

ILLINOIS STATE BOARD OF EDUCATION
ANNUAL STRATEGIC PLANNING SESSION
Marriott Hotel & Conference Center
201 Broadway Street, Normal, IL 61761

Revised 9/25/13

September 18-19, 2103

SEPTEMBER 18, 2013

- 10:00 a.m.** **Convene Board Retreat**
Bloomington-Normal Marriott Hotel and Conference Center
- 12:00 – 1:30 p.m.** **Lunch**
Bloomington-Normal Marriott Hotel and Conference Center
- 1:00 – 5:00 p.m.** **Convene Board Retreat**
Bloomington-Normal Marriott Hotel and Conference Center
- 6:00 p.m.** **Cocktails and Dinner**
Station 220, 220 E. Front Street, Bloomington
(vans will be available to transport Board Members to and from Station 220)

SEPTEMBER 19, 2013

- 8:30 – 12:00 p.m.** **Convene Plenary Session**
Bloomington-Normal Marriott Hotel and Conference Center
- *10:00 a.m.** **Closed Session (as needed)**
Bloomington-Normal Marriott Hotel and Conference Center
- 12:00 – 1:00 p.m.** **Lunch**
Bloomington-Normal Marriott Hotel and Conference Center
- 1:00 p.m.** **School Visit**
Regional Alternative School, Main Campus
408 W. Washington, Bloomington

* The meeting will begin at the conclusion of the previous session.

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 Chico 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
ANNUAL STRATEGIC PLANNING SESSION
Marriott Hotel & Conference Center
201 Broadway Street, Normal, IL 61761
September 18-19, 2103**

Wednesday, September 18, 2013

10:00 a.m.

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

I. Roll Call/Pledge of Allegiance

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

II. Update on North Chicago—Ben Martindale

III. Formula Funding Working Group Report (pp. 4-69)

- A. White Paper
- B. Guiding Principles
- C. Update on Education Funding Advisory Committee

Lunch 12:00 p.m.-1:30 p.m.

IV. 2013 Veto Session and 2014 Legislative Agenda (pp.70-74)

V. Board Goals and Metrics (pp. 75-118)

VI. Closed Session

VII. Recess Meeting

Thursday, September 19, 2013

8:30 a.m.

VIII. Reconvene/Roll Call – OPEN SESSION

IX. Retreat Debriefing

X. Student Advisory Council Introductions

XI. Plenary Session

XII. Public Participation

XIII. Resolutions & Recognition

- A. Linda Tomlinson (p. 119)

XIV. Presentations and Updates

- A. Next Generation Science Standards

XV. Superintendent's Report - Consent Agenda

- A. *Approval of Minutes
 - 1. Plenary Minutes: August 15, 2013 (pp. 120-127)
- B. *Rules for Initial Review
 - 1. Part 1 (Public Schools Evaluation, Recognition and Supervision) (pp. 128-217)

C. *Rules for Adoption

1. Part 226 (Special Education) **(pp. 218-240)**

D. *Contracts & Grants Over \$1 Million

1. Survey of Learning Conditions **(pp. 241-246)**
2. Request for New Intergovernmental Agreement – Hazel Crest School District 152 **(pp. 247-250)**
3. Targeted Initiative Program Engaging and Educating Youth – Request to Award **(pp. 251-256)**

E. *Fall 2013 Waiver Report **(pp. 257-269)**

End of Consent Agenda

- F. Approval of Closed Session Minutes, January 23, March 20, & April 16, 2013, August 15, 2013
(as needed following closed session)

- G. Approval of AFSCME Collective Bargaining Agreement (as needed following closed session)

- H. Appointment of State Educator Preparation Licensure Board Members **(p. 270)**

XVI. Discussion Items

- A. Board Committee Structure **(pp. 271-275)**
- B. Appointment of Committee Chair for Finance and Audit Committee **(pp. 276-277)**
- C. Capital Funding Update **(pp. 278-294)**
- D. Other Items for Discussion

XVII. Announcements & Reports

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

XVIII. Information Items

- A. ISBE Fiscal & Administrative Monthly Reports
(available online at http://isbe.net/board/fiscal_admin_rep.htm)

XIX. Closed Session

XX. Adjourn

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North Chicago Community Unit School District #187

Presentation to the Illinois State
Board of Education

September 18th, 2013

Today's Agenda:

