

ILLINOIS STATE BOARD OF EDUCATION
100 N. First Street, Springfield, IL

This meeting will also be audio cast on the Internet at: www.isbe.net

March 15, 2017
9:30 a.m.

I. Roll Call/Pledge of Allegiance

- A. Consideration of and Possible Actions on Any Requests for Participation in Meeting by Other Means

II. Public Participation

III. Resolutions & Recognition

- A. Illinois Arts Education Week Poster Winner, Lia Lauck **pp. 2**

IV. Presentations & Updates

- A. Student Advisory Council Final Presentation **pp. 3-4**

V. Superintendent's Report - Consent Agenda

- A. *Approval of Minutes
 - 1. Plenary Minutes: February 22, 2017 **pp. 5-8**
- B. *Rules for Initial Review
 - 1. Part 401 (Special Education Facilities) **pp. 9-40**
- C. *Contracts & Grants Over \$1 Million
 - 1. Statewide System of Support: IL-EMPOWER **pp. 41-44**
 - 2. Early Childhood Block Grant: Department of Human Services Home Visiting Programs **pp. 44.1-44.3**

End of Consent Agenda

- D. State Educator Preparation and Licensure Board Appointment **pp. 45-46**

VI. Every Student Succeeds Act State Plan pp. 47-56

VII. Discussion Items

- A. Legislative Update **pp. 57-61**
- B. Budget Update
- C. Other Items for Discussion

VIII. Closed Session

IX. Approval of Closed Session Minutes

X. Announcements & Reports

- A. Superintendent's/Senior Staff Announcements
- B. Chairman's Report
- C. Member Reports

XI. Information Items

- A. ISBE Fiscal & Administrative Monthly Reports (*available online at* <https://www.isbe.net/Pages/Illinois-State-Board-of-Education-Fiscal-and-Administrative-Reports.aspx>)

XII. Adjourn

This meeting will be accessible to persons with disabilities. Persons planning to attend who need special accommodations should contact the Board office no later than the date prior to the meeting. Contact the Superintendent's office at the State Board of Education. Phone: 217-782-2221; TTY/TDD: 217-782-1900; Fax: 217-785-3972.

NOTE: Chairman Meeks may call for a break in the meeting as necessary in order for the Board to go into closed session.

Illinois State Board of Education

RESOLUTION



RECOGNIZING LIA LAUCK

WHEREAS, Governor Bruce Rauner of the State of Illinois has proclaimed March 13-19, 2017, as ILLINOIS ARTS EDUCATION WEEK providing opportunities for students to experience the arts, which will influence their lives beyond their formal education, and encouraging all citizens to celebrate the arts with meaningful student activities and programs that demonstrate learning and understanding in the visual and performing arts; and

WHEREAS, Lia Lauck, age 17, a junior at Oswego High School, District 308, in Oswego, Illinois, received first place in a statewide high school level poster contest sponsored by the Illinois State Board of Education in cooperation with the Illinois Arts Education Association and the Governor's Office; and

WHEREAS, Lia Lauck has created an intricate drawing using both colored pencils and pen and ink. She was inspired by poetry and her work illustrates the combination of a variety of artistic expressions. The arts are essential to a complete and competitive education for all Illinois students. Through the arts, students learn critical thinking, effective communication and collaboration, and creative problem solving; and

WHEREAS, Art Teacher Mr. Michael Skura has nurtured and guided **Lia** in her successes as an art student; and

WHEREAS, Principal Mr. Mike Wayne and Superintendent Dr. John Sparlin recognize the value of the arts for all students to assure the development of self-expression, discipline, and a heightened appreciation of beauty and cross-cultural understanding to complete their education.

THEREFORE, BE IT RESOLVED by the ILLINOIS STATE BOARD OF EDUCATION that **Lia Lauck** is hereby recognized on this 15th day of March 2017 for her exceptional talent and effort reflected in her artwork submitted for the "Art Has No Boundaries!" poster contest.

James T. Meeks, Board Chair

Eligio Pimentel, Vice Chair

Cesilie Price, Secretary

Lula Ford, Member

Collin Hitt, Member

Craig Lindvahl, Member

Jason Barclay, Member

Ruth Cross, Member

Kevin Settle, Member

ILLINOIS STATE BOARD OF EDUCATION MEETING
March 15, 2017

TO: Illinois State Board of Education

FROM: Tony Smith, Ph.D., State Superintendent of Education 

Agenda Topic: ISBE Student Advisory Council Research Presentation
Mental Health Awareness

Materials: None

Staff Contact(s): Katherine Galloway, Board Services Coordinator

Purpose of Agenda Item

The Illinois State Board of Education Student Advisory Council (SAC) requests the Board's consideration in pursuing avenues to increase mental health awareness between school counselors/social workers, teachers, administrators, and students.

Relationship to the State Board's Strategic Plan and Implications for the Agency and School Districts

This decision will support the following goals:

GOAL 2: Every student will be supported by highly prepared and effective teachers and school leaders.

GOAL 3: Every school will offer a safe and healthy learning environment for all students.

Expected Outcome(s) of Agenda Item

It is hoped the Board will authorize the State Superintendent to pursue avenues to increase mental health awareness between school counselors/social workers, teachers, administrators, and students.

Background Information

This year-long research project began in September when the 2016-17 SAC convened for the first time. Since then, the SAC has worked with school districts within Illinois as well as the education departments of other states and countries to gather the research that has shaped our thesis. Talking to the students, counselors, teachers, and administration at our own schools and conducting thorough research on the topic of adolescent mental health, we have been able to establish a thesis that encompasses our vision for the involvement of ISBE in this area of student life. The SAC thesis for 2016-17 is as follows: *The ISBE SAC is in support of improving students' academic, social, emotional, and behavioral outcomes in relation to ISBE's ESSA State Plan by raising awareness of mental health issues in schools.*

There exists a disconnect between students, teachers, counselors, and the administration that hinders the current and future growth in various aspects of students' lives in the school environment due to the disregard and lack of awareness of mental health issues. Mental health concerns are a universal issue that affects all students regardless of race, gender, or socioeconomic status. Anxiety and depression have been rising in high schoolers since 2012.

The lack of awareness has consequences behaviorally, emotionally, and mentally. As a result, the lack of a multi-tiered support system makes it difficult for students to succeed in school and postsecondary plans. It is important that as mental health issues are on the rise, awareness increases as well.

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

Policy Implications: We encourage the board to take action on increasing mental health awareness, with the understanding that the implementation will be left up to the discretion of the State Board of Education and the various school districts in the state.

Budget Implications: Possible costs to offer training programs to teachers, administrators, and mental health professionals at schools.

Legislative Action: None anticipated.

Communication: ISBE will communicate the necessary actions to school districts through the Weekly Message and other media outlets.

Pros and Cons of Various Actions

Pros: The establishment of mental health awareness will make positive future outcomes for students more attainable because of the positive impact that it will have on students' school success. Awareness of mental health is a key part of making sure that students are well prepared to go into their postsecondary plans. Higher graduation rates along with higher test scores are just a few of the effects of mental health awareness in schools. Students who are healthy or are getting assistance for their health are more likely to succeed in schools and bring their learning to a higher educational standard. Addressing mental health in schools also impacts the community because the community is an important factor in students' mental health and students will become part of the community themselves in the near future. When students' mental health is properly addressed, they will be able to concentrate on their studies more and develop healthy relationships with their peers, counselors, teachers, and the administration.

Cons: Mental health awareness is imperative to student and school success, but students' parents may be uncomfortable with people knowing about their student's mental health because of the current stigma that still surrounds the topic. Mental health awareness is a recent topic so it may be difficult for people to talk about it, leading to a lack of desire to increase awareness. Students may also be concerned about their privacy and how much other people should know about their mental health. However, if growth in awareness parallels the growth of mental health problems arising, the stigma should decrease and allow students and the school community to progress in ensuring the student has a stable future.

Next Steps

Agency staff will continue to seek opportunities to increase mental health awareness between students, teachers, counselors, and administrators.

**Illinois State Board of Education Meeting
via video conference
February 22, 2017**

Chicago Location: ISBE Video Conference Room, 14th Floor
100 W. Randolph, Chicago, IL

Springfield Location: ISBE Video Conference, 3rd Floor
100 N. First Street, Springfield, IL

ROLL CALL

Chairman James Meeks called the meeting to order at 9:02 a.m. Dr. Tony Smith was in attendance and a quorum was present.

Member Present in Springfield

Kevin Settle

Members Present in Chicago

James Meeks, Chairman
Eligio Pimentel
Cesilie Price
Lula Ford
Jason Barclay
Collin Hitt
Ruth Cross

Governor Bruce Rauner was present to speak to the Board about the Every Student Succeeds Act (ESSA) State Plan. He expressed his goals for the state plan: that it have rigorous standards that measure growth and proficiency; transparency; equity for all students; and an emphasis on college and career.

**SWEARING IN
CEREMONY**

There was a brief, ceremonial swearing-in for incoming Board members Ruth Cross and Kevin Settle.

**PUBLIC
PARTICIPATION**

Representatives from Stand for Children discussed their concerns regarding ISBE's ESSA State Plan. Kiesha Wilson and Celeste Dean, parents of students in public schools, discussed their concerns with the rating system outlined in the plan. They asked that the plan be straightforward and easily understood. Aimee Galvin read testimony from Linda Byrd, which stated her concerns about ESSA and career readiness. She asked that ISBE take time to create a strong plan even if it cannot be completed by the deadline.

Amy Sue Mertens from Ingenuity, an arts organization in Chicago, discussed her concerns with ESSA. She requested for the Board to include an arts education indicator in the plan

Dr. Ericka Hunt, senior policy analyst and researcher for Illinois State University; Alicia Haller, co-director of the Illinois Partnerships Advancing Rigorous Training (IL-PART); and Michaela Fray, district university partnership coordinator for Quincy Public Schools, all discussed the project grant award for IL-PART and their efforts to deepen connections between universities and school districts in Illinois, as well as strengthening the requirements for principal preparation and certification.

John Cusick, legislative director for Illinois Federation of Teachers, discussed his concerns about Part 25 of the Rules for Initial Review.

Jonathan Vanderbrug, policy and research director at Arts Alliance Illinois, discussed his concerns about the absence of an arts indicator in ISBE's current ESSA State Plan.

**ELECTION OF
BOARD OFFICERS**

Chairman Meeks asked Cesilie Price and Craig Lindvahl to bring forth their nominations for the vice chair and secretary positions.

Price moved that the Board elect Eligio Pimentel as vice chairman. There were no further nominations. Collin Hitt seconded the motion and it passed with a voice vote. Eligio abstained from voting.

Pimentel moved that the Board elect Price as secretary. There were no further nominations. Lula Ford seconded the motion and it passed with a unanimous voice vote.

Collin Hitt moved to remove the Statewide System of Support: IL-EMPOWER item from the Contracts and Grants portion of the consent agenda.

Ruth Cross seconded this motion and it passed with a unanimous roll call vote.

Lula Ford moved that the Board approve the consent agenda as stated. Jason Barclay seconded the motion and it passed unanimously with a roll call vote.

Following discussion among Board members, the following motions were approved by action taken in the consent agenda motion.

CONSENT AGENDA

Approval of Minutes

The State Board of Education approves the minutes for the January 24, 2017, Board meeting.

Rules for Initial Review

Part 25: Educator Licensure

This rulemaking makes numerous changes to align rules with current statute, including extending the date for which individuals who have worked as school support personnel can apply for a principal endorsement; suspension of a professional educator license or denial an application for a professional educator license of an individual convicted of a crime and sent to a correctional facility until seven years from the end of the sentence; and allowing educator license holders to carry over professional development hours earned in the last six months of the last year of his or her renewal cycle to be applied in the next renewal cycle.

Other changes include short-term emergency approvals in Special Education may be used for individuals with a Professional Educator License (PEL) or a Learning Behavior Specialist I in order to teach in a different grade range; the State Educator Preparation and Licensure Board will inform ISBE whether it approves or denies an Education Preparation Provider's initial approval to offer a program leading to licensure; ISBE will conduct annual audits of licensure entitlements; clarifies that candidates who attended out-of-state preparation programs do not have to meet the Illinois requirements for teaching endorsements; creates approval standards for interveners for students who are deaf-blind; and clarifies that individuals who have had test scores voided and are ineligible for a PEL on or after March 1, 2017, may appeal the prohibition in accordance with ISBE's Supplemental Documentation and Review of Certain License Application rules.

The State Board of Education hereby authorizes solicitation of public comment on the proposed rulemaking for Educator Licensure (23 Illinois Administrative Code 25), including publication of the proposed amendments in the *Illinois Register*.

Rules for Adoption

Part 1 (Public Schools Evaluation, Recognition and Supervision)

The proposed amendments establish the application criteria for the Competency-Based High School Graduation Requirements Pilot Program. The amendments include the eligible applicants, program requirements, and evaluative criteria that will be used to score applications. Additionally, the proposed amendments establish the criteria to award the Illinois Global Scholar Certification. This certification will be affixed on a student's diploma and transcript when he or she graduates from high school. In order to receive the certification, the student must complete eight globally focused courses, participate in at least one globally focused service learning activity or experience, participate in a global collaboration or dialogue, and complete and pass the Global Scholar Capstone Performance-Based Assessment. Standards for schools to determine which classes are "globally focused" and for scoring the Capstone Performance-Based Assessment are included in the proposed rulemaking.

The State Board of Education hereby adopts the rulemaking for Public Schools Evaluation, Recognition and Supervision (23 Illinois Administrative Code 1).

**KIDStech University of California-Berkeley Evaluation and Assessment Research Center
(BEAR Center)**

The Early Childhood and Information Technology Divisions request the Board to authorize the State Superintendent to enter into a sole source contract with the University of California-Berkeley Evaluation and Assessment Research Center (BEAR Center) to provide KIDSTech software access and support and upgrade Illinois to the kindergarten version of California's current DRDP.net, based on a multidimensional analysis of five essential domains using Illinois data and including 14 measure flat file exports. BEAR Center will implement additional administrative controls and advanced features, including single sign-on, multiple child locking, multiple child deletions, and flexible locking. BEAR Center will also update Illinois to the new accurate and efficient ConQuest-based scoring engine and provide a newly designed Early Assessment Program-based report. The total contract award over a five-year period will not exceed \$3,046,000.

The State Board of Education hereby authorizes the State Superintendent to enter into a sole source contract with the BEAR Center for the provision of KIDStech and continued maintenance. The initial term of the contract will begin upon execution and extend through June 30, 2018. There will be three possible one-year renewals contingent upon sufficient appropriation, satisfactory contractor performance in each preceding contract year, and annual approval of sole source procurement. The estimated contract total costs, including renewals, will not exceed \$3,046,000.

2016 Spring Waiver Report

The purpose of the agenda item is to inform the Board about requests for waivers and modifications received since the last report in September 2016 and to secure approval of the Spring 2017 Waiver Report for submission to the General Assembly before March 1, as required by law.

The State Board of Education hereby forwards the 60 waiver requests summarized in the Spring 2017 Waiver Report to the General Assembly without comment.

**Fiscal Year 2016 Appropriation Transfer from Special Education
Personnel to Special Education Transportation**

The purpose of this agenda item is to approve reclassifications of selected fiscal year 2017 Mandated Categorical Line Items by redistributing a portion of the FY 2017 appropriation allocated to Special Education Personnel to Special Education Transportation. This action would reallocate funding from the Special Education Personnel program to the Special Education Transportation program and improve the current proration for FY 2017.

The State Board of Education hereby authorizes the State Superintendent to reallocate \$1,839,800 from the FY 2017 appropriation for Special Education Personnel reimbursement to the appropriation for Special Education Transportation reimbursement.

