

SUBTITLE F

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE F: EDUCATIONAL AGENCIES
CHAPTER I: STATE BOARD OF EDUCATIONPART 5000
PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section	
5000.10	Applicability
5000.20	Public Requests
5000.30	Public Submissions

SUBPART B: RULEMAKING

Section	
5000.100	Applicability
5000.110	Initiation
5000.115	Consideration of Public Requests for Rulemaking
5000.120	State Board of Education Review and Adoption
5000.130	Public Inspection of Rules

SUBPART C: ORGANIZATION

Section	
5000.200	Applicability
5000.210	State Board of Education Organization
5000.APPENDIX A	Organization of the Illinois State Board of Education
5000.APPENDIX B	Administrative Structure of the State Board of Education
5000.TABLE A	Organization of the Illinois State Board of Education (Repealed)
5000.TABLE B	Administrative Structure of the Illinois State Board of Education (Repealed)

AUTHORITY: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Adopted and codified at 8 Ill. Reg. 17875, effective September 17, 1984; amended at 26 Ill. Reg. 12157, effective July 29, 2002; amended at 27 Ill. Reg. 14305, effective August 25, 2003.

SUBTITLE F

SUBPART A: PUBLIC INFORMATION

Section 5000.10 Applicability

This Subpart applies to any persons seeking or submitting information regarding subjects, programs and activities of the Illinois State Board of Education.

SUBTITLE F**Section 5000.20 Public Requests**

- a) Requests for information should be submitted in writing. The request should include a description of the information requested and the reason for the request. Requests should be directed to:

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

- b) When the information requested cannot be provided, the person who made the request will be notified in writing of the reasons therefor.

SUBTITLE F**Section 5000.30 Public Submissions**

Any person may submit written comments and recommendations regarding subjects, programs and activities of the Illinois State Board of Education. These should be directed to:

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

SUBTITLE F

SUBPART B: RULEMAKING

Section 5000.100 Applicability

This Subpart applies to all rules of the Illinois State Board of Education.

SUBTITLE F

Section 5000.110 Initiation

- a) Initiation of new rules shall begin at the direction of the State Board of Education, the State Superintendent, or when required by state legislation.
- b) Amendment of existing rules may be initiated in the same manner and shall include revisions, additions, and alterations of State Board of Education rules filed with the Office of the Secretary of State.
- c) The State Superintendent of Education is authorized by the State Board of Education to file emergency rules, as defined in Chapter 127, par. 1005.02 of Illinois Revised Statutes, and peremptory rules required by federal law or court decision as set forth in Chapter 127, par. 1005.03, and rules of practice, procedure, organization, etc., as required by Chapter 127, pars. 1004, and 1004.01.
- d) The State Superintendent of Education will notify the State Board of Education at least thirty (30) days in advance of all pending rules developments, and within thirty (30) days after a necessary emergency filing.
- e) Prior to promulgation of rules, the State Board of Education directs the State Superintendent of Education to conduct activities such as public hearings, or take other actions to insure the involvement of those who will be affected by the proposed rules, including consultation with appropriate State Advisory Councils.
- f) The State Superintendent shall be responsible for the administrative process necessary to the preparation and filing of rules with the Secretary of State and the publication thereof in the Illinois Register.

SUBTITLE F

Section 5000.115 Consideration of Public Requests for Rulemaking

Pursuant to Section 5-145 of the Illinois Administrative Procedure Act [5 ILCS 100/5-145], *any interested person may request an agency to adopt, amend, or repeal a rule. If, within 30 days after submission of a request, the agency has not initiated rulemaking proceedings in accordance with Section 5-35, the request shall be deemed to have been denied.* Requests received by the State Board of Education shall be addressed as set forth in this Section.

- a) An interested person who wishes to initiate formal consideration by the State Board of Education of a request to adopt, amend, or repeal a rule shall submit a written request to that effect.
 - 1) The request shall:
 - A) identify the rule in question, if one exists;
 - B) describe the problem created by the text of the current rule or absence of a rule;
 - C) propose the substance of the desired rule or amendment or identify the text that should be repealed, as applicable;
 - D) describe the affiliation of the individual submitting the request or the individual's experience in matters related to the rule in question; and
 - E) provide an address to which the agency should direct its reply.
 - 2) The request shall be addressed to the Agency Rules Coordinator and may be mailed or delivered to the Springfield office of the State Board of Education or submitted via e-mail to rules@isbe.net.
- b) The Rules Coordinator shall initiate review of the request by management staff within the organizational unit responsible for the rules that are the subject of the request.
- c) The responsible staff may consult with other individuals knowledgeable about the subject matter of the rules in question and shall respond within 20 days after the agency's receipt of the request as to whether the requested change is warranted and why or why not.