1) State of affairs

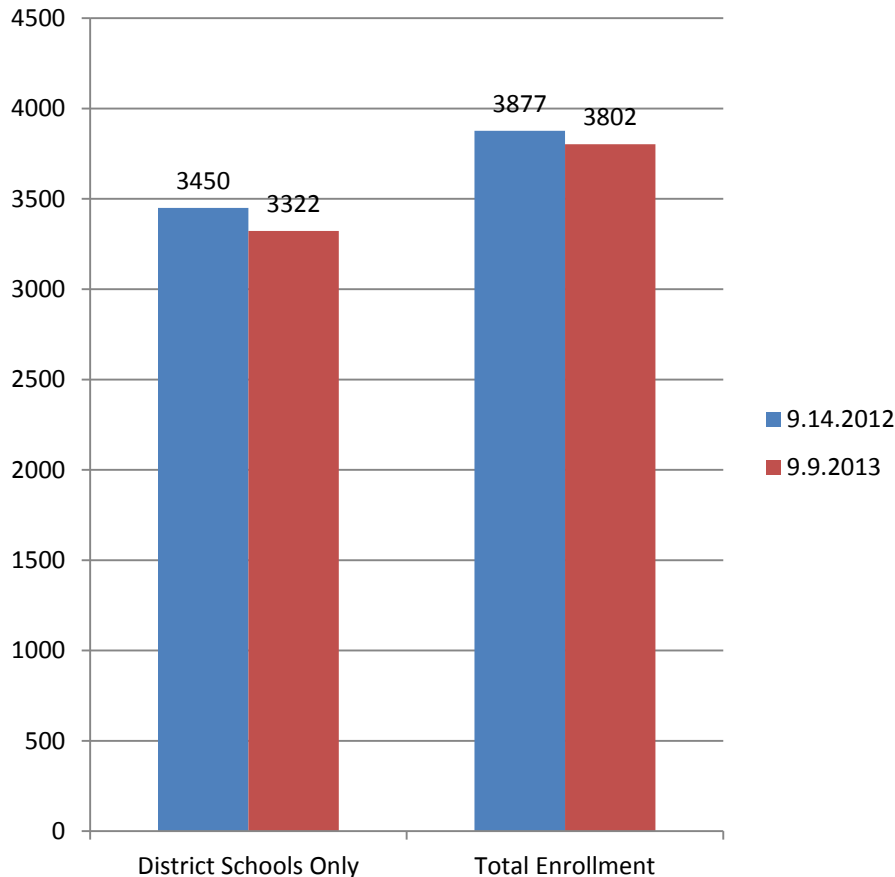
2) 2012-2013 Accomplishments

3) The road ahead

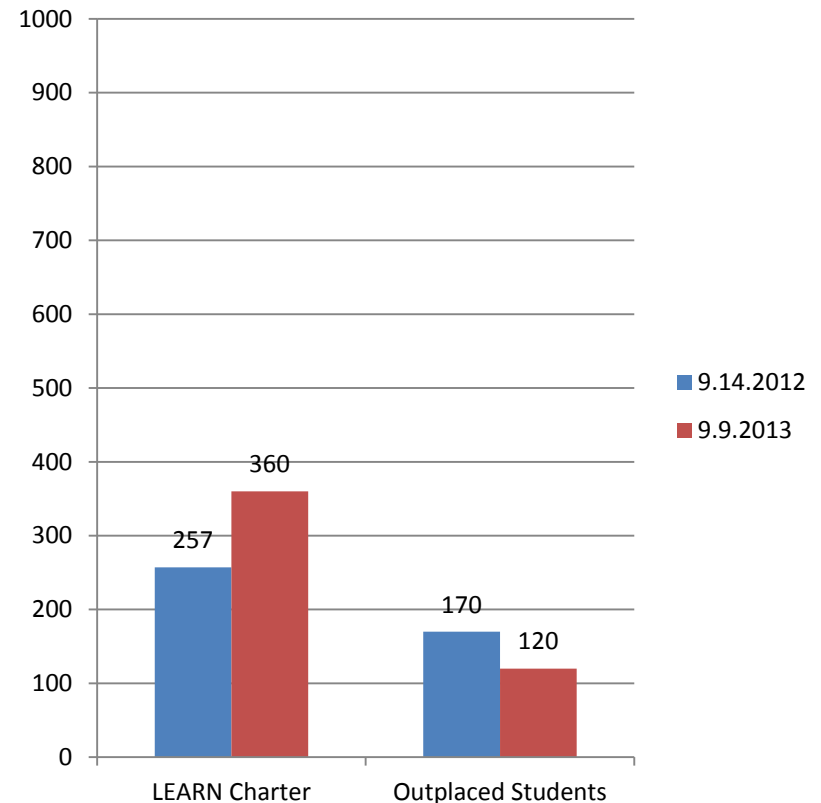
- Enrollment and Attendance**
- Student Achievement (trends)**
- Leadership Focus Areas**
- School Improvement Grant**
- Charter School**
- Staffing**
- Finance (cuts and current budget, rating)**