**Settlement Agreement between *Chicago Urban League et al.*
and the *Illinois State Board of Education***

The Illinois State Board of Education and the Chicago Urban League have reached a settlement agreement in the matter of the *Chicago Urban League et al. v. the Illinois State Board of Education*. In October 2008, the Chicago Urban League filed this lawsuit against the State of Illinois and ISBE challenging the constitutionality and equitability of the state's education funding system. In April 2009, the court dismissed the state as a party and all constitutional claims, the Chicago Urban League challenged ISBE's use of proration during fiscal years 2013 through 2015. In those years, when the General Assembly failed to appropriate sufficient funds to pay for the total amount of General State Aid (GSA) owed to school districts, ISBE managed the shortfall by decreasing all school districts' GSA payments by an equal across-the-board percentage. Expert witnesses for each party analyzed the Chicago Urban League's claim and disagreed as to whether any disparity in funding caused by proration was significant. ISBE has at all times denied any liability or wrongdoing in this lawsuit, and the parties agreed to settle to avoid the burden, costs, and distraction of continued litigation. The settlement agreement establishes how ISBE will proceed in the future if the General Assembly fails to enact an appropriation sufficient to pay for all GSA claims submitted by school districts.

END OF THE CONSENT AGENDA

DISTRICT OVERSIGHT UPDATE	Robert Wolfe, chief financial officer at ISBE, provided background information to new Board members on ISBE's involvement in North Chicago and East St. Louis. He gave a brief update on the status of those districts.
LEGISLATIVE UPDATE	Sarah Hartwick, co-director of Government Relations at ISBE, provided an update on current legislation in the General Assembly. She informed the Board of bills that have been introduced on student safety, licensure, professional development, and social and emotional learning. She also discussed the ending of the Education Funding Commission meetings, stating that she and Amanda Elliott will continue to respond to and assist members and staff of the legislature.
BUDGET UPDATE	Robert Wolfe briefly updated the Board on the FY 2017 budget. He discussed funding proposals from ISBE and Governor Rauner, stating he will be available to testify and work with legislators at the Statehouse throughout the spring.
EVERY STUDENT SUCCEEDS ACT UPDATE	Jason Helfer, deputy superintendent of Teaching and Learning at ISBE, gave a presentation on the ESSA State Plan. He then provided an update on the development of the plan, discussing the updated timeline. There was considerable discussion among Board members.
ANNOUNCEMENTS AND REPORTS	<p>Superintendent Smith announced that the College Board named Joliet Township High School District 204 the College Board Advanced Placement District of the Year among small-sized school districts based on an analysis of three academic years of AP data. He also mentioned that Illinois as a state ranked fourth in the nation for growth in the percent of graduating earning a 3 or higher on an AP exam in high school.</p> <p>Lula Ford announced that she will be attending the NASBE legislative conference in Washington, D.C., where the topic is "Leadership in the Time of Change." She also asked if any Board member would like to partake in being a member of the Literacy Advisory Board through the Secretary of State's Office.</p> <p>Eligio Pimentel expressed his gratitude to the Latino Policy Forum for inviting him to their event.</p>
CHAIRMAN'S REPORT	<p>Chairman Meeks appointed Kevin Settle as the chairman of the Finance and Audit Committee.</p> <p>Chairman Meeks appointed Collin Hitt as the chairman of the Education Policy Planning Committee.</p>
INFORMATION ITEMS	ISBE Fiscal & Administrative Monthly Reports (<i>available online at http://isbe.net/board/fiscal_admin_rep.htm</i>)
MOTION FOR ADJOURNMENT	Lula Ford moved that the meeting be adjourned. Jason Barclay seconded the motion and it passed with a unanimous voice vote. The meeting adjourned at 12:15 p.m.

Respectfully Submitted,

Cesilie Price
Board Secretary

Mr. James T. Meeks
Chairman

ILLINOIS STATE BOARD OF EDUCATION MEETING
March 15, 2017

TO: Illinois State Board of Education

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

Agenda Topic: Part 401 (Special Education Facilities under Section 14-7.02 of the School Code)

Materials: Recommended Rules

Staff Contact(s): Kate Anderson-Foley, Ph.D., Assistant Superintendent, Specialized Instruction, Nutrition and Wellness
Robert Kroll, Division Supervisor, Special Education Services
Lindsay M. Bentivegna, Agency Rules Coordinator

Purpose of Agenda Item

The Division of Special Education Services requests the Board to authorize the State Superintendent to adopt a motion authorizing solicitation of public comment on the proposed amendments.

Relationship to the State Board's Strategic Plan and Implications for the Agency and School Districts

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

Background Information

This rulemaking is intended to create greater clarity and specificity to providers and public school districts attempting to serve special education students who are placed in nonpublic special education programs. The rules are being revised with student safety, academic, and social emotional outcomes at the forefront consistent with the agency's goals. Proposed changes outline with greater specificity that Part 401 programs are to be considered and classified as a highly restrictive option when less restrictive options on the continuum of alternative placements have already been exhausted and are not appropriate for the student. The changes are designed to provide equity for students placed in these programs in terms of services and instructional time. Finally, all references to calendar days are being changed to school days to allow providers ample time to meet deadlines.

This rulemaking makes the following specific changes:

- Section 401.5: Defines imminent danger and programmatic outcomes.
- Section 401.10:
 - Clarifies eligible applicants must be nonpublic special education programs that must provide highly specialized options when an Individualized Education Program (IEP) team determines no less restrictive setting will meet the student's needs.
 - When approval is sought, initial applications will be accepted between September 1 and February 1 of the preceding school year approval is sought. The list of required items that must be included in the application is updated to

- require the purpose and scope of the provider and its specific services and the plan for addressing reintegration.
 - Starting with the 2019-20 school year, the regular school year must consist of 176 days of student attendance with at least 5.5 instructional hours per day. Providers may have two days of parent/teacher conferences for a total number of student attendance days of 174. Educational programs outside of the regular school year in Illinois must provide at least 120 instructional hours per year. Out-of-state facilities may have fewer than 120 instructional hours per year if those hours are approved by the responsible authority in that state.
 - Clarifies that, beginning in the 2019-20 renewal cycle, if the responsible authority in another state does not recognize a program at an out-of-state facility, that program is ineligible for Illinois approval.
 - Starting in the 2018-19 school year, providers that use disciplinary or behavioral techniques that are prohibited in Illinois are not eligible for approval.
 - All out-of-state facilities are required to participate in a scheduled nonpublic special education orientation when submitting their initial applications.
 - Approved programs must have any program changes/additions approved by the State Superintendent prior to implementation.
 - Initial applications that are denied may be modified and resubmitted to address any deficiencies, but must wait one submission cycle to reapply.
- Section 401.30:
 - Adds that the State Superintendent will outline areas of noncompliance along with corrective actions and a timeline for those actions in a written report. Providers will have no more than 80 school days to address the noncompliance.
 - If it is determined the program will be put on "Pending Further Review" status the program cannot accept new students. Likewise, public school districts shall not make new placements in facilities that are on "Pending Further Review" status.
 - The provider must submit progress reports every 10 days or until the expiration of 40 days while on "Pending Further Review" status. If, after that time, it is determined the provider has not corrected all areas of noncompliance, it will be assigned "Nonapproved" status.
 - Providers on "Nonapproved" status are ineligible to receive reimbursement pursuant to Section 14-7.02 of the School Code.
 - Clarifies that, if the State Superintendent finds the reason for "Nonapproved" status is a danger to student health or safety, then the program will stay on the last assigned status prior to nonapproval pending an administrative hearing.
 - Clarifies that an admission hold placed on an out-of-state residential facility by the licensing agent is a reciprocal admissions hold for Illinois public school districts to make placements.
 - Initial applicants that are not approved may resubmit the initial application one year after the effective date of nonapproval.
- Section 401.110: Clarifies public school districts are responsible for monitoring the programs they place students in and that public school districts must continue to ensure students placed in a program receive all programming and related services required by his or her IEP.
- Section 401.130: Updates operational schedule requirements to state that, starting with the 2019-20 school year, the regular school year must consist of 176 days of student attendance with at least 5.5 instructional hours per day. (Current rule requires at least five hours per school day.) Providers may have two days of parent/teacher conferences for a total number of student attendance days of 174.

- Section 401.140:
 - Clarifies providers that use disciplinary or behavioral techniques prohibited in Illinois are not eligible for approval.
 - States the maximum number of students enrolled in a program is five students per licensed teacher, but may be increased to 10 students if a full-time paraprofessional is provided.
 - No deviations in class size may be requested or approved during the first 30 days of the school year.
- Section 401.220: Clarifies Illinois facilities must maintain the most recent State Fire Marshal inspection report (not to be more than 36 months old) or, if the State Fire Marshal inspection report is unavailable, an inspection report that is not more than 12 months old from a local governmental agency.
- Section 401.230:
 - Clarifies the public school of residence must be notified after five or more consecutive days absence. (Currently, the school must be informed after five or more days of consecutive unexcused absences.)
 - Requires responsible staff at the facility to notify the public school of residence of a student's change in residence or guardianship immediately.
- Section 401.240: Clarifies licenses issued by the Illinois Department of Financial and Professional Regulation or similar out-of-state licensing agency are acceptable credentials for professional and paraprofessional staff.
- Section 401.260: Clarifies staff records must be maintained at the school for inspection. Criminal background investigations will be submitted to the public school districts currently contracting with the facility. Staff will be checked against the Illinois Murderer and Violent Offender Against Youth Registry or a comparable out-of-state registry.
- Section 401.270: Clarifies student records must be stored in a secured central location on the premises of the facility.
- Section 401.280: Providers shall not pre-bill public school districts, bill for services until after those services have actually been provided, and charge for related services or room and board as outlined in the IEP.

The Nonpublic Team held a meeting with a group of stakeholders that included the National Association of Private Special Education Centers, the Illinois Association of Private Special Education Centers, the Illinois Center for Autism, the Menta Group, and the Chicago Public Schools. As a result of the meeting, the proposed rules were updated to provide further clarification. Changes made as a result of this meeting include updating the definition of "programmatic outcomes" to clarify ISBE will provide technical support to the program and removing "restrictive"; consistency in terms throughout the Part; and adding that nonapproved providers may reapply, during the initial application period, one calendar year from the effective date of the nonapproval.

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

Pros: The proposed changes incorporate agency policy and practices, as is required under the Illinois Administrative Procedure Act (IAPA).

Cons: 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

I recommend that the following motion be adopted

The State Board of Education hereby authorizes solicitation of public comment on the proposed rulemaking for:

Special Education Facilities under Section 14-7.02 of the School Code (23 Ill. Adm. Code 401)

including publication of the proposed amendments in the *Illinois Register*.

Next Steps

Upon Board authorization, agency staff will submit the proposed amendments to the Administrative Code Division for publication in the *Illinois Register* to elicit public comment. Additional means, such as the *Superintendent's Weekly Message* and the agency's website, will be used to inform interested parties of the opportunity to comment on this rulemaking.

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER I: NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS

PART 401
SPECIAL EDUCATION FACILITIES UNDER SECTION 14-7.02 OF THE SCHOOL CODE

SUBPART A: APPROVAL OF PROGRAMS

Section	
401.2	Regulatory Intent
401.5	Definitions
401.10	Application for Eligibility
401.20	Notification Requirements
401.30	Changes in Approval Status

SUBPART B: PLACEMENT AND EDUCATION OF STUDENTS

Section	
401.110	Use by Public School Districts
401.120	Placement Procedures
401.130	Operating Schedule
401.140	Provision of Educational Program
401.145	Administration of State Assessment
401.150	Classroom Records

SUBPART C: OPERATIONAL REQUIREMENTS

Section	
401.210	General Requirements
401.220	Health and Safety Requirements
401.230	Student Progress Reports and Reviews
401.240	Staffing Requirements
401.250	Staff Training
401.260	Staff Records
401.270	Student Records
401.280	Fiscal Provisions

AUTHORITY: Implementing and authorized by Sections 14-7.02 and 14-8.01 of the School Code [105 ILCS 5/14-7.02 and 14-8.01].

SOURCE: Adopted July 25, 1973; emergency amendment at 4 Ill. Reg. 39, p. 323, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 4576, effective April 9, 1981; codified at 7 Ill. Reg. 14966; Part repealed, new Part adopted at 19 Ill. Reg. 7185, effective

May 10, 1995; amended at 30 Ill. Reg. 8818, effective April 25, 2006; amended at 31 Ill. Reg. 14050, effective September 24, 2007; emergency amendment at 32 Ill. Reg. 4843, effective March 21, 2008, for a maximum of 150 days; emergency amendment suspended at 32 Ill. Reg. 9764, effective June 17, 2008; suspension withdrawn at 32 Ill. Reg. 13093, effective July 16, 2008; emergency amendments repealed by emergency rulemaking at 32 Ill. Reg. 13079, effective July 16, 2008, for the remainder of the 150 days; amended at 33 Ill. Reg. 15285, effective October 20, 2009; amended at 39 Ill. Reg. 14758, effective October 22, 2015; amended at 41 Ill. Reg. _____, effective _____.

SUBPART A: APPROVAL OF PROGRAMS

Section 401.2 Regulatory Intent

An approved provider under this Part shall administer special education programs. These programs are appropriate when an IEP Team determines that no less restrictive setting on the continuum of alternative placements is available within the home district to meet the student's needs.

(Source: Added at 41 Ill. Reg. _____, effective _____)

Section 401.5 Definitions

"Combination Program" is one that includes both educational and residential services.

"Educational Program" is one that consists of special education and related services intended to meet the specific needs of the unique populations served. These special education programs are appropriate when an IEP Team determines that no less restrictive setting on the continuum of alternative placements are available within the home district to meet the student's needs.

"Facility" is the physical premises where a provider offers services.

"IEP Team" has the same meaning as ascribed in 34 CFR 300.23 (July 1, 2016).

"Imminent Danger" is an act committed when the life or health of a child is knowingly or blatantly disregarded by causing a real, significant, or impending risk of harm; permitting the life or health of the student with a disability (as defined in the Individuals with Disabilities Education Act (20 USC 1400 et seq.)) to be threatened; or causing or permitting a child to be placed in circumstances that endanger the student's life or health.

"Individualized Education Program" or (IEP)" is a written statement for a student with a disability that conforms to the requirements of 34 CFR 300.320 and for Illinois students meets the requirements of 23 Ill. Adm. Code 226.230 (Content of

the IEP).

"Professional Staff" means administrators, supervisors, teachers, and providers of related services, appropriately licensed in accordance with 23 Ill. Adm. Code 25, 23 Ill. Adm. Code 226.800 and 23 Ill. Adm. Code 401.240, who either provide or direct the provision of special educationinstruction or related services specified in the IEPs of students served, or who evaluate student progress or evaluate the provision of those special educationsuch instruction or related services. Professional staff does not include persons providing services other than special educationinstructional and related services specified in the IEP or whose duties are limited to assisting professional staff.

"Program" is a set of educational and/or residential services, with professional staff to meet specific needs of the unique population served.

"Programmatic Outcomes" are evidence of goal attainment for the program and are intended to demonstrate continuous program improvement. The provider shall not only establish goals for themselves, but additionally collect/analyze data for enrolled students with disabilities, in alignment to these self-established goals. Further, such information will be shared with the State Board of Education and with contracting districts, so that the nature of future technical assistance to the provider can be determined and to promote transparency.

"Provider" is any organization that offers special education and/or residential services to students with disabilities under contract with one or more Illinois public school districts and pursuant to Section 14-7.02 of the School Code.

~~"Facility" is the physical premises where a provider offers services.~~

~~"Program" is a set of educational and/or residential services designed to serve students who have similar educational needs.~~

~~A "combination program" is one that includes both educational and residential services.~~

~~An "educational program" is one that consists of instruction and other activities intended to meet the annual goals and the short-term objectives set forth in IEPs for students with disabilities.~~

~~A "residential only program" is one that provides room and board and may also include related services but provides no educational services.~~

"Related Services" has the meaning given to that term in the rules of the State

Board of Education for special education (see 23 Ill. Adm. Code 226.75).