SUBTITLE F

- d) If the requested change is deemed warranted, the Rules Coordinator shall seek the Superintendent's authorization to initiate the rulemaking based upon the request and staff's rationale for supporting it.
- e) No later than 30 days after the agency's receipt of the request, the individual submitting the request shall be informed in writing as to the agency's determination regarding it.
- f) Staff members of the State Board of Education who receive oral requests for changes in the agency's rules shall invite the interested parties to submit written requests conforming to the requirements of subsection (a) of this Section for formal consideration.

(Source: Added at 27 Ill. Reg. 14305, effective August 25, 2003)

SUBTITLE F

Section 5000.120 State Board of Education Review and Adoption

- a) The State Board of Education Chairperson shall in each instance determine Board Committee involvement in the review of draft rules.
- b) The State Superintendent shall submit proposed new and amended rules in draft form to the State Board of Education or to the Committee designated by the Chairperson of the State Board of Education.
- c) The Committee reviewing the draft rules shall make recommendations to the State Board of Education as to the adoption of proposed new or amended rules.
- d) The State Board of Education shall receive a recommendation from the State Superintendent or from the Committee pursuant to (c) above, accompanied by the following materials:
 - 1) A background statement related to the proposed new or revised rules;
 - 2) An executive summary and full text of the proposed new or revised rules;
 - 3) A summary of public comment received to date, including a summary of Advisory Council and/or public hearing results.
 - 4) Written comments from the Illinois Joint Committee on Administrative Rules where appropriate shall also be considered.
- e) The State Board of Education shall act on the proposed rules and shall direct the Superintendent to promulgate them.
- f) The State Board of Education will complete its review and decision on emergency rules not later than 150 days from the effective date of such rules.

SUBTITLE F

Section 5000.130 Public Inspection of Rules

Rules adopted by the Illinois State Board of Education shall be available for public inspection during normal working hours at 100 North First Street, Springfield, Illinois.

SUBTITLE F

SUBPART C: ORGANIZATION

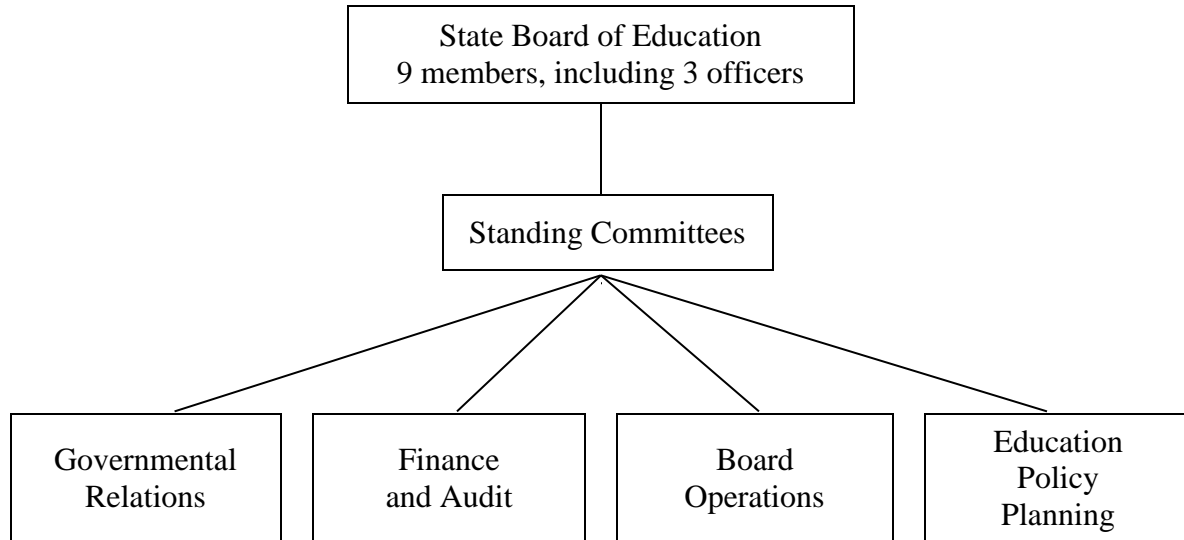
Section 5000.200 Applicability

This Subpart applies to the Illinois State Board of Education, its standing committees, and to the organizational entities administered by the State Superintendent of Education.

SUBTITLE F**Section 5000.210 State Board of Education Organization**

- a) Table A illustrates the organization of the State Board of Education and its standing committees.
- b) Table B illustrates the organization of the State Board of Education in relation to the State Superintendent of Education and the organizational entities administered by the State Superintendent of Education.