Enrollment Summary – FY13 vs. FY14

District 187 Overall Enrollment

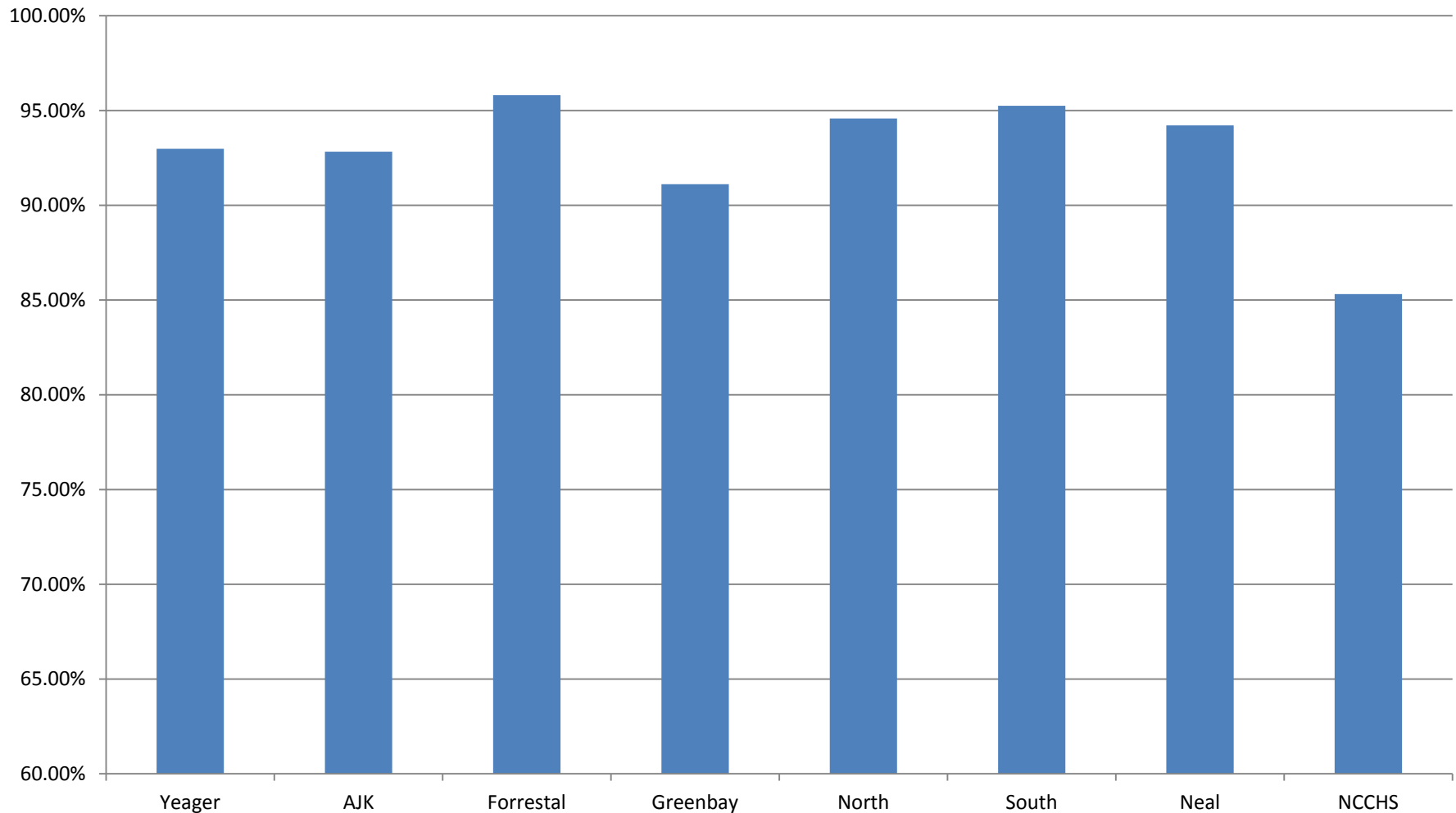


Charter and Outplaced Student Enrollment



Attendance Summary by School – Year to date

Average Daily Attendance 8/16/2013-9/10/2013



Learn

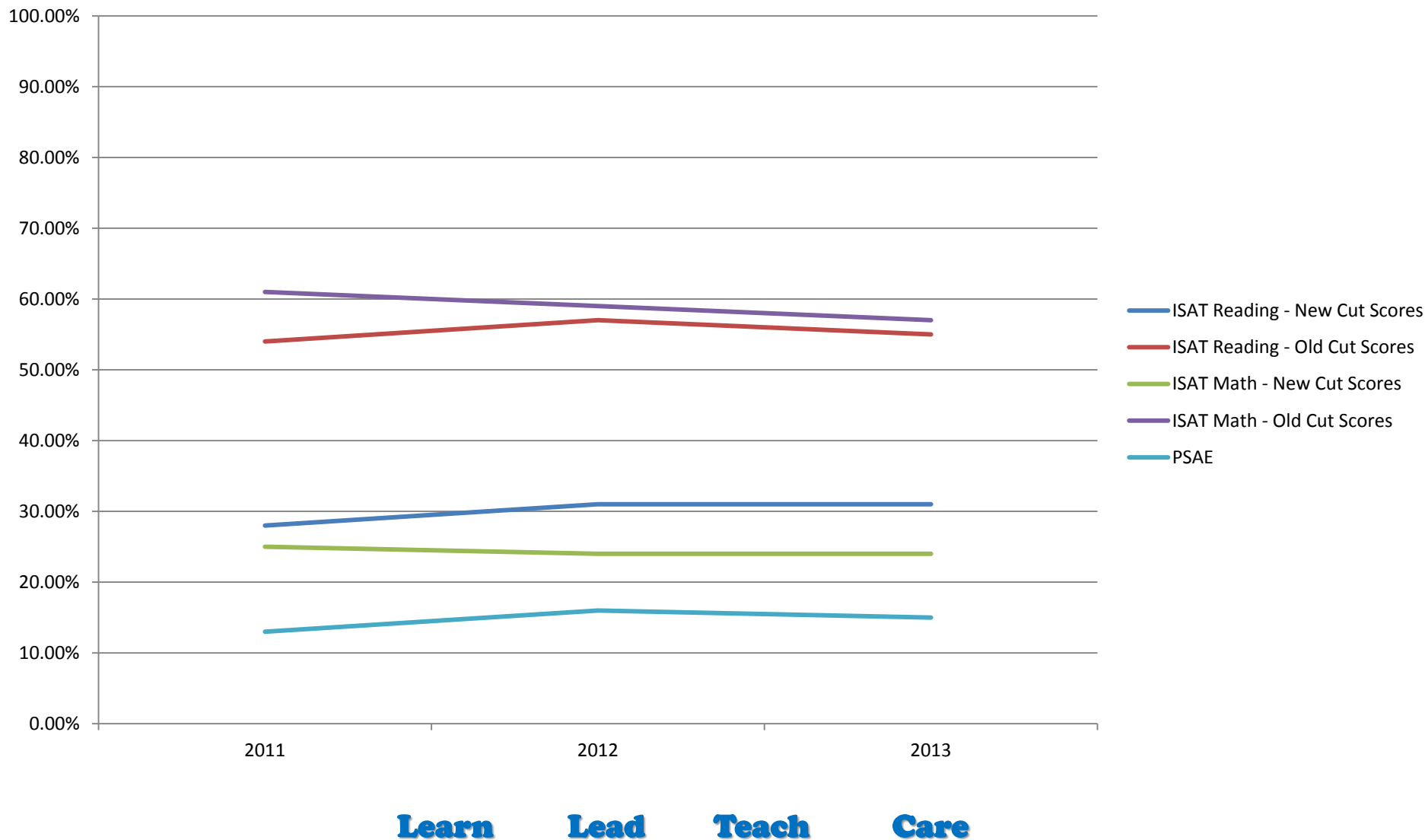
Lead

Teach

Care

Student Achievement Trends 2011-2013

NCUSD 187 Achievement Levels - %Meeting/Exceeding Standards on State Tests



-CEO and Deputy Superintendent

- Reorientation of vision and accountability, driven by balanced scorecard.**
- Realignment of leadership responsibilities at district and school levels**
- Communication with all stakeholders around strategic vision**
- Full alignment of ELA and Math curricula to common core state standards**
- Development and implementation of multi-year district-wide PD plan**
- Development and implementation of comprehensive data system**
- Implement a new principal evaluation system with aligned pd**
- Build district-wide systems and practices for using formative assessment data to drive instruction, differentiation, and intervention**
- Involve district staff in systematic school walk-throughs designed at strengthening instructional leadership and supporting school level teams**

-Principals

- Communicate and operationalize district vision and targets**