"Residential-Only Program" is one that provides room and board and may also include related services, but provides no educational services. A residential only program must be affiliated with an approved education program.

"School Code" means 105 ILCS 5.

"School Days" are the days of student attendance as outlined on the provider's calendar.

"Special Education" has the meaning given to that term at 23 Ill. Adm. Code 226.75.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 401.10 Application for Eligibility

Each provider seeking to become eligible to contract with Illinois public school districts to serve students with disabilities under Section 14-7.02 of the School Code ~~[105 ILCS 5/14-7.02]~~ shall be subject to the program approval process described in this Section. The provider shall be a nonpublic special education program designed to serve students with disabilities. In accordance with 23 Ill. Adm. Code 226.330 (Placement by School District in State-Operated or Nonpublic Special Education Facilities), approved nonpublic special education programs shall provide a highly specialized option for public school districts to use when an IEP Team determines that no less restrictive setting on the continuum of alternative placements will meet the student's needs. Approval shall be specific to individual programs offered by a provider, and the same type of program conducted at two separate facilities shall be treated as two separate programs for purposes of approval. A program not approved in accordance with the requirements of this Part shall not be used by public school districts to serve students with disabilities under Section 14-7.02 of the School Code.

- a) An application for initial approval of educational programs and/or residential programs, presented on forms supplied by the State Superintendent ~~of Education~~ and containing all the items enumerated in this subsection (a), shall be submitted to the State Superintendent. Initial applications are accepted September 1 through February 1 of the preceding school year for which approval is sought. A residential-only program application shall demonstrate an affiliation with a nonpublic special education program that is approved or seeking approval. Each application shall include the following:

- 1) An accurate, written description of each program for which approval is requested shall include the following; ~~which shall indicate the~~

A) The disability categories and ages of students with disabilities for

whom it is specifically intended;

B) The purpose and scope of the provider and its specific program services;

C) The data that will be collected on the programmatic outcomes achieved by those students, which shall must reflect the students' learning goals as described in their respective IEPs; and

D) The maximum number of students the program is intended to accommodate; and-

E) A plan for addressing the goal of reintegration that is part of the annual IEP of the student placed.

2) A written plan for the administration and organization of the programs, including, but not limited to, the following:

A) The stated purpose and scope of the facility and its programs;

AB) A plan for the allocation of space solely for program purposes; and

BC) An organizational chart that reflects the provider's governance, administrative, and educational structures.

3) The provider's proposed calendar for the program for which approval is sought shall meet the following requirements; setting forth an operating schedule reflecting at least 176 days of operation, for at least five hours per school day during the regular school year and, with respect to a summer session, if any is to be offered, at least 120 hours of operation if the facility is located in Illinois or, if the facility is located in another state, the number of hours approved by the responsible authority in that state.

A) Regular School Year
Each provider's operating schedule shall include 176 days of student attendance for at least 5.5 instructional hours per school day during the regular school year. Related services listed in the student's IEP are included in meeting the instructional hour requirement. Instructional hours do not include lunch, passing time or recess. A provider may have two full day parent/teacher conferences. This option reduces the required number of student days to 174. This subsection (a)(3)(A) will be effective beginning with the 2019-2020 school year.

B) Educational Programing Outside of the Regular School Year

If programing takes place and is operated at a facility located within Illinois, it shall consist of at least 120 hours of instruction. Programing operated at a facility in another state may consist of fewer than 120 hours of instruction if approved by the responsible authority in that state. This subsection (a)(3)(B) will be effective beginning with the 2019-2020 school year.

- 4) A copy of the State Fire Marshal's most recent inspection report for the facility, which shall be no more than 36 months old at the time the application is approved, or, if the State Fire Marshal's report is unavailable, an inspection report for the facility from a local governmental agency that is no more than 12 months old, neither of which shall indicate violations, or, as applicable the following:
 - A) ~~Forfer~~ an Illinois facility that is subject to the provisions of 23 Ill. Adm. Code 180 (Health/Life Safety Code for Public Schools), the report of the regional superintendent's most recent inspection conducted pursuant to Section 3-14.21 of the School Code ~~[405 ILCS 5/3-14.21]~~; or
 - B) ~~Forfer~~ an out-of-state facility, equivalent, current documentation of compliance with applicable state fire codes, or, if there is no state fire code, the applicable local fire code, clearly identifying the issuing authority.
- 5) ~~The Statement of Assurance shall be~~Assurances, signed by the facility's chief administrator on the Application for Nonpublic Programs, as provided by the State Board of Education acknowledging compliance with the provided laws and regulations, conveying such information as the State Superintendent of Education may require regarding the facility's compliance with other applicable federal, state, and local laws, ordinances, and regulations (such as public health and safety codes, building codes, and licensure requirements).
- 6) If the facility is located in Illinois and offers a residential component, evidence of the facility's current licensure or approval by the responsible agency of Illinois government, ~~if applicable~~.
- 7) If the facility is located outside Illinois, evidence of the facility's current licensure, certification, or approval to operate its educational and/or residential programs in the state where it is located, including a copy of the standards or criteria used by the responsible agency in that state. If the state in which the facility is located does not recognize the program, the program is ineligible for Illinois approval. This subsection (a)(7) will be effective against those facilities whose approval shall be renewed in odd-

numbered years beginning in 2019 and for facilities whose approval shall be renewed in even-numbered years beginning in 2020.

- 8) For instructional programs, summary information about all professional staff positions, and copies of the relevant credentials of persons employed in those positions ~~that, which~~ demonstrate that the facility has sufficient staff available who are qualified pursuant to the requirements of Section 401.240 in order to operate the program.
- 9) For instructional programs, summaries of related services provided by the facility's professional staff or available to the provider under contract, demonstrating that the provider has sufficient related services available to operate the program.
- 10) For programs serving students for whom behavioral interventions may be appropriate, a description of the provider's formalized approach to the use of these interventions, subject to the limitation stated in Section 401.140(a). Starting with the 2018-2019 school year providers utilizing disciplinary or behavioral techniques and/or interventions prohibited in Illinois are not eligible for approval in Illinois.

b) Upon submission of an initial application for an educational or combination program, the provider will be required to complete a scheduled nonpublic special education orientation. The orientation shall be completed prior to a final determination being made on the application.

c) If the application is complete and the facility is located in Illinois or within 50 miles of Illinois, State Board of Education staff shall conduct an on-site review and evaluate the facility and the programs offered for the purpose of verifying the accuracy of the application, evaluating their conformance with the other requirements of this Part, and recommending approval or disapproval of the programs.

1) An out-of-state program conducted more than 50 miles outside of Illinois shall be approved without a site visit from an Illinois representative if the following conditions are satisfied:

- A) ~~The~~ the educational program is an approved special education program in the state where the facility is located and this approval was granted in light of the information gathered during a site visit by a representative of the responsible agency;
- B) ~~The~~ the residential component, if any, is licensed by the responsible agency in the state where the facility is located; and

- C) ~~The~~ application provides evidence that the requirements of Section 410.140 will be met.
- 2) An out-of-state program conducted more than 50 miles outside of Illinois that was approved in the state where the facility is located without a site visit by the responsible agency ~~may~~ shall be visited by a representative of the ~~Illinois~~ State Board of Education in order to verify the accuracy of the application and determine whether the requirements of this Part have been met so that Illinois approval can be granted.
- ~~de~~) A program determined to comply with the requirements of this Part shall be designated as "Approved" and shall be available to Illinois public school districts to serve students with disabilities under Section 14-7.02 of the School Code beginning on the day the application is approved, provided that the other requirements of Section 401.110 of this Part have also been met. The provider operating the facility shall be notified in writing of the date of program approval.
- 1) Initial approval shall end on the last day of the program's approved calendar for the school year in question, unless approval is changed pursuant to Section 401.30.
- 2) A program shall serve only the specific student ~~demographics-populations~~ described in the approved application. All program changes or additions shall be approved by the State Superintendent prior to that change or addition being made. This includes, but is not limited to, disability categories and services, age ranges served or any approved programmatic component within this Section.
- ~~ed~~) The ~~denial nonapproval~~ of an initial application shall include a notice of the specific deficiencies that caused the ~~denial~~. The denial will not prohibit future consideration of a provider's new submission of an initial application that addresses the deficiencies noted; however, a minimum of one submission cycle is required prior to resubmission of an initial application for consideration.
- ~~fe~~) An application for renewal of approval, consisting of all the components set forth in subsection (a) ~~of this Section~~, ~~shall~~ ~~must~~ be submitted for any subsequent period in which a provider seeks to contract with Illinois public school districts to serve students with disabilities in the facility under Section 14-7.02 of the School Code. The submission deadline shall be the ~~March~~ ~~April~~ 15 prior to the beginning of the school year in question. If ~~March~~ ~~April~~ 15 is not a business day, the deadline shall fall on the next business day. The approval process for any subsequent period may also involve on-site reviews, at the sole discretion of the State Superintendent ~~of Education~~.
- 1) The denial of an application for renewal of approval shall cause the

program approval status to change to "nonapproved" subject to the procedures set forth in Section 401.30(c).

- 2) Renewed approval ~~shall granted for the 2006-2007 school year or later shall generally~~ be valid for two school years, ending on the last day of the program's approved calendar for the second school year, unless approval is changed pursuant to Section 401.30. ~~However, the State Superintendent of Education shall approve approximately half the renewal applicants for the 2006-2007 school year for one year only, in order to stagger the two-year renewal process for subsequent periods.~~
 - A) ~~Applications shall be selected at random, provided that, once one program offered by a particular provider has been selected, all that provider's programs will be placed on the same renewal schedule.~~
 - B) The first renewal of approval for a new program offered by a provider that already operates other approved programs shall be granted for the number of years that will place it on the cycle already established for that provider.
- 3) ~~A program shall not be eligible for two-year renewed approval if it was not approved for the immediately preceding year, or if it was approved "pending further review" at any time during the immediately preceding period of approval. Applications for approval of these programs shall be treated as for initial approval.~~

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 401.20 Notification Requirements

- a) A provider that operates a facility subject to the requirements of this Part and intends to cease operations, to move to a new location, or to discontinue any of the facility's approved programs shall ensure that the State Superintendent ~~of Education~~ and each public school district with which it has entered into contracts for services receive no less than 40 school days' ~~60 calendar days'~~ written notice of such an intention. A provider shall also notify the State Superintendent ~~of Education~~ in writing, so that ~~the~~such notification is reasonably calculated to be received at the State ~~Board of Education's~~Board's office at 100 North First Street, Springfield, Illinois 62777, within 40 school~~60 calendar~~ days after the following:
 - ~~1) Any change in a special education program described in its approved application;~~
 - 12) Any change in its educational administration and organization, as

described in its approved application; and

23) Any change in the number, type or duties of the professional staff positions identified as part of the application for approval or in the licensure status or credentials of any individual employed in such a position, provided that the change does not affect the program's or facility's compliance with the requirements of this Part.

b) A provider shall notify the State Superintendent ~~of Education~~ in writing, so that ~~the~~such notification is reasonably calculated to be received at the State Board ~~of Education~~'s office at 100 North First Street, Springfield, Illinois 62777, within five ~~school~~calendar days after the following:

1) Any change in the facility's compliance with applicable fire prevention regulations or other federal, state, and local laws, ordinances, or regulations, as described in its approved application pursuant to Section 401.10(a)(5) ~~of this Part~~, or in the physical facilities used;

2) Any change in the facility's approval or licensure to provide a residential program as described in its approved application, ~~if applicable~~;

3) Any change in the facility's approval or licensure to operate in a state other than Illinois as described in its approved application, ~~if applicable~~;

4) Any change in the number, type or duties of the professional or paraprofessional positions identified as part of the application for approval of an educational program or the education component of a combination program, or in the licensure status or credentials of any individual employed in such a position, if the change will affect the program's compliance with the requirements of this Part.

A) If any professional staff position subject to the notification requirements of this subsection (b)(4) remains vacant, the provider ~~shall~~must provide written notification to the State Superintendent and to the placing public school districts after ~~20 school~~30 calendar days and again after ~~40 school~~60 calendar days of its attempts to permanently fill ~~those~~such positions and of other efforts, including the use of substitutes, undertaken in order to provide necessary instruction and related services to the students enrolled.

B) If the State Superintendent determines that the provider has not reported staffing changes in a program as required, the State Superintendent shall change the approval status of the program accordingly, pursuant to the provisions of Section 401.30 ~~of this Part~~.

- c) Should a provider elect to terminate a student's placement in a facility under this Part, the provider shall give written notice to this effect to the contracting public placing-school district at least 20 school30-calendar days prior to the date of termination, unless the health and safety of any student are endangered. The notice shall include the reasons for the termination.
- d) Notification to the State Superintendent regarding any breaches of test security or other testing irregularities in connection with the State assessment shall conform to the requirements of Section 401.145 of this Part.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 401.30 Changes in Approval Status

Programs approved to serve students with disabilities under Section 14-7.02 of the School Code, whether located in Illinois or out of state, shall be evaluated periodically by the State Board of Education. TheSueh evaluation may take place for any reason, with or without prior notice to the provider, and at the sole discretion of the State Board of Education and may or may not involve an on-site review. TheSueh evaluation shall result in either retention of approved status or assignment of one of the following statuses:-

- a) A status of "Approved with Administrative Review" shall be assigned when an instance of noncompliance by an approved program is first identified during a school year and the State Superintendent determines that such noncompliance does not substantially affect the safety of, or provision of appropriate education to, the students enrolled. The State Superintendent shall outline each area of noncompliance in a written report with the corrective actions and timeline required to remedy each area. The provider shall have no more than 80 school60-calendar days to remedy all areas of the noncompliance.
 - 1) Every 20 schoolNo more than 30-calendar days after notification that it is approved with administrative review (up to the 80 school day timeframe for this status), an affected provider shall file with the State Superintendent of Education a progress report describing actions taken to correct the instances of noncompliance identified.
 - 2) If the State Superintendent determines that the provider has corrected the instances of noncompliance within the time allotted, the program's "Approved" status shall be restored.
 - 3) If the State Superintendent determines that the provider has failed to correct the instances of noncompliance within the time allotted, a status of "Pending Further Review" shall be assigned to the program. A provider

that is subject to the requirements of this Part shall not accept a new student from a public school district into a program whose status is "Pending Further Review". Upon notification of the "Pending Further Review" status, a public school district shall not make new placements into those programs and shall identify alternative arrangements for the students in the event that the State Superintendent notifies the district that the violations are not remedied the provider shall not accept any new students from public school districts into the affected programs, nor shall it be approved for any programs for the next school year unless the noncompliance has been resolved.

- b) A status of "Pending Further Review" shall be assigned whenever a program is determined to be in noncompliance with one or more requirements of this Part that may substantially affect the safety of or provision of appropriate education to students but that does not constitute imminent danger, or ~~exhibit~~exhibits recurrent instances of minor noncompliance. The provider shall have 40 school 30 calendar days to remedy the noncompliance.
- 1) No more than 10 school seven calendar days after receipt of notification from the State Superintendent of Education that program approval status is pending further review, an affected provider shall submit a written report to the State Superintendent describing its plans for correcting the noncompliance identified and the actions taken to correct it. Every 10 school days thereafter, an affected provider shall file with the State Superintendent a progress report describing the actions taken to correct the instances of noncompliance or the expiration of the 40 school day timeline.
 - 2) If the provider demonstrates that it has corrected all~~the~~ instances of noncompliance within the time allotted, its "Approved" status shall be restored.
 - 3) If the provider has corrected the instances of noncompliance that may substantially affect the safety or the provision of appropriate education to students but has not remedied other instances of noncompliance, its status must be changed to "Approved with Administrative Review".
 - 43) If the provider fails to demonstrate within the time allotted that it has corrected the instances of noncompliance that may substantially affect the safety or the provision of appropriate education to students, within the time allotted, its status shall be changed to "Nonapproved." If the provider exhibits recurring instances of documented noncompliance, its status shall be changed to "Nonapproved".