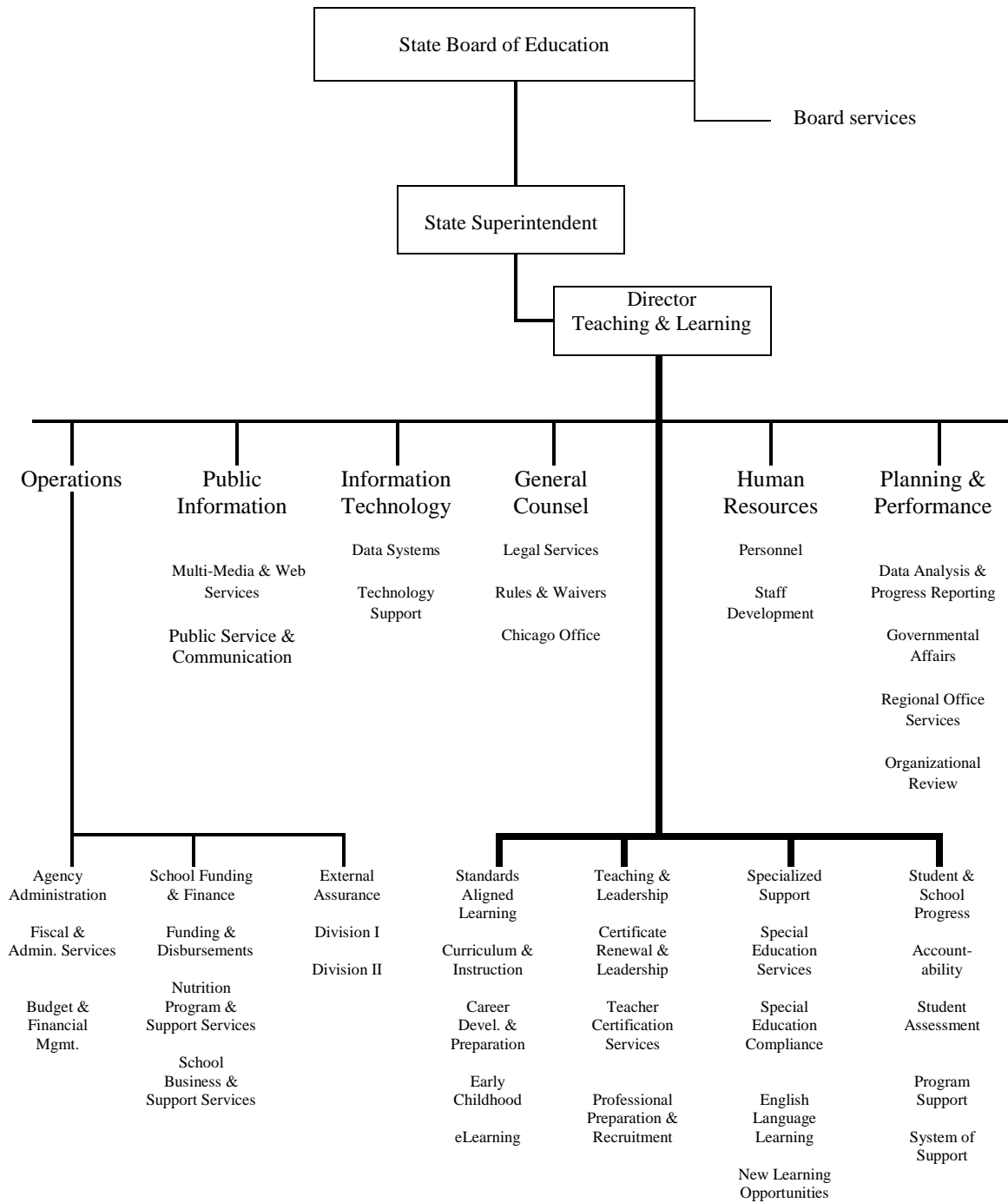
SUBTITLE F

Section 5000.APPENDIX A Organization of the Illinois State Board of Education

(Source: Added at 26 Ill. Reg. 12157, effective July 29, 2002)

SUBTITLE F

Section 5000.APPENDIX B Administrative Structure of the Illinois State Board of Education



SUBTITLE F

(Source: Added at 26 Ill. Reg. 12157, effective July 29, 2002)

SUBTITLE F

Section 5000.TABLE A Organization of the Illinois State Board of Education (Repealed)

(Source: Repealed at 26 Ill. Reg. 12157, effective July 29, 2002)

SUBTITLE F

**Section 5000.TABLE B Administrative Structure of the Illinois State Board of Education
(Repealed)**

(Source: Repealed at 26 Ill. Reg. 12157, effective July 29, 2002)