- Implement assessment cycles and systems of intervention/differentiation**
- Strengthen formal and informal evaluation, supervision, and feedback**
- Monitor curriculum and instruction through lens of Common Core**

North Chicago Community Unit School District 2013-2014 Priorities

Curriculum – Domain I

- Articulated and Unified PreK-12 Curriculum in Math and ELA with Aligned Units of Study
- Full implementation of all curricular materials and resources
- Development of CCSS aligned units of study in natural and social sciences and non-core

A Culture of Achievement – Domain II

- High Quality Classroom and School Environments
- Respectful culture with high expectations
- Clearly articulated and consistently followed expectations and consequences

Instruction – Domain III

- Consistent use of high-impact instructional strategies
- Technology in use to drive instruction forward
- Focus on student engagement and differentiation

2013-2014 Mantra:

**Ensure outstanding learning
outcomes for all students**

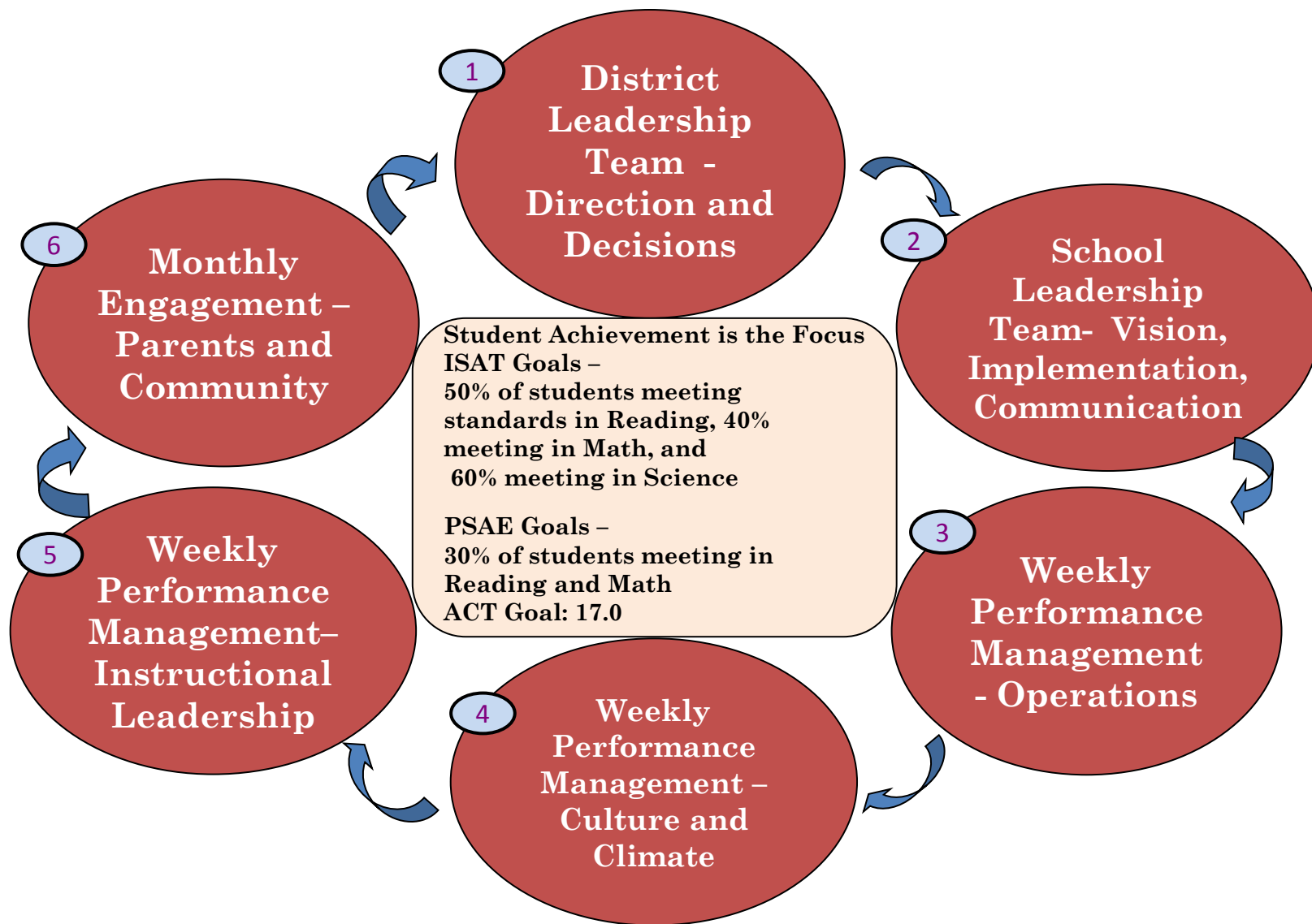
Assessment – Domain III

- Common Formative assessments in use at all levels
- Use of interim and summative data to make programmatic and instructional decisions
- Timely, research-based interventions