54) A provider that is subject to the requirements of this Part shall not accept any new students from public school districts into any program whose status is "Pending Further Review" ~~and public school districts shall not make new placements into such programs~~. Upon notification of the designation of "Pending Further Review" status, a public school district shall not make a new placement into those programs and it shall identify alternative arrangements for its students in the program, for implementation in the event that the State Superintendent ~~of Education~~ notifies the district that the violations are not remedied. ~~Notification of "Pending Further Review" status shall not be used as a basis for removing students from the program by the public school district.~~

c) A status of "Nonapproved" shall be assigned to a program or programs previously assigned a status of "Approved with Administrative Review" or "Pending Further Review" when the nonpublic facility or any of its programs exhibits substantial and/or recurrent instances of noncompliance, showing that the provider is consistently unable to meet the approval requirements of this Part. A program may be determined "Nonapproved" without previously having been assigned a status of "Approved with Administrative Review" or "Pending Further Review," if any instances of noncompliance that present imminent danger to the students exist or if the State Superintendent verifies that the provider has unilaterally and intentionally ceased providing appropriate education pursuant to a public school district's contracts and one or more students' IEPs.

- 1) A status of "Nonapproved" voids the provider's eligibility to contract with Illinois public school districts to serve students and receive funds under Section 14-7.02 of the School Code in the nonapproved programs for the remainder of that school year. The public school district is ineligible to receive reimbursement under Section 14-7.02 of the School Code for placement in a nonapproved program.
- 2) Providers shall be given ~~10 school~~ten business days' notice by the State Superintendent before nonapproval becomes effective, unless imminent danger to students precludes ~~that such~~ notice. The State Superintendent shall also give ~~10 school~~ten business days' notice to affected public school districts to enable them to implement other arrangements prior to the effective date of nonapproval, as required.
- 3) The provider of any previously approved program placed on nonapproved status shall be afforded an opportunity for a hearing pursuant to the Illinois Administrative Procedure Act [5 ILCS 100] and the State Board of Education's Board's rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475). Unless the State Superintendent identifies that

the reasons for nonapproved status are a danger to student health or safety, a request for a hearing shall stay the effect of the change in status and the program shall remain at the last assigned status prior to nonapproval pending the outcome of the hearing~~approved pending the hearing~~.

- d) Any provider whose license or approval to operate a residential program is revoked shall immediately have its residential programs nonapproved and will be ineligible to provide residential services to students under Section 14-7.02 of the School Code. An admission hold placed on a residential program by their licensing agent will constitute a reciprocal admissions hold barring public school districts from making new placements to that provider residentially.
- e) Any out-of-state provider whose license or approval to operate a program is revoked by the responsible authority in the state where its facility is located shall immediately have its affected programs nonapproved and will be ineligible to contract with Illinois public school districts to serve students under Section 14-7.02 of the School Code. An admissions hold placed on a residential program by its licensing agent will constitute a reciprocal admissions hold barring public school districts from making new placements to that provider educationally.
- f) Nonapproval of a program during a school year shall be cause for termination of all the provider's contracts with Illinois public school districts for that program, and the provider shall be ineligible to contract with Illinois public school districts for the nonapproved program ~~for the remainder of the school year in question.~~ A nonapproved provider shall be eligible to reapply (during the initial application time period) 1 calendar year after the effective date of nonapproval.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

SUBPART B: PLACEMENT AND EDUCATION OF STUDENTS

Section 401.110 Use by Public School Districts

Each public school district shall be responsible for monitoring the performance of each program~~facility~~ where its students are placed, to ensure that the implementation of each student's Individualized Education Program (IEP) conforms to the applicable requirements of all applicable federal and State laws and regulations, including, but not limited to, 23 Ill. Adm. Code 226 (Special Education). Contracting with a program in accordance with this Part does not relieve the district of the responsibility for ensuring that the student will receive all programming and related services required by the IEP, whether from one source or from multiple sources. In addition, no public school district shall place any student in a special education program that is subject to the requirements of this Part, nor shall the provider of any ~~such~~ program accept placement of any student under Section 14-7.02 of the School Code, unless all the following conditions have been met:-

- a) The program has been approved by the State Board of Education for the school year for which placement is sought~~;~~
- b) The allowable costs for the program have been established pursuant to Section 14-7.02 of the School Code~~;~~
- c) The district has made the certification of inability to meet the student's needs to the State Superintendent ~~of Education~~, if required pursuant to Section 14-7.02 of the School Code, and the State Superintendent has found the district in substantial compliance with Section 14-4.01 of the School Code~~;~~ ~~[105 ILCS 5/14-4.01]~~
- d) The program has been approved by the State Board of Education for all of the categories of impairment applicable to the student and requiring services as identified in the IEP~~;~~
- e) The program has been approved by the State Board of Education for the age range that includes the age of the student~~;~~
- f) The district has determined that educational programming and related services specified on the student's IEP will be provided to the student. The use of a facility or program in accordance with this Part does not relieve the district of the responsibility for ensuring that the student will receive all programming and related services required by the IEP, whether from one source or from multiple sources~~;~~ ~~and~~
- g) The district and the provider have entered into the contractual agreement called for in 23 Ill. Adm. Code 226.330.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 401.120 Placement Procedures

Placement of students shall conform to the applicable requirements of 23 Ill. Adm. Code 226~~;~~ ~~Subpart D (Placement)~~.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 401.130 Operating Schedule

Each provider's operating schedule shall meet the following requirements:

- a) Regular School Year

Each provider's operating schedule shall include 176 days of student attendance for at least 5.5 instructional hours per school day during the regular school year. Related services listed in the student's IEP are included in meeting the instructional hour requirement. Instructional hours do not include lunch, passing time or recess. A provider may have two full day parent/teacher conferences. This option reduces the required number of student attendance days to 174. This subsection (a)(3)(B) will be effective beginning with the 2019-2020 school year.

b) Educational Programing Outside the Regular School Year

If programing takes place and is operated at a facility located within Illinois, it shall consist of at least 120 hours of instruction. Programing operated at a facility in another state may consist of fewer than 120 hours of instruction if approved by the responsible authority in that state. This subsection (a)(3)(B) will be effective beginning with the 2019-2020 school year.

~~Each facility's operating schedule shall ensure that 176 school days are provided for each program. If a summer program is operated at a facility located within Illinois, it shall consist of at least 120 hours of instruction. A summer program operated at a facility in another state may consist of fewer than 120 hours of instruction if approved by the responsible authority in that state.~~

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 401.140 Provision of Educational Program

- a) Each provider shall ensure that each student receives special education and related services in accordance with his or her IEP, provided that the use of behavioral intervention strategies that would jeopardize the safety or security of students or would rely upon pain as an intentional method of control shall not be permitted. Providers utilizing disciplinary or behavioral techniques or interventions prohibited in Illinois are not eligible for approval.
- b) Each educational program shall be conducted in accordance with the requirements of 23 Ill. Adm. Code 226.720 (Facilities and Classes).
- c) Each class offered in a program subject to this Part shall have a maximum enrollment of five students per licensed special education teacher. The, except that enrollment may be increased by a maximum of two students in response to unique circumstances that occur during the school year so long as the educational needs of all students in the class can be adequately and appropriately met. Alternatively, the enrollment in a class may be increased by a maximum of five students when a full-time paraprofessional is provided for a maximum of 10 students.
- d) Deviations from the allowable class size requirements of subsection (c) or from the age range requirements of Section 226.720 may be requested in writing. A

rationale for the request and plan for evaluation of the deviations shall be submitted with the request. No deviation request can be submitted or approved at the start of or within the first 30 school days of the academic year.~~Initial denial of a request for deviation may be appealed to the State Superintendent of Education.~~

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 401.145 Administration of State Assessment

A facility approved under this Part and located in Illinois may serve as a testing site for the State assessments required pursuant to Section 2-3.64a-5 of the School Code ~~[105 ILCS 5/2-3.64a-5]~~ in accordance with the provisions of this Section. For purposes of this Section, a "testing site" is a facility at which responsible staff is permitted to order and receive test materials directly from the testing contractor according to the contractor's arrangement with the State Board of Education. A provider seeking designation of a facility as a testing site under this Section shall follow the specific communication procedures established by the State Superintendent ~~of Education~~ for making the request, supplying the necessary information, and receiving the designation, as applicable to the examinations to be administered. The provider and responsible staff shall abide by all technical specifications established by the State Superintendent ~~of Education~~ and test contractors to implement the requirements set forth at 23 Ill. Adm. Code 1.30 (State Assessment).

a) Required Conditions

If a provider operating an Illinois facility under this Part wishes to have the facility serve as a testing site for one or more State assessments, certain required conditions ~~shall~~must exist at the facility that will ensure the security and confidentiality of test materials and the validity of the resulting scores. The specifics of these requirements will vary according to which of the State assessments will be involved.

- 1) Locked facilities and storage for secure test materials ~~shall~~must exist, and access to these ~~shall~~must be limited to authorized individuals.
- 2) ~~An~~There must be an adequate amount of space ~~shall exist~~ for the number of examinees, and each ~~shall~~must have an appropriate space in which to work. The facility ~~shall~~must provide an environment that will meet technical requirements for particular types of test administration, including accommodations for students with disabilities or English Language Learners limited English proficiency.
- 3) The facility ~~shall~~must afford lighting, temperature, and quiet such that the test environment will be free from interruptions and distractions.

b) Required Personnel Assignments and Qualifications

1) Each individual appointed to a role under this subsection (b) shall be an employee of the provider or facility. No volunteers or parents may serve in these positions.

2) The provider or chief administrator shall designate a testing coordinator for each assessment to be administered at a facility. An individual may serve as coordinator for more than one of the assessments. The responsibilities of the testing coordinator shall include the following:

A) ~~Ordering~~ordering, distributing, collecting, and returning test materials;

B) ~~Training~~training test administrators and proctors regarding their responsibilities;

C) ~~Arranging~~arranging for the accommodations called for in ~~individual~~ students' IEPs;

D) ~~Ensuring~~ensuring that neither test security nor the purpose of testing is compromised by any accommodations afforded to students; and

E) ~~Overall~~overall monitoring of testing activities to ensure that required procedures are followed.

3) The assessment may be administered only by the following individuals:

A) ~~Administrators~~administrators holding educator licensure appropriate to their positions (e.g., assistant principals, principals, ~~or~~ chief administrators);

B) ~~Teacher~~teachers holding educator licensure with endorsements appropriate to their positions (including holders of substitute teaching licenses and educator licenses with stipulations for provisional ~~educators~~educator) and employed by the provider as teachers at the facility;

C) ~~School~~school psychologists, school social workers, and school counselors holding educator licensure appropriate to their positions and employed by the provider at the facility in their respective professional capacities; and

- D) ~~Paraprofessional~~ ~~paraprofessional~~ educators, provided that constant, line-of-sight supervision by an educator licensed teacher employed by the provider as a teacher at the facility shall be required (including supervision for individuals employed as paraprofessional educators who are also educator licensed teachers).
- c) Required Procedures

Following procedures announced annually by the State Superintendent ~~of Education~~ and using the materials provided, the responsible individual at each testing site shall communicate with the testing contractors for the examinations to be administered at that site. The State Superintendent ~~of Education~~ shall furnish to staff at each testing site the same technical guidance as is provided to the public schools regarding details of the test administration, and responsible staff at each testing site shall ensure that these technical specifications are followed, including, but not limited to the following:

 - 1) ~~The~~ ~~the~~ dates established as the testing window;
 - 2) ~~The~~ ~~the~~ handling of test documents and other secure materials;
 - 3) ~~Permissible~~ ~~permissible~~ and impermissible objects in the testing environment;
 - 4) ~~Permissible~~ ~~permissible~~ and impermissible behavior on the part of test-takers;
 - 5) ~~Required~~ ~~required~~, permissible, and impermissible actions on the part of staff at the testing site.
- d) The ~~public~~ school district that has placed a student with a disability into a program approved under this Part remains responsible for determining, in accordance with the student's IEP, where the student will take the appropriate State assessment and whether the test materials for that student are to be ordered and handled by district or facility personnel, even if the facility where the student is placed serves as a testing site for that assessment.
- e) No State assessment shall be administered to any student who is not required to participate in the State assessment pursuant to Section 2-3.64a-5 of the School Code and 23 Ill. Adm. Code 1 (see Sections 1.30 (State Assessment) and 1.50 (Calculation of Participation Rate)).
- f) Any breach of test security or other testing irregularity shall be reported to the State Superintendent of Education ~~or designee~~ in accordance with instructions applicable to particular types of problems, using one of the methods identified by

the State Superintendent. Responsible staff at the affected facility shall then follow the instructions provided by the State Superintendent or the relevant test contractor regarding the next steps to be taken in investigating the source of the problem, its implications, and its potential resolution.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 401.150 Classroom Records

In addition to records meeting the requirements of 23 Ill. Adm. Code 226.740 ([Records: Confidentiality](#)), there shall be an educational file for each student, maintained by the classroom teacher on a daily basis and updated as circumstances may require. This file shall contain at least the following:

- a) The student's IEP, including a copy of any behavior management plan;
- b) Documentation of ongoing evaluation procedures, indicating the student's progress toward fulfillment of the objectives set forth in the IEP according to the criteria specified [in the IEP](#)~~therein~~;
- c) A schedule that accurately reflects the type and frequency of all related services received; [and](#)
- d) Medically related information necessary to ensure the student's health and safety.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

SUBPART C: OPERATIONAL REQUIREMENTS

Section 401.210 General Requirements

- a) Every provider with one or more facilities or programs subject to this Part shall maintain the written program descriptions and the educational administration and organization plans described in Section 401.10~~of this Part~~, as well as the current, approved application for each affected program, and shall make these available to the public schools, parents and guardians of students, and other interested individuals and organizations upon request.
- b) Every provider subject to this Part shall maintain [the following records](#):
 - 1) ~~Copies~~[Copies](#) of this Part and the State ~~Board of Education's~~[Board's](#) rules for Special Education (23 Ill. Adm. Code 226) and make these available to staff and parents or guardians of students enrolled, so that these parties

may be aware of rules that pertain to the education of students with disabilities served under Section 14-7.02 of the School Code;

~~2e)~~ ~~A Every provider subject to this Part shall maintain~~ a separate and current roster of students served in that provider's facility and programs pursuant to Section 14-7.02 of the School Code; ~~and~~.

~~3d)~~ ~~Records~~Every provider subject to this Part shall maintain records of and report changes in its administration, staff, ~~instructional programs~~, and physical facilities, as required pursuant to Section 401.20 ~~of this Part~~.

~~ce)~~ All facilities, programs, and records required, established, or maintained pursuant to this Part shall be made available by the provider at any time, with or without prior notification, for inspection and evaluation by official representatives of the State Board of Education.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 401.220 Health and Safety Requirements

a) Responsible staff at every Illinois facility subject to this Part shall maintain and make available for review a copy of the most recent inspection report, which shall be no more than 36 months old, issued by the State Fire Marshal, or if the State Fire Marshal's report is unavailable, an inspection report for the facility from a local governmental agency that is no more than 12 months old, neither of which shall indicate violations, or as applicable the following:-

~~1)~~ ~~(For purposes of this subsection (a), a program operated within a facility that houses public school students or is otherwise used for public school purposes shall not be considered to be located in a "facility subject to this Part" because 23 Ill. Adm. Code 180~~ (Health/Life Safety Code for Public Schools) applies.)

