 (Student Teaching) (see Section 10-22.34(d) of the School Code).
  
- C) In accordance with Section 10-22.34b of the School Code [105 ILCS 5/10-22.34b], school districts may, with the prior approval of the responsible regional superintendent of schools, utilize unlicensed persons *to provide specialized instruction not otherwise readily available in the immediate school environment in the fields for which they are particularly qualified by reason of specialized knowledge or skill*. The regional superintendent shall approve an assignment of this type when:
  - i) the individual holding a professional educator license endorsed in a teaching field under whose direction the instruction will be provided has specified in writing the material to be covered and the amount of time to be allotted for the specialized instruction;

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- ii) the district superintendent has identified in writing the selected individual's professional competence or outstanding proficiency in the area of specialization in which instruction is to be provided;
- iii) the district superintendent has affirmed in writing that a district representative has determined the environment where instruction will be provided, if away from the school, to be safe and appropriate to the age of the students involved; and
- iv) the district superintendent has described the precise function to be served by the specialized instruction and any compensation to be paid to the selected individual.

(Source: Amended by Emergency Rulemaking at 44 Ill. Reg. 16860, effective September 29, 2020, for a maximum of 150 days; amended by emergency amendment to Emergency rule at 44 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, for the remainder of the 150 days)