High-Functioning Teams – Domain IV

- Culture of feedback throughout the district
- PLC teams at every level (including administrators and central office) engaged in discussion and action planning in response to student data
- Continuous cycle of job-embedded, differentiated professional development

Organizational Health and Operations - Cycle of Work



2012-2013 Accomplishments - Leadership Changes

- Chief Education Officer**
- Deputy Superintendent**
- ELL Director**
- Special Education Director**
- Curriculum and Assessment Coordinator**
- Finance Director**
- High School Principal**



2012-2013 Accomplishments – ELL Services - strategic plan and program modification implemented under new leadership

Mission: “English language learner services of North Chicago CUSD 187 are designed to prepare students to communicate effectively in English and achieve post-secondary success while valuing and celebrating every student’s culture and language in partnership with family and community.”

Values: Excellence, Clarity, Consistency, Communication, Collaboration, Assessment

Action Plan Elements:

- IRC and Perfect Match collaboration drive strategic planning**
- Quantitative and qualitative data collected and used across all settings**
- Alignment of programming with legislation, and research-based best practice (Transitional bilingual, Sheltered Instruction, Content-based ESL)**
- District-wide re-organization of staff assignments and locations to ensure program delivery matches evidence-based student needs**

2012-2013 Accomplishments –50% of special education findings corrected under new leadership

Finding Area	Finding	Subject/Basic Issue	Status
Area I	34 CFR 300.39 (a) & 34 CFR 300.39(b)(3)	Special Education Provision of Services	Correction Met January/May 2013
Area II	34 CFR 300.114(a)(2) & 34CFR 300.116(e)	Least Restrictive Environment & Placements	Not Met
Area III	34 CFR 300.115	Continuum of Alternative	Corrected – January 30, 2013
Area IV	34 CFR 300.116	IEP Placement & Decisions	Partially Met (See IEP Checklist)
Area V	34 CFR 300.303	Re-evaluations	Not Met
Area VI	34 CFR 300.320 & 23 IAC 226.230(a)(1)	(Components) of IEP & Goals	Partially Met (See IEP Checklist)
Area VII	34 CFR 300.321(a)	Individualized Education Team	Correction Met May 2013
Area VIII	34 CFR 300.323(d)	When IEPs Must be in Effect	Correction Met May 2013
Area IX	34 CFR 300.324(a)	Development, review, and revision of IEP	Correction Met May 2013
Area X	23 IAC 226.110(d)	Referral (60 days)	Not Met (Progressing)
Area XI	23 IAC 226.130(b)	Procedures for Students Suspected of/or Having a SLD	Not Met
Area XII	23 IAC 226.220	Development, Review, and Revision of the IEP	Correction Met May 2013

2012-2013 Accomplishments – Operational improvements

- K-12 Schedules reworked to ensure strong alignment of instructional minutes across all schools**
- Foodservice – new vendor selected, providing better food at lower cost to district (Organiclife)**
- Communication – systems updated for phone and electronic communication across district, parent liaisons brought in**
- Transportation – review of all routes and hazardous crossings, dramatic cost-savings achieved**
- Business Software – new program selected to launch during FY14 to replace antiquated, paper-based system (Infinite Vision)**
- Closure of Novak King 6th grade center, students moved to Neal Middle School, staff and resources consolidated**
- Student registration – entire process restructured and improved, leading to strengthened August enrollment and attendance**

New Partnerships –

- Parent & Community Liaisons**
- Black Star Project**
- Lake County Community Foundation**
- Advance Illinois**
- University of Chicago Urban Impact**
- AbbVie**
- Afton Partners**

Make our district academically strong – narrow the achievement gap between NCUSD and the state average by 50% by the 2015-16 school year, and close the gap by the 2017-18 school year

Ensure effective staff in every building – revise and implement evaluation, coaching, and professional development systems to ensure high professional expectations and aligned support

Financially Sound – make dramatic progress toward a structurally balanced budget and sustainable financial models