~~2)~~ To the extent that evidence of compliance is routinely issued by state or local fire, building, or health authorities, or is required to be issued by the regional superintendent of schools, Illinois and out-of-state facilities' staff shall maintain and make available such evidence of compliance with applicable codes. Any ~~such~~ documentation shall clearly identify the issuing authority.

b) Responsible staff at every facility subject to this Part shall develop a written policy and ~~procedure~~procedures for safeguarding students' privacy and dignity during toileting, diapering, and other activities of personal care, as appropriate for the student population served. Facility staff shall adhere to ~~the~~such policy and ~~procedure~~procedures at all times and shall make copies available upon request.

- c) Responsible staff at every facility subject to this Part shall develop a written policy addressing the administration of medication to students who may require it. Each facility's policy shall conform to the requirements set forth in Sections 10-20.14b and 10-22.21b of the School Code ~~[105 ILCS 5/10-20.14b and 10-22.21b]~~. Facility staff shall adhere to this policy at all times and shall make copies available upon request.
- d) Every facility subject to this Part and all materials used by students shall be maintained in a clean, sanitary, and safe condition.
- e) Smoking and the use of tobacco products by students shall not be permitted on the campus of any facility subject to this Part.
- f) The policies of every facility subject to this Part shall allow visitation at any time, with or without prior notice, by personnel from the State Board of Education or the ~~contracting public school districts~~ school district of residence of any enrolled student.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 401.230 Student Progress Reports and Reviews

- a) Responsible staff at each facility shall maintain attendance records for each student served pursuant to Section 14-7.02 of the School Code.
 - 1) Each student's attendance shall be reported in writing or electronically to the public school district of residence by the 15th of each month for the preceding month.
 - 2) A student's public school district of residence shall be notified immediately in writing or electronically after five consecutive days of ~~unexcused absences~~ absence, unless the district requires a more frequent reporting schedule.
 - 3) Attendance records shall be retained as long as the student is placed at the facility.
- b) Each student's progress, (goals, reintegration, and transition) shall be reviewed with his or her parent or guardian and the respective public school district of residence as set forth in the child's IEP and in accordance with 34 CFR 300.320.
- c) Responsible staff at each facility shall notify the respective public school district of residence immediately, should they become aware of a change in residence or

change in guardianship for the student.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 401.240 Staffing Requirements

- a) The composition and qualifications of each facility's professional and paraprofessional staff shall be in accordance with the needs and requirements of the students with disabilities placed under Section 14-7.02 of the School Code. Each provider subject to this Part shall employ sufficient professional staff, including staff having professional expertise and training in the disability-related educational needs of the students served, to meet the ~~applicable~~ requirements of 23 Ill. Adm. Code 226, Subpart I (Personnel), as those requirements are affected by Section 10-21.4a of the School Code ~~[105 ILCS 5/10-21.4a], if applicable,~~ and 23 Ill. Adm. Code 25 (Educator Licensure). A head teacher serving in place of a principal as permitted by Section 10-21.4a of the School Code shall be required to hold a supervisory endorsement. Paraprofessional educators employed by facilities under this Part shall be subject to the requirements of 23 Ill. Adm. Code 25.510 (Endorsement for Paraprofessional Educators). Licenses issued by the Illinois Department of Financial and Professional Regulation (IDFPR) or the licensing agency in the state in which the facility is located, are acceptable credentials. The position title listed on the application shall match the position titles listed in 23 Ill. Adm. Code 226, Subpart I, 23 Ill. Adm. Code 25 and/or the licenses issued by IDFPR or the licensing agency in the state in which the facility is located.
- b) A substitute teacher holding a valid professional educator license endorsed for early childhood, elementary, secondary, special K-12, special preschool-age 21, or holding a substitute teaching license, shall be employed to replace absent teachers. Only teachers holding educator licensure or teaching approval in special education, as applicable to the students to be taught, shall be used to open new classrooms, begin a school year, or meet the staffing requirements set forth in this Section for purposes of approval of an application for eligibility.
- c) Facilities located outside Illinois shall employ personnel who possess the specific qualifications comparable to those issued in Illinois in connection with the positions in question.
- d) If the State Superintendent determines that a program has been operated for more than 40 school ~~60 consecutive calendar~~ days in noncompliance with the requirements of this Section, the State Superintendent shall change the provider's approval status accordingly, pursuant to the provisions of Section 401.30.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 401.250 Staff Training

Each provider subject to this Part shall develop and implement ongoing inservice training programs related to the duties of all staff.

- a) Each provider shall prepare and keep on file an annual plan for inservice training in areas where improvement is desirable. The provider shall identify these areas based upon an analysis of each program's outcome data and based on student achievement in relation to the goals and objectives of the program~~implementation in relation to the approved application and based upon data illustrating the achievement of the students served in relation to the goals and objectives stated in their IEPs and on the State assessments in which they participate~~. Training sessions shall be planned and designed to assist staff members in improving their ability to fulfill their duties as defined in their job descriptions, as necessary to educate the student population served and with specific reference to areas of need identified in the annual plan.
- b) As appropriate to the student population served, each provider shall provide specific training to all personnel, including, but not limited to the following:
 - 1) ~~The~~the policy and procedures regarding the maintenance of student privacy and dignity;
 - 2) ~~Disposal~~disposal of hazardous waste materials;
 - 3) ~~Procedures~~procedures for preventing the transmission of blood-borne pathogens;
 - 4) ~~The~~the use of isolated time out or physical restraint, if any, subject to the requirements of 23 Ill. Adm. Code 1.280 (Discipline) and 1.285 (Requirements for the Use of Isolated Time Out and Physical Restraint);
 - 5) Behavioral~~behavioral~~ intervention strategies; and
 - 6) ~~The~~the administration of medication.
- c) Each provider shall provide training to all paraprofessionals and personal care aides~~assistants and aides~~ before they assume their duties.
- d) Each provider shall maintain accurate, written and dated records of all training provided, as described in Section 401.260~~of this Part~~.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 401.260 Staff Records

- a) A separate, current record shall be maintained for each staff member employed either full-time or part-time who provides direct services or who is directly involved in the development and implementation of instructional and related services for students enrolled under Section 14-7.02 of the School Code. All staff files shall be ~~located at the school~~available on-site for inspection by representatives of the State Board of Education and placing public school districts and shall include the following:
- 1) Individual job descriptions that reflect the duties to be performed and the qualifications required and that are updated as this information changes;
 - 2) Reports of initial physical examinations, records indicating freedom from tuberculosis for staff working with preschool aged students, evidence of compliance with 29 CFR 1910.1030 (July 1, 2016), and reports of ~~such~~ subsequent medical examinations as may be required by the facility;
 - 3) Copies of high school, college, or university transcripts indicating graduation, degrees, or special training or education completed, and/or copies of state certificates, approvals, licenses, or registrations, as applicable to the individual staff member and position;
 - 4) Copies of the following:
 - A) ~~The~~the results of fingerprint-based criminal history records checks performed pursuant to the Uniform Conviction Information Act [20 ILCS 2635] or, for a facility located in another state, pursuant to that state's uniform conviction information act, and pursuant to the Adam Walsh Child Protection and Safety Act of 2006 (42 USC 16911 et seq.~~P.L. 109-240~~); and
 - B) ~~The~~the results of checks of the Statewide Sex Offender Database maintained in accordance with Section 115 of the Sex Offender Community Notification Law [730 ILCS 152/~~415~~] or, for a facility located in another state, checks of that state's sex offender database.
 - 5) Records of the transmission for each employee completing the criminal background investigation process will be submitted to each placing public school district currently contracting with the provider and those reports can be reviewed at the facility~~of all criminal background investigation reports to each public school district currently contracting with the provider.~~

6) The results of checks of the Illinois Murderer and Violent Offender Against Youth Registry or the comparable registry for a facility located out of state.

- b) Responsible staff at each facility shall maintain a separate file containing a record of all inservice training. This file shall be available for inspection and shall include at least the following:
- 1) Records of initial orientation and training for new staff members, showing that each received training appropriate to the position held at the site;
 - 2) The agenda of each formal staff training session conducted at the facility, showing the dates and amount of time used;
 - 3) Records of seminars, conferences, lectures, and other training events attended by staff members off the facility's premises;
 - 4) Records of ongoing training offered as a part of the assignment of professional support personnel; ~~and~~
 - 5) The signatures of the staff members who attended each session or event referred to in subsections (b)(1) through (4); ~~and of this Section.~~
- c) The training file referred to in subsection (b) ~~of this Section~~ may also contain such similar records as may be required by other state or federal agencies.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 401.270 Student Records

- a) A separate student record file shall be maintained for each student served under Section 14-7.02 of the School Code. ~~Files~~Such files shall be maintained in a secured central location on the premises of the facility. Each student's file shall contain the information listed below, or the information shall be made readily accessible for inspection.
- 1) Documentation of the date of the student's most recent enrollment in the program in question under Section 14-7.02 of the School Code.
 - 2) Copies of the most recent reports that address the domains covered in the student's most recent evaluation, documentation of the IEP Team's determination of the domains that would be included (see 23 Ill. Adm. Code 226.75 (Definitions) and 226.110(Evaluation Procedures)), and a copy of the most recent eligibility determination.

- 3) Evidence of compliance with 23 Ill. Adm. Code 226.330(d).
- 4) The student's current IEP developed for the placement in accordance with 23 Ill. Adm. Code 226, Subpart C (The Individualized Education Program (IEP)).
- 5) Reports of review procedures conducted with respect to the student's progress as specified in Section 401.230(b)-of this Part, including copies of all progress reports provided to parents and the placing public sending school district.

- b) All material in the student record file shall be signed as required, dated, and placed in chronological order for the purpose of inspection and evaluation by representatives of the State Board of Education and the public school district of the student's residence.
- c) The record of a student enrolled in a program at a facility subject to this Part pursuant to Section 14-7.02 of the School Code shall be the property of the student's public school district of residence and shall be subject to the policies and procedures established by that public school district to govern school student records and to the provisions of the Illinois School Student Records Act [105 ILCS 10] regarding confidentiality of thosesueh records.
- d) When a student is no longer served in a facility under this Part for any reason, and regardless of any monetary amount due to the provider from the public school district that placed the student, all the student's records shall be returned or provided to the district within 20 school30-calendar days, and staff of the facility shall maintain a record of having returned them. The records to be returned include, but are not limited to the following:
 - 1) The temporary public school records that were provided by the district at the time of the student's placement.
 - 2) Other records of an academic or instructional nature that have accumulated during the student's enrollment at the nonpublic facility, including the following:
 - A) Records of behavior management plans; and
 - B) Records of all psychological and social work and any therapeutic tests related to goals and objectives included in the student's IEP.
 - 3) A transcript of any academic credits earned while the student was served

at the facility.

- 4) Records of the student's attendance while served at the facility.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

Section 401.280 Fiscal Provisions

- a) Tuition charged to a public school district by a provider for the term specified in an individual student's State Board of Education 19-38 Nonpublic Facility Placement Contract~~placement agreement~~ shall not exceed the allowable costs approved pursuant to 89 Ill. Adm. Code 900 (Illinois Purchased Care Review Board)~~Section 14-7.02 of the School Code~~.
- b) A status of "Nonapproved" shall be assigned to any program whose provider has not accepted the rate set by the Illinois Purchased Care Review Board~~allowable costs approved~~ pursuant to 89 Ill. Adm. Code 900~~Section 14-7.02 of the School Code~~ ~~within~~ 60 days after their approval or within 60 days after approval of the application for eligibility by the State Board of Education, whichever occurs later.
- c) The tuition charge for all students with disabilities who, pursuant to the IEP, are served in a facility less than full-time shall be prorated according to the percentage of the time the students are actually served in the program.
- d) Providers shall not engage in the following conduct:
- 1) Pre-bill public school districts;
 - 2) Bill public school districts for services until after those services have actually been provided; and
 - 3) Charge~~Providers shall not charge~~ parents for special education, related services, or room and board, as outlined in the IEP, ~~provided to students placed by Illinois public school districts.~~
- e) Nothing in this Part shall be construed as prohibiting a provider from contracting with any local public school district for individual student services, transportation, diagnosis and evaluation, or other services that are not included in the determination of allowable costs set by the Illinois Purchased Care Review Board.
- 1) Contracts for any ~~such~~ services ~~shall~~must be separate from individual placement agreements.
 - 2) All costs and revenues resulting from ~~such~~ contracts shall be included in the facility's rate calculations under Section 14-7.02 of the School Code.

(Source: Amended at 41 Ill. Reg. _____, effective _____)

ILLINOIS STATE BOARD OF EDUCATION MEETING

March 15, 2017

TO: Illinois State Board of Education

FROM: Tony Smith, Ph.D., State Superintendent of Education *Ans*
Jason Helfer, Ph.D., Deputy Superintendent for Teaching and Learning *H*

Agenda Topic: Statewide System of Support: IL-EMPOWER

Materials: None

Staff Contact(s): Ryan Robison, Director of IL-EMPOWER

Purpose of Agenda Item

The Center for Teaching and Learning requests the Board to authorize the State Superintendent to set forth requirements and receive applications for pre-approval for vendors who wish to serve as IL-EMPOWER Provider Partners. IL-EMPOWER Provider Partners will have pre-approval by ISBE to offer services to Illinois districts and schools requiring those services and at a set cost.²

Relationship to the State Board's Strategic Plan and Implications for the Agency and School Districts

IL-EMPOWER, the statewide educational improvement infrastructure, supports all agency goals by being aligned to the Every Student Succeeds Act (ESSA) State Plan.

Every child in each public school system in the State of Illinois deserves to attend a system wherein...

- All kindergartners are assessed for readiness.
- Ninety percent or more of third-grade students are reading at or above grade level.
- Ninety percent or more of fifth-grade students meet or exceed expectations in mathematics.
- Ninety percent or more of ninth-grade students are on track to graduate with their cohort.
- Ninety percent or more of students graduate from high school ready for college and career.
- All students are supported by highly prepared and effective teachers and school leaders.
- Every school offers a safe and healthy learning environment for all students.

Background Information

ESSA, signed into law by President Obama on December 10, 2015, is the most recent reauthorization of the Elementary and Secondary Education Act of 1965 (ESEA). ESSA requires that the state collaborate with its stakeholders in the development of a state plan. In addition to specific federal requirements, the state plan must include information on assessments, standards, accountability, and support for schools identified for services through the

² ESSA stipulates that the state is required to provide funding for services to schools identified for comprehensive and targeted support; however, IL-EMPOWER services will be available to all schools in Illinois.

accountability system. ESSA is substantively different in regard to accountability and support for schools than the previous reauthorization of ESEA.

The differences between the prior law and the new version are evident in multiple areas. First, whereas No Child Left Behind (NCLB) looked only at academic attainment for the purposes of accountability, ESSA has two categories of indicators that must make up a state's accountability system -- academic indicators and school quality or school success indicators. The former, consisting of academic proficiency (K-12), English Learner proficiency (K-12), and either academic growth (K-8) or graduation rate (9-12), are identified in statute and must be more heavily weighted than school quality or school success indicators. School quality or school success indicators must meet a set of criteria,³ and a state is free to select one or more school quality or school success indicators for the purposes of accountability.⁴

Second, the central use of the accountability system is to differentiate schools meaningfully to ensure that those schools that are either in the lowest-performing 5 percent of schools in the state (Tier 4: Lowest-Performing School)⁵ or those schools with one or more sub-groups that are at or below the performance of all students attending the lowest-performing 5 percent of schools (Tier 3: Underperforming School)⁶ are identified. NCLB required that schools identified for services had to use one or more of a state-selected set of school improvement strategies. In contrast, ESSA allows the state and/or schools to select strategies that will best meet their identified needs.

As the statewide system of support to help all districts and schools improve, IL-EMPOWER will provide the *structure* through which schools will be able to select IL-EMPOWER Provider Partners and receive services. The structure of IL-EMPOWER is predicated on schools identifying areas where they need support as well schools selecting a vendor that can best assist in meeting those areas of need to improve student outcomes. Prior to identifying and utilizing an IL-EMPOWER Provider Partner, a school must complete a needs assessment and equity audit. This work is required and is the basis for all future work. The results of the audit will allow schools to select the most appropriate provider for their needs, establish an improvement plan identifying targets, and create a timeline to meet improvement targets. Targets must be identified in one or more of the following areas: Governance and Management, Curriculum and Instruction, and Climate and Culture.

ISBE will monitor the school improvement plans to ensure that they are on track to meet improvement targets, or, if a school is not meeting performance targets, assist in amending improvement plans to focus specifically on areas inhibiting improvement.

³ ESSA requires that school quality or school success indicators (1) allow for meaningful differentiation in school performance; (2) be valid and reliable; (3) be the same within each grade span; (4) be comparable and applicable statewide; and (5) be measured and reported annually for all students and disaggregated by sub-group.

⁴ The current draft of the ESSA State Plan for Illinois contains the following school quality or school success indicators: chronic absenteeism, 9th grade on-track, college and career readiness, fine arts, and school climate. Other indicators in which there is interest include a P-2 Indicator, an elementary/middle level indicator, and high school growth.

⁵ Schools receiving a Tier 4: Lowest-Performing School designation will receive comprehensive services. As part of this work, the school must develop an improvement plan approved by ISBE.

⁶ Schools receiving a Tier 3: Underperforming School designation will receive targeted services. As Part of this work, the school must develop an improvement plan approved by the district.

The IL-EMPOWER Provider Partner will apply for pre-approval to offer particular services at a specific cost. Schools will have four years in which to demonstrate consistent improvement in identified areas (one year for planning and three years for implementation).⁷ The district will pay the provider based on the grant award and its approved improvement plan developed through the needs assessment and equity audit. ISBE will maintain authority to terminate pre-approval with an IL-EMPOWER Provider Partner when identified benchmarks are not achieved or specific outcomes are not accomplished, and for non-compliance with their pre-approval application and established pricing. All IL-EMPOWER Provider Partners must implement their services in accordance with the districts' or schools' approved improvement plan.

In order to serve as an IL-EMPOWER Provider Partner, an organization must apply and be pre-approved to offer services in one or more of the aforementioned categories. Applicants for pre-approval must provide the following information:

- Evidence of success in the delivery and sustainability of school improvement services.
- Information on or evidence of the development of services in areas including, but not limited to: data competency, resource management, continuous improvement, and sustainability.
- Information on organizational capacity.
- Information on cost for services.

The provider will submit reports on annual progress to ISBE for review in advance of any approval renewal. Members of the State Board will have evidence of provider impact before any renewal is approved.

Financial Background

ISBE conferred with staff from the Chief Procurement Office (CPO) in order to ensure the appropriate approach for the pre-approval of vendors. After speaking with CPO staff and explaining the substance and structure of the work, ISBE confirmed that IL-EMPOWER is exempt from the procurement code.⁸ ISBE will maintain authority to terminate pre-approval with an IL-EMPOWER Provider Partner when identified benchmarks are not achieved, specific outcomes are not accomplished, and for non-compliance with their pre-approval application and established pricing. All IL-EMPOWER Provider Partners must implement their services in accordance with the districts' or schools' improvement plans.

The funding for IL-EMPOWER occurs through braiding (combining of funding now allowed in federal law) of the following federal funding streams through grants to districts: 1) Title 1-1003a School Improvement (\$65 million in fiscal year 2018 and a projected \$40 million in FY 2019-22); Individuals with Disabilities Education Act (IDEA) Part B-Discretionary (\$6.8 million); and IDEA Part D-State Personnel Development Grant (\$1.7 million).

⁷ The determination for a four-year timeframe was recommended by stakeholders (one year of planning and three years for implementation) as well as is the greatest length of time allowed for this work in ESSA.

⁸ ISBE is exempt from the procurement code insofar as it will not enter into contracts with vendors.

The funding for IL-EMPOWER is illustrated in the following table:

	Current Contract State Funding	Current Contract Federal Funding		Requested Additional State Funding	Requested Additional Federal Funding	Total Amount per Fiscal Year
FY18	\$	\$		\$	\$73,500,000	\$73,500,000
FY19	\$	\$		\$	\$48,500,000	\$48,500,000
FY20	\$	\$		\$	\$48,500,000	\$48,500,000
FY21	\$	\$		\$	\$48,500,000	\$48,500,000
Total	\$	\$				\$ 219,500,000

Business Enterprise Program (BEP)

N/A

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

Policy Implications: Aligns with ESSA and IDEA federal law.

Budget Implications: Funded through the braiding of multiple federal awards for greater efficiency and effectiveness.

Legislative Action: Removing references in the School Code now obsolete due to the reauthorization of ESEA.

Communication: Develop materials explaining the opportunities, scope of educator and provider responsibilities, and the purpose of IL-EMPOWER for Illinois students, families, and educators.

Pros and Cons of Various Actions

Pros: IL-EMPOWER supports the ESSA State Plan, ISBE goals, and the state goal of 60 by 2025 (whereby 60 percent or more of Illinoisans earn a high-quality degree or postsecondary credential by 2025).

Cons: Not approving IL-EMPOWER will delay the delivery of services to schools in the 2017-2018 school year.

Superintendent's Recommendation

I recommend that the following motion be adopted:

The State Board hereby authorizes the State Superintendent to set forth requirements and receive applications for pre-approval for vendors who wish to serve as IL-EMPOWER Provider Partners.

Next Steps

Upon State Board authorization, agency staff will publish the requirements for becoming a pre-approved provider for IL-EMPOWER.

ILLINOIS STATE BOARD OF EDUCATION MEETING
March 15, 2017

TO: Illinois State Board of Education

FROM: Tony Smith, Ph.D., State Superintendent of Education *Ans*
Karen Corken, First Deputy Superintendent *KJC*

Agenda Topic: Intergovernmental Agreement: Early Childhood Block Grant - Prevention Initiative 0-3

Materials: None

Staff Contact(s): Cindy Zumwalt, Division Administrator, Early Childhood Division

Purpose of Agenda Item

The Early Childhood Division requests the Board to authorize the State Superintendent to enter into an Intergovernmental Agreement (IGA) with the Illinois Department of Human Services (IDHS) to provide high-quality home visiting through the Maternal Infant Early Childhood Home Visiting (MIECHV) program to ensure that services to families continue uninterrupted.

Relationship to the State Board's Strategic Plan and Implications for the Agency and School Districts

The Early Childhood Block Grant (ECBG) programs relate to all of the agency's goals:

Every child in each public school system in the State of Illinois deserves to attend a system wherein...

- All kindergartners are assessed for readiness.
- Ninety percent or more of third-grade students are reading at or above grade level.
- Ninety percent or more of fifth-grade students meet or exceed expectations in mathematics.
- Ninety percent or more of ninth-grade students are on track to graduate with their cohort.
- Ninety percent or more of students graduate from high school ready for college and career.
- All students are supported by highly prepared and effective teachers and school leaders.
- Every school offers a safe and healthy learning environment for all students.

Background Information

Section 1C-2 of the School Code [105 ILCS 5/1C-2] established ECBG to provide funding to eligible applicants to provide preschool education and Prevention Initiative programs that emphasize the relationship among early childhood education, parenting education and involvement, and future success in school. The law requires that 20 percent of the block grant be used statewide to fund programs for children birth to age 3 years.

Section 2-3.89 of the School Code [105 ILCS 5/2-3.89] further established specific requirements for ECBG programs that offer coordinated services to at-risk infants and toddlers and their families. For the purposes of the ECBG, "at risk" is defined as those children who because of their home and community environment are subject to such language, cultural, economic, and like disadvantages to cause them to have been determined as a result of screening procedures

to be at risk of academic failure. These programs are commonly referred to as the Prevention Initiative. The aim of Prevention Initiative is to provide voluntary, continuous, intensive, research-based, and comprehensive child development and family support services for expecting parents and families with children from birth to age 3 to help them build a strong foundation for learning and to prepare children for later school success. Specifically, Prevention Initiative programs must include a parent education program relating to the development and nurturing of infants and toddlers and case management services to coordinate existing services available within the region served by the program. Program services are provided through the implementation of an Individual Family Service Plan. Finally, there must be a community involvement component to provide coordination within the service system.

MIECHV is a federally funded program that supports evidence-based home visiting with the same quality components as the Prevention Initiative program. IDHS administers MIECHV. ISBE and IDHS collaborate to ensure that high-quality home visiting services are provided to children and their families who are most at risk so that children are ready for success in school. The federal payment cycle has been moved from April to September, resulting in a three-month funding gap of \$2.1 million. ISBE has funding through the ECBG to assist in ensuring that these high-quality programs continue during these three months so there is no break in services for children and families.

Financial Background

The IGA will begin upon execution and extend through June 30, 2017. The total costs will not exceed \$2.1 million. The IGA will be funded with ECBG state General Revenue Funds (GRF).

The financial background of this contract/grant is illustrated in the table below:

	Current Contract State Funding	Current Contract Federal Funding		Requested Additional State Funding	Requested Additional Federal Funding	Total Contract per Fiscal Year
FY17	\$	\$		\$2,100,000	\$	\$2,100,000
Total	\$	\$				\$2,100,000

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

Policy Implications: N/A

Budget Implications: ECBG is funded by state GRF.

Legislative Action: N/A

Communication: N/A

Pros and Cons of Various Actions

Pros: High-quality home visiting services will continue uninterrupted for families in Illinois.

Cons: If this request is not approved, the at-risk children of Illinois will have fewer resources to ensure educational success.

Superintendent's Recommendation

I recommend that the following motion be adopted:

The State Board of Education hereby authorizes the State Superintendent to enter into an Intergovernmental Agreement with the Illinois Department of Human Services to fund quality home visiting programs through the Maternal Infant Early Childhood Home Visiting program. The IGA will begin upon execution and extend through June 30, 2017. The estimated total cost will not exceed \$2.1 million.

Next Steps

Upon Board authorization, agency staff will prepare and process an IGA with IDHS.

ILLINOIS STATE BOARD OF EDUCATION MEETING
March 15, 2017

TO: Illinois State Board of Education

FROM: Tony Smith, Ph.D., State Superintendent of Education *Ans*
Jason Helfer, Ph.D., Deputy Superintendent for Teaching and Learning *H*

Agenda Topic: State Educator Preparation and Licensure Board Appointment

Materials: Resume of Prospective Appointee

Staff Contacts: Emily Fox, Division Administrator, Educator Effectiveness

Purpose of Agenda Item

The purpose of the agenda item is to approve Dr. Victor Zimmerman to serve on the State Educator Preparation and Licensure Board (SEPLB).

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

The proposed appointment addresses the Board's strategic goal of preparing highly effective educators, as explained under "Background Information" below.

Expected Outcome of Agenda Item

The Board will be asked to appoint Dr. Zimmerman as the Illinois Association of School Administrators representative on the SEPLB.

Background Information

The SEPLB supports a system of preparing and licensing teachers, administrators, and school service personnel that reflects the highest standards and best practices to meet the educational needs of every child in the State of Illinois. The SEPLB meets monthly and advises the Illinois State Superintendent of Education about licensure issues, such as license suspension and revocation, licensure criteria, and high-quality teacher preparation programs and systems. The members of the SEPLB are appointed by the State Board of Education as designated in the Illinois School Code. According to 105 ILCS 5/21B-10(a), the SEPLB shall consist of the State Superintendent of Education or a representative appointed by him/her, who shall be ex-officio chairman; five administrative or faculty members of public or private colleges or universities located in Illinois; three administrators and 10 classroom teachers employed in the public schools; and one regional superintendent of schools. Each is to be appointed by the State Board of Education, provided that at least one of the administrators and at least three of the classroom teachers so appointed shall be employees of a school district that is subject to the provisions of Article 34 (105 ILCS 5/34-1 et seq.).

The requested appointment is to fill one of the administrator positions on the board that was left vacant after the last appointee resigned mid-term. The term will expire June 30, 2018, and the appointee will be eligible for a second term of service.

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

Policy Implications: Please see "Background Information" on previous page.

Budget Implications: None.

Legislative Action: None.

Communication: Please see "Next Steps" below.

Pros and Cons of Various Actions

The appointment will fill a vacant position on the SEPLB, thus enabling the board to better perform its collective duties pertaining to educator licensure and preparation.

Superintendent's Recommendation

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

The State Board of Education hereby appoints Dr. Victor Zimmerman to the State Educator Preparation and Licensure Board.

Next Steps

Upon appointment, Dr. Zimmerman will be informed of his new role with the SEPLB. Dr. Zimmerman's appointment will be communicated to relevant stakeholders.

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ILLINOIS STATE BOARD OF EDUCATION MEETING
March 15, 2017

TO: Illinois State Board of Education

FROM: Tony Smith, Ph.D., State Superintendent of Education *Ans*
Jason Helfer, Ph.D., Deputy Superintendent for Teaching and Learning *H*

Agenda Topic: Every Student Succeeds Act (ESSA) State Plan for Illinois

Materials: None

Staff Contact(s): Melina Wright, Division Administrator - Title Grants & Title I - Federal Liaison

Purpose of Agenda Item

The State Superintendent requests the Board to approve the ESSA State Plan for Illinois for submission to the U.S. Department of Education (ED).

Relationship to the State Board's Strategic Plan and Implications for the Agency and School Districts

The ESSA State Plan for Illinois supports the vision, mission, and goals of ISBE. Further, as the most recent reauthorization of the Elementary and Secondary Education of 1965 (ESEA), ESSA requires that ISBE ensure proper implementation of the law at the state and district level.

Vision

Illinois is a state of whole, healthy children nested in whole, healthy systems supporting communities wherein all citizens are socially and economically secure.

Mission

Provide leadership and resources to achieve excellence across all Illinois districts through engaging legislators, school administrators, teachers, students, parents, and other stakeholders in formulating and advocating for policies that enhance education, empower districts, and ensure equitable outcomes for all students.

Goals

Every child in each public school system in the State of Illinois deserves to attend a system wherein...

- All kindergartners are assessed for readiness.
- Ninety percent or more of third-grade students are reading at or above grade level.
- Ninety percent or more of fifth-grade students meet or exceed expectations in mathematics.
- Ninety percent or more of ninth-grade students are on track to graduate with their cohort.
- Ninety percent or more of students graduate from high school ready for college and career.
- All students are supported by highly prepared and effective teachers and school leaders.
- Every school offers a safe and healthy learning environment for all students.

Background Information

ESSA, signed into law by President Obama on December 10, 2015, is the most recent reauthorization of ESEA. ESSA requires that the state meaningfully collaborate with its stakeholders in the development of a consolidated state plan.¹

In addition to specific federal assurances, the state plan includes six sections: Long-Term Goals, Consultation and Performance Management, Academic Assessments, Accountability, Support and Improvement for Schools, Supporting Excellent Educators, and Supporting All Students. In late November 2016, ED provided a template that states are required to use for the submission of the state plan.

In previous drafts of the ESSA State Plan for Illinois, Superintendent Smith authored letters to the citizens of Illinois expressing the approach ISBE undertook in developing a durable plan in partnership with stakeholders. Superintendent Smith has written a longer piece, which was included in front of Section One of the template, that expresses the core values that grounded the work (e.g., communal deliberation, support of the whole child, and using accountability requirements as a means of providing support to schools) and integrates the vision, mission, and goals of ISBE with the work required of ESSA.

Section One: Long-Term Goals

States are required in Section One to identify ambitious long-term academic goals, interim goals, a timeline in which both interim and long-term goals will be reached, long-term goals for high school graduation, and information on English proficiency.

The ESSA State Plan for Illinois identifies the following Long-Term Goals:

- Ninety percent or more of third-grade students are reading at or above grade level.
- Ninety percent or more of fifth-grade students meet or exceed expectations in mathematics.
- Ninety percent or more of ninth-grade students are on track to graduate with their cohort.
- Ninety percent or more of students graduate from high school ready for college and career.