Challenges –

Funding and long-term sustainability

Consolidation of schools and reduction in force

Recruiting and retaining high-quality staff

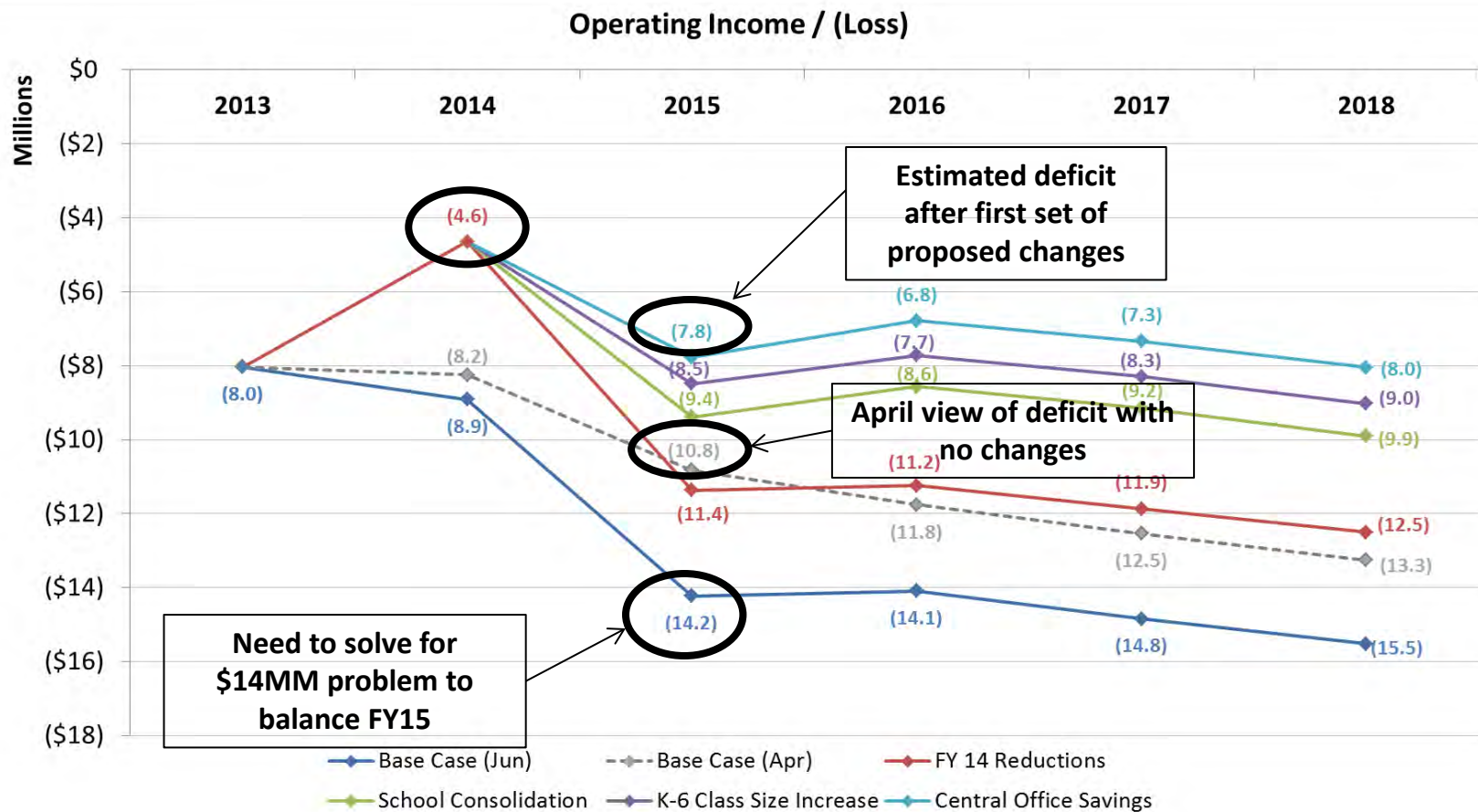
Physical state of buildings and capital needs

Context for long-term financial picture

- **State funding is assumed to be at a 82% of the full foundation amount in FY15,** costing the District \$3.6MM annually (\$1,000 per pupil) vs. 0% proration. Every 1% cut = \$200,000 to the District
- **Federal funding of impact aid is assumed to decrease** by \$4MM in FY15 and beyond
- **Twenty percent (20%) of revenues come “off the top”** and do not go to district-served students in order to fund:
 - **Long term debt** – annual debt service is significantly higher than comparable districts, representing a \$4.5 million burden (10% of anticipated revenues)
 - **Special education services** – the district spends 11.5% of its anticipated revenues on special education outplacement tuition and transportation
- **The District has historically deficit-spent;** its school buildings are 58% utilized, enrollment is projected to decrease, and staffing levels are high in schools and central office compared to benchmark districts, and average teacher salaries are higher than districts in a similar tax base (Waukegan, Freeport).

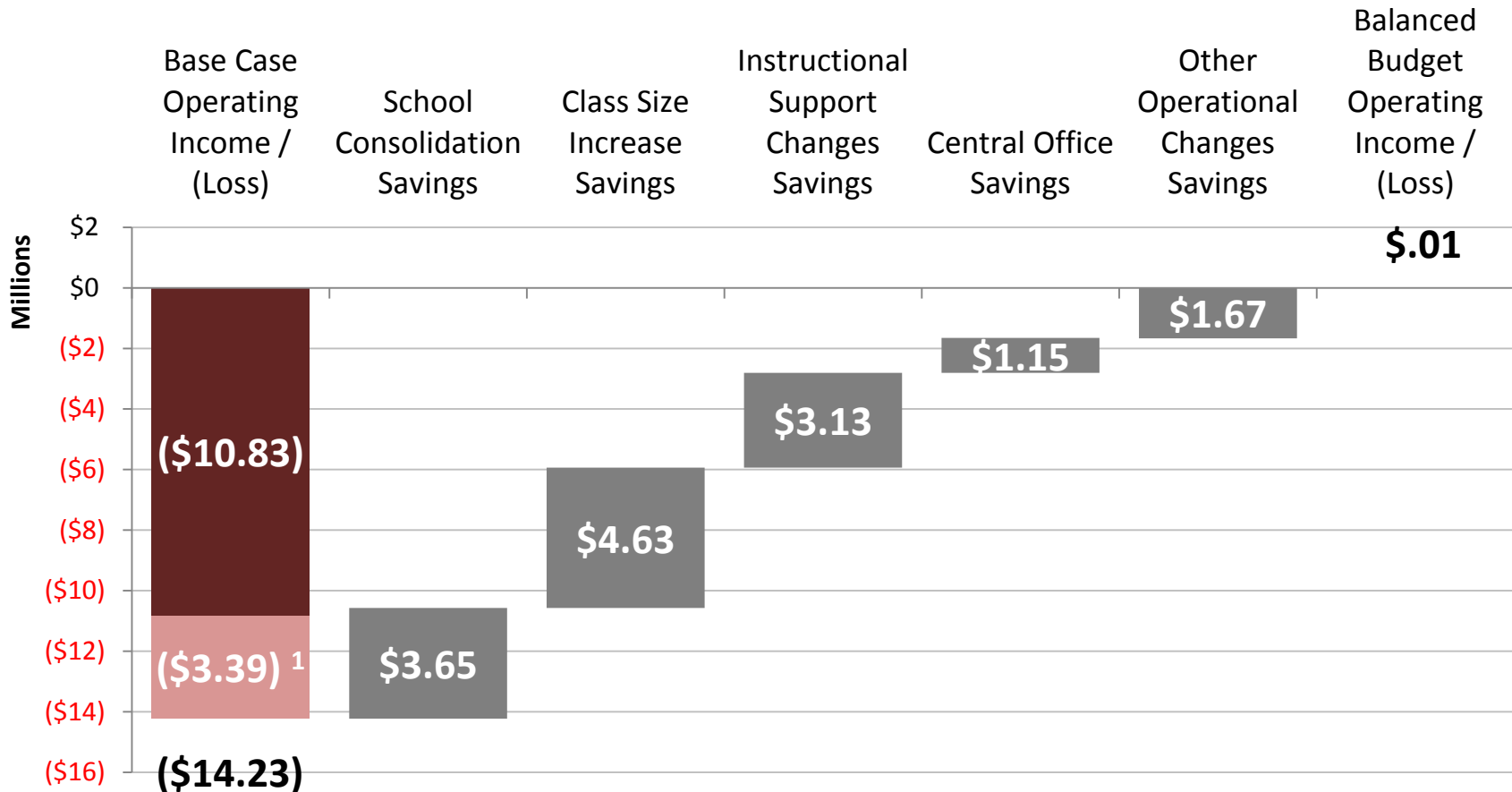
Impact of 1st round budget reduction proposals

If no changes are made, the District is estimated to overspend by \$14MM (32% of revenue) in FY15 and run out of cash during that fiscal year. In April, we discussed how **some class size and consolidation changes could improve but not solve the financial challenge**, and the outlook has worsened since then.



Cuts needed to achieve a structurally balanced budget in FY15

Change in Projected FY15 Operating Income / (Loss)



(1) Increase in base case projected operating loss attributable to 18% GSA cut vs. 11% in original project, adjustment to charter payment to account for increase in anticipated enrollment and no effect from impact aid, \$500k annual reduction in state transportation funding, partially offset by \$200k savings identified in SPED outplacement transportation

With a structurally balanced budget, what would our educational programming look like?

Increased class sizes, limited electives and supports, unprecedented drops in staffing.

Instruction

**30:1 gen. ed. student
teacher ratios at
elementary grades,
including title funded
teachers**

**32:1 gen. ed. student
teacher ratios at middle &
secondary grades,
including title funded
teachers**

**1.5 elective teachers for
each K-3 school

1 elective teacher at
grade 4-6 school**

Support

**60% reduction in
paraprofessional support

Part time health room
staff at each school**

**1 counselor or social
worker at each K-3

None at 4-6 school

4.5 at the HS**

**Limited extracurricular
activities at high school**

Operations

**1% of life safety capital
outlay liabilities can be
addressed (\$250k)**

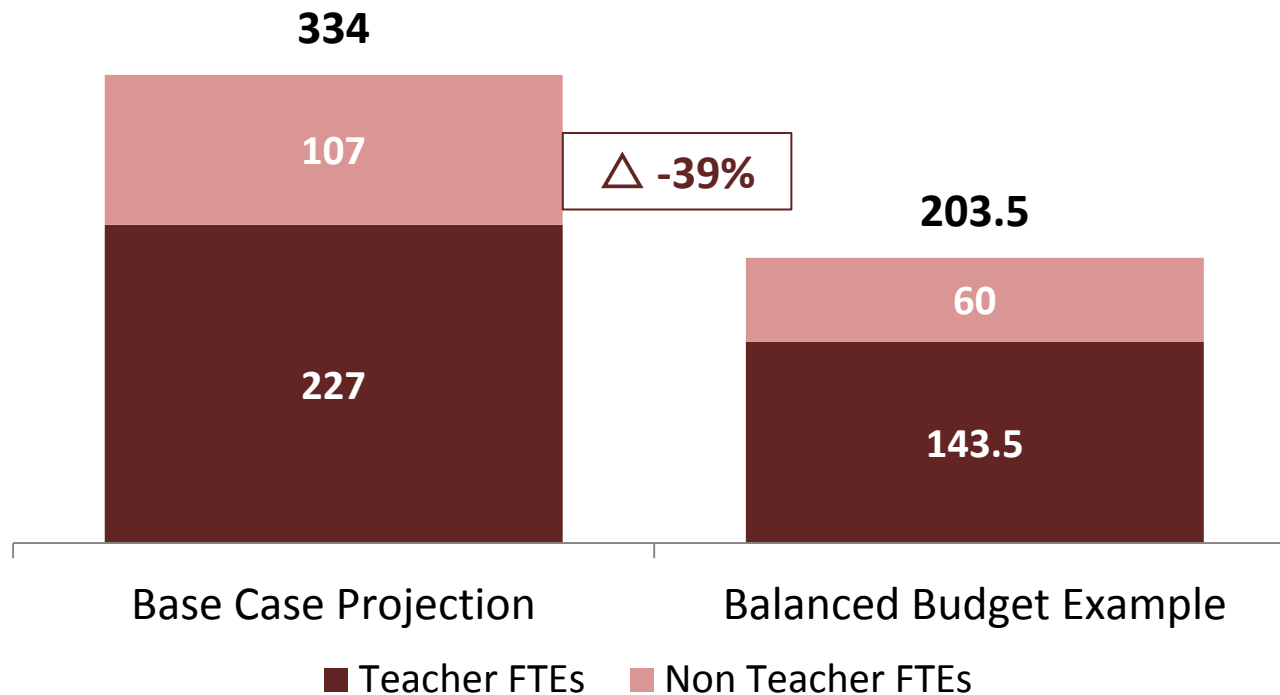
**No Pre-K transportation

35% reduction in
discretionary supplies
and materials**

**27% reduction in central
services FTE**

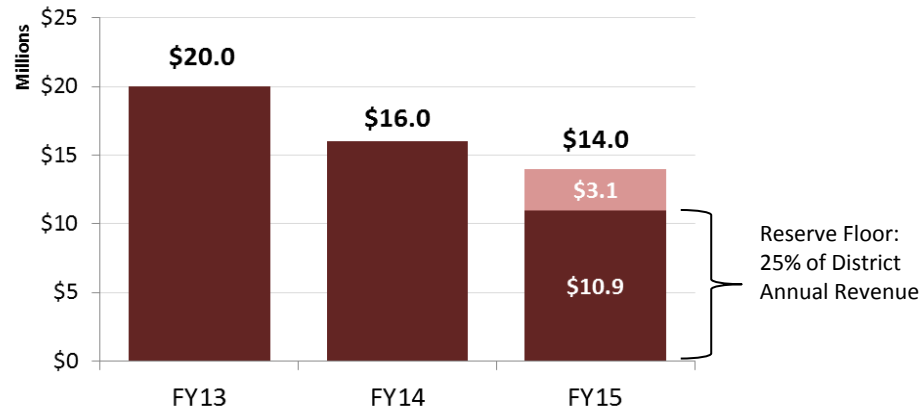
How would a structurally balanced budget affect district staffing?

These changes represent a reduction of 130.5 full time equivalents, 39% of the projected FY15 staff

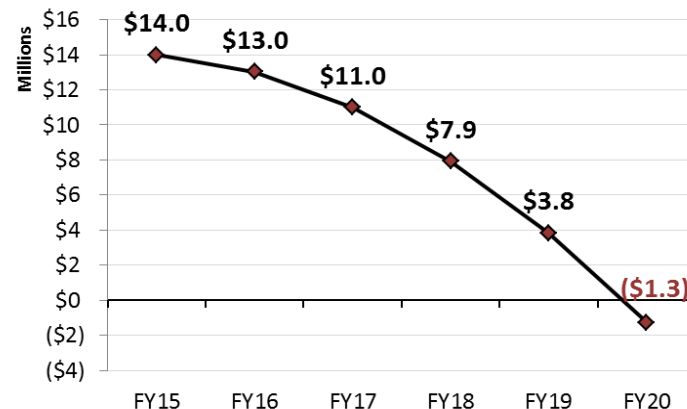


Even with a structurally balanced FY15 budget, FY16 and beyond won't balance without outside reform and/or assistance

Upon implementation of a structurally balanced budget, **the District would have \$14MM in reserves by the end of FY15.**



This cash will be **necessary to have on hand because reserves are projected to decline in FY16 and beyond.**



Board governance

What are the state board's expectations, long term, for the structure and work of the Independent Authority and the Financial Oversight Panel?

Long-term state and federal financial support

How can we work together at the state and federal levels to

Priorities for improvement