ISBE has established a 15-year timeline in order to meet the aforementioned Long-Term Goals. A three-year composite average from required academic assessments will be used to establish baseline performance levels for each subgroup.² The baseline performance levels will also assist with the establishment of interim goals within the 15-year timeline.

States also are required to identify a timeline for high school graduation for each subgroup. The timeline and interim goals will be established when three years of composite data are available as well as data regarding college and career readiness.³

¹ Of equal, if not greater importance, is the requirement that ISBE revisit the plan with stakeholders at least once every four years in order to refine portions of the plan, if necessary.

² Because of the necessity to have no less than three years of data in order to establish interim goals, ISBE has indicated when the first year of baseline data will be collected. Once a three-year composite average is calculated, interim goals will be established.

³ One of the Long-Term Goals for ISBE is "Ninety percent or more of students graduate from high school ready for college and career." Thus, ISBE is taking advantage of the opportunity to use both graduation rate and the college and career readiness indicator to establish benchmarks for this long-term goal and to meet the requirement from ED.

English Learners (ELs) must complete the required academic assessments⁴ as well as demonstrate proficiency for the purposes of accountability.⁵ The timeline for an EL student to demonstrate proficiency is recommended at five years. ISBE, in consultation with stakeholders, will set reasonable expectations regarding the percentage of students to meet growth targets after data from the ACCESS exam is analyzed to determine schools' actual number of students meeting the growth necessary for a five-year timeline. ISBE will establish interim targets and report on schools in one of three categories: schools making better than expected growth, schools making adequate growth, and schools making less than adequate growth.

Section Two: Consultation and Performance Management

Section Two, Consultation and Performance Management, includes information on the process ISBE used to engage stakeholders and elicit feedback from them in the development of the ESSA State Plan for Illinois as well as the procedures through which ISBE will monitor and support the work of the field.

In the case of the former, ISBE developed the draft for submission to ED in four phases. The first phase of work began in January 2016. ISBE engaged in multiple listening tours across Illinois as part of the process and received public comment in order to continually refine ideas in preparation for submission to ED.⁶ Information within the Consultation section of the ESSA State Plan for Illinois includes details about the first four phases of this work, listening tours, and a summary of public comments for each draft.⁷ It is noteworthy that whereas ESSA requires that a state only post one draft of its state plan for 30 days in order to elicit public comment, ISBE posted three drafts of the plan for a total of 16 weeks. Also included, is identification of next steps in this work as Illinois moves into the implementation of ESSA. This work will include amending the Illinois School Code and administrative rules to comport with the requirements of ESSA, continuing to develop materials to support implementation for LEAs, the rollout of IL-Empower, and the continued reorganization of ISBE on account of ESSA.

In the case of the latter, ISBE provides information on monitoring, continuous improvement process, and differentiated technical assistance. Within this section, the ways in which and the procedures for how ISBE staff support districts are highlighted. Moreover, it is within the differentiated technical assistance portion of this section where IL-EMPOWER is first introduced.

⁴ While Illinois will assess newly arrived ELs in ELA and math, the scores from the first-year assessments will be for baseline purposes and not for subgroup accountability.

⁵ In a subsequent section of this memo, requirements for the accountability system are shared. For the purposes of this section, it is important to recognize that ELs are "counted twice" for the purposes of accountability: once based upon academic achievement and growth and once based upon EL proficiency.

⁶ **Phase One:** January – July 2016; Listening Tour 1 – April – May 2016; 46 meetings.

Phase Two: July – September 2016; ESSA State Plan for Illinois Draft 1 released on August 25, 2016, for six weeks of public comment; Listening Tour 2 – September 2016; 28 meetings.

Phase Three: October – December 2016; ESSA State Plan for Illinois Draft 2 released on November 18, 2016, for six weeks of public comment; Listening Tour 3 – November-December 2016; 20 meetings.

Phase Four: January – April 2017; February 1, 2017: ESSA State Plan for Illinois Draft 3 shared with Governor Bruce Rauner and posted on the ISBE website; March 15, 2017: Illinois' ESSA State Plan Draft 4 shared with the Illinois State Board of Education for approval; April 3, 2017: Illinois' ESSA State Plan submitted to ED.

⁷ Partners for Each and Every Child assisted ISBE in this work by creating two reading guides that were posted on the ISBE ESSA webpage. The reading guides contained a summary of the ISBE draft plan, information on the federal law, and resources for further study tied to topics within the law (e.g., developing an accountability system, opportunities for specific subgroups on account of ESSA).

Section Three: Academic Assessments

In the third section, ISBE, as applicable, provides information on Academic Assessments for advanced mathematics coursework and assessments in languages other than English. Additionally, ISBE identifies the required assessments for the purpose of federal accountability.⁸

In regard to advanced mathematics coursework, ISBE continues to support the implementation of the Illinois Learning Standards in mathematics in a manner that responds to students' areas of strength and builds educator capacity to effectively differentiate instruction for students. ISBE is pursuing issues related to licensure and endorsement, as well as virtual opportunities for students, to ensure that qualified staff are available to each and every student to pursue advanced coursework in middle school.

The Partnership for Assessment of Readiness for College and Careers (PARCC) mathematics assessment has been trans-adapted for Spanish; however, additional development and validation is necessary in all other areas and for other languages. Illinois will, to the greatest extent practicable, work to develop translations for all languages where 30 percent or more of the EL population speaks the same language, other than English. For instance, stakeholders have requested native language assessments for PARCC English language arts (ELA) for at least the Spanish-speaking subgroup.⁹

Section Four: Accountability, Support, and Improvement for Schools

Section Four articulates two large ideas: the scope and substance of the accountability system and how that system is used to identify schools for support.¹⁰ ESSA has two categories of indicators that must make up a state's accountability system -- academic indicators and school quality/school success indicators. The former, consisting of academic proficiency (K-12), English Learner proficiency (K-12), and either academic growth (K-8) or graduation rate (9-12),¹¹ are identified in statute and must be more heavily weighted than school quality/school success indicators. ISBE recommends a 75 percent/25 percent weighting between the academic indicators and the school quality/student success indicators. School quality/school success indicators must meet a set of criteria¹² and a state is free to select one or more school quality or school success indicators for the purposes of accountability.

⁸ Currently, and as required in ESSA, Illinois has an assessment system that includes content assessments in grades 3 through 8 in ELA and mathematics; administration of the SAT at no cost to 11th-grade students on a school day; a science assessment completed by students in grades 5, 8, and at the conclusion of Biology I in high school; and for those students with the most significant cognitive disabilities, the Dynamic Learning Maps Alternative Assessment.

⁹ Trans-adapting the ELA exam would take into account 78% of all ELs in Illinois.

¹⁰ There are additional areas in Section Four for which ED requires information, such as data procedures, that includes all schools in the accountability system (e.g., very small schools, technical assistance for schools identified for service). These issues are all related to accountability and supporting schools.

¹¹ Although not required as part of ESSA, science has been included as an academic indicator insofar as a level of science literacy is important in order to be competitive in the global economy and an area in which Illinois' students are currently required to be assessed. The science indicator will be weighted at 0% until 2019-20. During the 2019-20 school year, the weight of the science indicator will increase to 5% and the weight of ELA and math will decrease to 7.5%. Due to the federal requirements that frame the administration of this assessment, student scores will be reported only in respect to proficiency.

¹² ESSA requires that school quality or school success indicators: 1. Allow for meaningful differentiation in school performance; 2. Must be valid and reliable; 3. Must be the same within each grade span; 4. Must be comparable and applicable statewide; and 5. Must be measured and reported annually for all students and disaggregated by subgroup.

The accountability system and the weights between and within the required academic indicators and state-selected school quality/student success in the ESSA State Plan for Illinois are as follows:

Category	Elementary	High School
Core Academic Indicators = 75%	ELA Proficiency -10% (7.5% beginning in 2019-2020)	ELA Proficiency -10% (7.5% beginning in 2019-2020)
	Math Proficiency – 10% (7.5% beginning in 2019-2020)	Math Proficiency 10% (7.5% beginning in 2019-2020)
	Science Proficiency – 0% (5% beginning in 2019-2020)	Science Proficiency – 0% (5% beginning in 2019-2020)
	ELA and Math Growth -50% (simple linear regression)	Graduation/ELA and Math Growth ¹³ - 50% (simple linear regression)
	English Learner Proficiency 5% (growth to target treatment)	English Learner Proficiency 5% (growth to target treatment)
School Quality Indicators = 25%	Chronic Absenteeism – 10%	Chronic Absenteeism – 6.25%
	Climate Surveys – 5%	Climate Surveys - 6.25%
	[Elementary/Middle Grade Indicator] – 5%	9 th Grade On Track - 6.25%
	[P-2 Indicator] – 5%	College and Career Readiness - 6.25%
	Fine Arts Indicator – 0%	Fine Arts Indicator – 0%

The determinations resulting from the accountability system should highlight areas in which one or more subgroups may be excelling, as well as identify equity gaps between those groups that are excelling and those that are not. Again, if the latter is the case, schools must receive assistance to provide the supports and resources necessary to help each and every child be academically successful. Put differently, the accountability system in ESSA serves as the means through which schools are both identified for support *and* the creation of a summative designation in order to meaningfully differentiate schools.

¹³ Stakeholders were very clear in articulating their desire to measure growth in high school. Governor Bruce Rauner is committed to ensuring that this can occur. However, until a means of measuring growth is established in grades 9-12, ISBE recommends comparing ninth grade on track by cohort to graduation rate. This designation will provide parents, caregivers, and community members additional information on the interrelationship between growth and attainment as well as highlight those schools that have made substantial gains in growth. There will be a comparison of like schools and an all school comparison on annual growth to proficiency. In both cases, the assigned grade for growth will use an A-F scale. The different levels for the growth designation will be determined by the Technical Advisory Council.

Meaningful Differentiation of Schools

ISBE is required to create a single summative designation that provides parents/caregivers and community members an understanding of school quality. This system consists of four tiers. Put differently:

Tier 1: Exemplary School: A school that has no underperforming subgroups, a graduation rate of greater than 67 percent, and whose performance is in the top 10 percent of schools statewide.

Tier 2: Commendable School: A school that has no underperforming subgroups and a graduation rate above 67 percent, but whose performance is not in the top 10 percent of schools statewide.

Tier 3: Underperforming School: A school in which one or more subgroup is performing at or below the level of the “all students” group in the lowest-performing 5 percent of Title I schools. Schools in Tier Three: Underperforming shall receive targeted services.¹⁴

Tier 4: Lowest-Performing School: A school that is in the lowest-performing 5percent Title I schools in Illinois and those high schools that have a graduation rate of less than 67percent. School in Tier 4: Lowest-Performing shall receive comprehensive services.¹⁵

ISBE also includes information on how a single summative designation created from the results of the accountability system. ISBE will partner with the National Center for Improvement in Educational Assessment in support of Technical Advisory Council (TAC) to develop the index required for a school determination beginning in spring 2017.¹⁶

Section Five: Supporting Excellent Educators

Section Five asks ISBE to identify programming, resources, and opportunities for the purpose of ensuring that each and every child is taught by a highly effective educator. Most of this work is funded through Title II, but ISBE also takes advantage of the opportunity to blend and braid funding in order to create the most robust programs possible. Whereas previous sections of the ESSA State Plan for Illinois connected the Long-Term Goals with assessments, accountability, and support, Section Five (and the subsequent section) allows for articulation and alignment with the final two board goals:

- All students are supported by highly prepared and effective teachers and school leaders.

¹⁴ Schools receiving a Tier 4: Lowest-Performing School designation must develop an improvement plan approved by ISBE.

¹⁵ Schools receiving a Tier 3: Underperforming School designation must development an improvement plan approved by the district.

¹⁶ In order to develop the system necessary to create a single summative rating that meaningfully differentiates schools, a Technical Advisory Council (TAC) provides guidance on technical assessment and accountability issues. TAC members help ensure alignment of accountability system to core values and assure the statistical validity and reliability, accuracy, and fairness of individual assessments or indicators and the accountability system as a whole. The TAC will be composed of national and local researchers and other practitioners, particularly those practitioners who specialize in assessment and school accountability research and data analysis for Illinois school districts.

- Every school offers a safe and healthy learning environment for all students.

More specifically, Section Five shares the belief in moving away from “sit and get” and “one and done” professional development to teacher-led, professionally relevant, job-embedded professional learning.

In order to support educator development, ISBE is committed to developing resources to build the content knowledge of educators regarding the Illinois Learning Standards in core content areas and characteristics of learners;¹⁷ support learning environments and transition throughout the continuum of early childhood through college and career (Title II and Title I funding); support educators in the use of universal design, differentiated instruction, balanced assessment, and data and assessment literacy (Title I, Title II, Title III and IDEA funding); and build upon the resources for family/caretaker and community engagement. Other resources are being developed in regard to social and emotional learning; cultural, racial, and socio-economic competence; conflict management; trauma and behavioral health issues; restorative practices; cultural competence; and anti-racism (Title I, Title II, Title III and IDEA funding); and support training for teacher and principal evaluators (Title II and state funding).¹⁸

ISBE understands that there is a nationwide teacher shortage and the importance of multiple avenues of entry into the field, so it also is committed to identify any modifications to statute and funding in order to support teacher residency programs in future years. In the meantime, ISBE will develop a Request for Proposal for an Innovative Fieldwork competitive grant program in order to support institutions with approved teacher education programs in the development of innovative practices in teacher preparation. The purpose of this program is to provide funding for districts and institutions of higher education with approved teacher preparation programs to partner and develop innovative approaches to fieldwork requirements in order to provide candidates rich and extended opportunities to work with, learn from, and practice their developing craft in “real time” with practicing teachers. This work will be shared throughout the state and beyond. Additional information on the application requirements will be forthcoming in spring 2017.

Further, ISBE understands the importance of shared leadership within schools and districts in Illinois. School leaders include superintendents, principals, assistant principals, and teacher leaders.¹⁹ To this end, ISBE shall continue to support an Educator Leader Network (ELN) to connect leaders between districts; create resources emphasizing the school leaders as instructional leader, particularly for teachers in the early grades; and provide school leaders with opportunities to build their capacity as facilitators of continuous teacher learning and development (Title II).

¹⁷ For instance, this includes, but is not limited to, the identification and appropriate supports for gifted children, ELs, and children with other identified needs; an emphasis on supporting the social and emotional development of each and every child; and resource development in core content areas that emphasizes the tenets of differentiated instruction (e.g., ELA, mathematics, science, social studies, fine arts, physical education, and foreign language).

¹⁸ Districts, especially those identified for comprehensive and targeted services, will, through IL-EMPOWER, be provided access to professional learning opportunities that include an emphasis on Governance and Management, Curriculum and Instruction, Climate and Culture. More specifically, capacity-building strategies with an emphasis on sustainability will be emphasized.

¹⁹ Additional clarification on this definition was provided by the Teacher and Leader Effectiveness subcommittee of the P20 Council.

Additionally, there is a deep interest statewide and nationally in teacher leadership. In order to further this work in Illinois and share it nationally, ISBE will develop a competitive grant program wherein districts will propose and complete 30-60-90 day research projects. More specifically, in a 30-60-90 project, a district, school, or portion of faculty will propose a problem of practice important to teacher leadership at the school and/or district, develop a plan in which the problem of practice is investigated, and report findings. This work will be used to increase clarity on the roles and work of a teacher leader. This work will be shared through ELN and in other ways.

In July 2014, ED released information on the requirements for states in the development of an equity plan.²⁰ The overriding theme of this initial work was to ensure that each and every child in Illinois had access to a highly effective educator. This equity work was incorporated into ESSA. ESSA provides for -- and ISBE has requested -- an extension in order to gather student-level data so that the percentage of students who are taught by teachers identified as ineffective, out-of-field, and/or inexperienced²¹ can be calculated.

Section Six: Supporting All Students

Section Six requires information on how ISBE ensures that each and every child receives a well-rounded and supportive education. Specifically, ED requires that ISBE provide information on programming and supports for low-income students; low-achieving students; ELs; children with disabilities; children and youth in foster care; migratory children; homeless children and youth; neglected, delinquent, and at-risk students; and immigrant children and youth, among others. There are two large portions to Section Six. The first section requires ISBE to articulate information on its learning standards and supports. The second portion of Section Six focuses upon program-specific requirements.

Section Six has some areas in common with Section Five (e.g., the development and sharing of curricular resources), but it also asks for additional information on learning standards²² as well as use of funds to coordinate state level strategies. So, too, without the teacher and a safe learning environment, the possibility of each and every child in Illinois to meet the performance goals set by ISBE would be far less. In this way, the work that shall occur through the use of Title II dollars and the opportunities available to Illinois students through the intertwining of Title IV, Perkins, and other funding streams.

For instance, ISBE intends to use Perkins funding to support innovative, competency-based learning experiences with career and technical education classrooms, but will develop a competitive grant for districts that highlights innovative work that utilizes competency-based approaches to skill development and attainment. ISBE will work with other state agencies to connect this work with the employer community.

Also, much of this first portion of this section focuses on the use of Title IV, Part A (Student Support and Academic Enrichment Grants) and Title IV Part B (21st Century Community Learning Centers) funds. ISBE identifies funds for continued state level coordination in order to reduce exclusionary discipline, implement evidence-based behavioral health awareness training programs, develop and maintain positive school environments, update family and community engagement resources, and expand access for school-based counseling programs (Title I, Title IV, Part A, Title IV, Part B, Title IV Part F funding).

²⁰ The Illinois Equity Plan is an appendix in the ESSA State Plan for Illinois.

²¹ The 2015 Equity Report asked for state, district, and school level data. ESSA requires student level data. ISBE will have this information by the publication of the Illinois State Report Card in October 2017.

²² ESSA makes plain that ED is prohibited from requiring states to adopt specific learning standards.

The second portion of Section Six contains program-specific requirements for the following Titles: Title I, Part C Education of Migratory Children and Title I, Part D Prevention and Intervention Programs for Children and Youth who are neglected, delinquent, or at risk; Title III, Part A Language Instruction for English Learners and Immigrant Students; Title IB, Part B 21st Century Community Learning Centers; Title V, Part B Rural and Low-Income School Program; and Title VII, Subpart B of the McKinney-Vento Homeless Assistance Act. Each program asks for subtly different things, but for the most part information is included regarding the resources and oversight to ensure students and families/caregivers have easy access to services and are receiving supports necessary in order for the student to be academically successful (e.g., meet or exceed standards) and learn in a safe and nurturing learning environment.

Financial Background

ISBE does not yet know the total allocation for Title programs in federal FY 2018. However, ESSA requires that 95 percent of the money received by ISBE from ED for the purposes of ESSA must go to the district.

Business Enterprise Program (BEP)

NA

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

Policy Implications: This project aligns with ESSA and IDEA federal law.

Budget Implications: This project is funded through the braiding of multiple federal awards for greater efficiency and effectiveness.

Legislative Action: Removing references in the School Code that are now obsolete due to the reauthorization of ESEA.

Communication: Develop materials for a variety of audiences (e.g., educators, parents/caregivers, communities) and through a variety of means (e.g., one-page documents explaining specific portions of ESSA, webinars, in-person trainings) to explain the opportunities, responsibilities, and substance of the ESSA State Plan for Illinois.

Pros and Cons of Various Actions

Pros: IL-EMPOWER supports the ESSA State Plan, ISBE goals, and the state goal of having 60 percent or more of Illinoisans earn a high-quality degree or postsecondary credential by 2025.

Cons: None

Superintendent's Recommendation

I recommend that the following motion be adopted:

That the State Board of Education hereby authorizes the State Superintendent to submit the ESSA State Plan for Illinois to the U.S. Department of Education on or before April 3, 2017.

Next Steps

Upon Board authorization, agency staff will:

- Develop materials for a variety of audiences and through a variety of means to explain the opportunities, responsibilities, and substance of the ESSA State Plan for Illinois.
- Identify and amend, as necessary, the Illinois School Code and administrative rules.

ILLINOIS STATE BOARD OF EDUCATION MEETING
March 15, 2017

TO: Illinois State Board of Education

FROM: Tony Smith, Ph.D., State Superintendent of Education *Ans*
Karen Corken, First Deputy Superintendent *KJC*

Agenda Topic: Legislative Update

Staff Contacts: Amanda Elliott, Co-Director of Legislative Affairs
Sarah Hartwick, Co-Director of Legislative Affairs

Purpose of Agenda Item

The purpose of the agenda item is to provide the Board with a summary of items that may be addressed in the Spring Legislative Session and for the Board to be updated on legislative initiatives for the Spring Legislative Session.

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

The Legislative Agenda will support changes that align with the goals identified within the Board's Strategic Plan.

Expected Outcome(s) of Agenda Item

The Board will be kept informed of tracked legislation and Board initiatives.

Background Information

Licensure

- HB 106 (Batnick) adds master's degree in public administration to the list of master's degrees that qualify an individual for a chief school business official endorsement (currently business administration, finance, or accounting).
- HB 256 (Beiser) requires individuals seeking licensure by an interscholastic athletic organization to be a game official to undergo a fingerprint-based criminal history records check.
- HB 655 (Cavaletto) requires ISBE to notify Professional Educator License (PEL) holders to renew their license via email (if one is made available) six months prior to the date in which the license is set to lapse.
- SB 1991 (Bennett) provides that an applicant seeking a PEL who is enrolled in a program of study in an area of career or technical education defined as an area of identified staff shortages, or a career and technical educator endorsement on an educator license with stipulations, may pass a test of work proficiency in lieu of a test of basic skills.
- HB 3021 (Martwick) requires ISBE to contract with a third-party contractor for substitute teachers.
- HB 3094 (Stewart) makes changes to allow for regional superintendents of schools to have outside professions while serving as a regional superintendent.

School Choice

- HB 213 (Ford) provides grants to qualifying students at participating nonpublic schools.

ISBE

- HB 378 (Reick) allows any individual to request Joint Committee on Administrative Rules (JCAR) to determine if a proposed rule by ISBE is an unfunded mandate. If JCAR determines the rule is an unfunded mandate that rule must be approved by the General Assembly.
- SB 863 (Bertino-Tarrent)/HB 734 (Crespo) requires that after the effective date of this legislation, three of the ISBE members shall be representatives of the educator community.

School Districts

- HB 243 (Flowers) requires school districts that operate high schools to establish a partnership with a local police department, county sheriff, or police training academy to establish a jobs training program for high school students.
- HB 261 (Mussman) authorizes school districts to pay for housing for homeless students living out of district in lieu of providing transportation to the student's school of origin.
- HB 266 (Flowers) allows parents to opt their students out of state assessments. Requires ISBE to produce a form for assessment opt-out that school districts must distribute to parents.
- HB 269 (Flowers) requires school districts to waive tuition for summer school for the children of parents who cannot afford the tuition.
- HB 332 (Drury) adds provisions concerning student data privacy, including third party service providers/vendors' and researchers' access to personally identifiable (PII) student data.
- HB 536 (Hoffman) allows school districts to provide free transportation for any pupil residing within 1 1/2 miles from the school attended where conditions are such that the walking route constitutes a serious hazard to the safety of the pupil due to a course or pattern of criminal activity, as defined in the Illinois Streetgang Terrorism Omnibus Prevention Act.
- HB 826 (Lilly) allows districts to hire school social workers. Requires that school social workers hired by districts must also have an endorsement in social work on their PEL.
- SB 693 (Connelly) adds to the graduation requirements that each student must complete one semester of study of the free enterprise system before graduating from high school.
- SB 757 (Morrison) allows for a student's scores on any state assessment to be removed from the student's transcripts if requested by a parent.
- SB 865 (Manar) requires the School Report Card to include the total and per pupil normal cost paid to TRS.
- HB 2461 (McAsey) requires ISBE to collect and post data concerning gifted education on the Report Card.
- HB 2977 (Welch) requires all public elementary schools to include a unit in cursive writing.
- SB 1740 (Lightford) / HB 3022 (Welch) makes changes to teacher evaluations including: allowing districts to remove student growth from teacher evaluations, requiring the joint committee to meet at least annually, creating an appeals process for evaluations, and changing the four-tier evaluation system to a two-tier evaluation system.
- HB 3139 (Chapa LaVia)/SB 1947 (Collins) requires all districts to collect and review their chronic absence data and determine what systems of support and resources are needed to engage chronically absent students and their families to encourage the habit of daily attendance and promote success.
- HB 3507 (Greenwood) allows for a child to be absent from school on a particular day or days or at a particular time of day for the reason that his or her parent or legal guardian

is an active duty member of the uniformed services and has been called to duty for, is on leave from, or has immediately returned from deployment, a combat zone or combat-support postings.

- HB 3858 (Andrade) fines individuals \$30,000 who attempt to enroll or who enroll their children in Chicago Public Schools when they live out of district.
- HB 2545 (Davidsmeyer) requires all school personnel (instead of just teachers, counselors, social workers, and personnel who work with students in grades 7-12) to participate in annual suicide prevention training.
- HB 3371 (Sims) requires existing biennial in-service suicide training to be at least two hours.
- HB 3869 (Wallace) requires in-service training to include training on civil rights and cultural diversity.

Budget

- HB 3708 (Reick) allows a school board to RIF teachers 10 days after a state budget is signed instead of 45 days before the end of the school year.
- HB 267 (Flowers) appropriates \$100,000 GRF to ISBE for autism programs.
- HB 425 (Welch) provides for Intermediate Service Center director salaries.
- HB 484 (Davis, W) makes changes to the reimbursement formula for private special education tuition.
- HB 507 (Sommer) allows the Fire Prevention and Safety Fund to be used by districts for dyslexia screenings.
- HB 509 (Halbrook) makes changes to the Regional Safe Schools funding formula to include the last three years' average daily attendance of pupils in grades 6 through 12 instead of the best three months' average daily attendance in grades prekindergarten through 12 to the statewide totals of these amounts.
- HB 760 (Lang) extends the debt limit for East Prairie School District 73.
- HB 773 (Skillicorn) sunsets school districts' ability to transfer surplus dollars in the life safety fund to the Operations and Maintenance Fund for building repair work.

Wellness

- HB 331 (Drury) requires ISBE and the Department of Public Health to establish a calorie transparency program. Requires districts to display the nutrition information of all food items offered for sale to students on school property.
- HB 370 (Mayfield) requires school districts to post the current Department of Children and Family Services (DCFS) child abuse hotline number, instructions to call 911, and instructions for accessing the DCFS website for more information on reporting abuse, neglect, and exploitation in all schools.
- HB 2545 (Davidsmeyer) requires all school personnel (instead of just teachers, counselors, social workers, and personnel who work with students in grades 7-12) to go through annual suicide prevention training.
- HB 2663 (Stratton) /SB 1557 (Lightford) prohibits early childhood education programs that receive state funding from expelling students.
- HB 3811 (Manley) provides that if a school discovers that a physician, advanced practice nurse, or physician assistant refuses to conduct a developmental screening or the social and emotional screening despite the request of a parent or legal guardian, the school shall report the refusal to the Department of Financial and Professional Regulation and the department is required to impose a \$500 civil penalty on the physician, advanced practice nurse, or physician assistant who refused to complete the screenings.

- HB 265 (Flowers) requires ISBE to include results from lead tests on the School Report Card for CPS schools.
- HB 268 (Flowers) requires CPS to establish a pilot program to employ a school nurse at the lowest 20 percent performing schools in Chicago.
- SB 704 (Lightford)/HB 1779 (Welch) prohibits students from being arrested during school hours while on school grounds or at school-sanctioned activities.
- HB 2950 (Conyears-Ervin) requires all schools to provide information on a quarterly basis to students concerning what to do if the student is being bullied and what resources are available.
- HB 3745 (Conyears-Ervin) requires districts to post information about available community programs in both Spanish and English.

Mandates

- HB 440 (Ives) removes the daily physical education requirement.
- HB 663 (Morrison) allows districts to not comply with any instructional mandate if payments to the district from the state are delayed more than one payment cycle.
- HB 670 (Morrison) removes restrictions on school boards that wish to contract out for driver's education.
- HB 696 (Martwick) provides for the election of the Chicago Board of Education at the general primary election in 2018 only as a nonpartisan election on a separate ballot.
- HB 726 (Jonaes, T) requires the study of Black History in order for a student to graduate from eighth grade. Also requires institutions of higher education to offer a course studying the events of Black History.
- HB 793 (Demmer) allows, with exceptions, districts to not comply with mandates that are unfunded.
- SB 650 (Connelly) allows districts to notify collective bargaining units of mandate waiver requests via electronic means (instead of in writing as currently required by the School Code).
- SB 791 (Sandoval) allows students to substitute the entirety of grades 11 and 12 with vocational or technical education courses that are approved jointly by ISBE and the Illinois Workforce Investment Board.
- SB 756 (Morrison) allows students in grades 9-12 (instead of 11 and 12) to be excused from physical education for special circumstances, if approved by a school board.
- HB 3489 (Brady) allows parents who move to continue to enroll students with an Individualized Education Program in the student's district of origin.

2017 Spring Session

Over the past several months, Legislative Affairs staff has been working with ISBE agency divisions to develop legislative proposals for the 2017 Spring Legislative Session.

Subject: Educator Licensure (HB 3820 – Crespo)

Executive Summary: This proposal will include recommendations from agency staff and stakeholders to remove barriers to licensure and clean up provisions in the licensure Section of the Code.

Subject: Districts of Innovation (SB 1480 – McConnaughay)

Executive Summary: This proposal would allow school districts in Illinois to become Districts of Innovation. These districts would be encouraged to develop new or create alternatives to

existing instructional and administrative practices intended to improve student learning and student performance.

Subject: Article 7 Re-Write (HB 2612 – Pritchard)

Executive Summary: This proposal includes a complete review and rewrite of Article 7 of the School Code, which deals with the detachment of property and annexation of each property to another district or districts, as well as instances where an entire district is dissolved and annexed to another district or districts. An overhaul was completed of the School Code articles concerning the formation of a new district or districts, resulting in Public Act 94-1019 and the creation of Article 11E, but a similar overhaul of the law dealing with annexations has not been completed.

Subject: At-Risk Student Support (HB 3784 – Sosnowski)

Executive Summary: This initiative will address two issues that impact students considered at risk for dropping out of school. Currently, students who fail to meet minimum attendance or academic standards may be dropped from a district's roster for non-attendance reasons. Removing these provisions in the School Code will permit these students to remain in school and have access to opportunities and necessary interventions to ensure that these at-risk students graduate from high school ready for college and career.

Subject: High School Assessment Date (HB 2442 – Assessment)

Executive Summary: This proposal will require that the college entrance exam be given during the school day. This will ensure greater access to a college entrance exam.

Subject: Obsolete and Duplicative Legislation (SB 1486 – Weaver)

Executive Summary: This initiative would be a continuation of ISBE's efforts to streamline the School Code provisions and amend or repeal outdated or otherwise problematic provisions of the School Code. ISBE has introduced similar pieces of legislation over the last several years.

Subject: English Learner Clean-Up (HB 3083 – Hernandez)

Executive Summary: This initiative deletes obsolete language pertaining to dual language programs.

Subject: Every Student Succeeds Act

Executive Summary: This initiative is a placeholder pending any necessary legislation to enact Illinois' ESSA State Plan.

Superintendent's Recommendation

N/A

Next Steps

Staff will continue to monitor legislative activity.