Given the conflict between the work needed to structurally balance our district's budget and the work of delivering high-quality, comprehensive educational programming, what is the state board's direction on what is most important to accomplish?

ILLINOIS STATE BOARD OF EDUCATION MEETING
September 18-19, 2013

TO: Illinois State Board of Education

FROM: Christopher Koch, Ed.D., State Superintendent of Education 
Robert Wolfe, Chief Financial Officer 

Agenda Topic: Formula Funding Working Group Report

Materials: White Paper Prepared by Augenblick, Palaich and Associates
Letter to the Senate Education Funding Advisory Committee

Staff Contact(s): Robert Wolfe

Purpose of Agenda Item

The Board will receive a presentation from Augenblick, Palaich and Associates regarding the white paper they have developed studying Illinois' education finance system. Staff will also provide an update on the status of the Senate Education Funding Advisory Committee's work to date to study possible changes to the current funding formula. In addition, it is expected the Board will finalize the guiding principles they feel must lead any discussion to develop a new education finance system.

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

The funding formula discussion directly supports all three goals outlined in the Board's Strategic plan, providing resources to all school districts.

Expected Outcome(s) of Agenda Item

It is expected the Board will gain a complete understanding of the APA white paper, and also be brought up to speed on the work the Senate Education Funding Advisory Committee is undertaking. In addition, the Funding Formula Working Group has developed a letter to be transmitted to the Senate Education Funding Advisory Committee which outlines several principles the Board believes need to guide the process of reviewing the state's funding formula. It is expected that the entire Board would come to an agreement on the principles outlined by the FFWG and also that the letter to the Committee would be finalized so that it can be transmitted to the committee and shared publicly.

Background Information

The Funding Formula Working Group was developed for the purpose of creating a White Paper and for the development of guiding principles for funding formula changes that might occur as a result of the Senate Education Funding Advisory Committee.

APA was engaged, utilizing funding from the Council of Chief State School Officers, to develop a white paper that would provide background information on Illinois' current education funding system and also look to other states for best practices. The paper covers several topics that are believed to be of interest to anyone wanting to understand the status of the Illinois school finance system, the context within which it operates, the effects it has on school districts, and its success in accomplishing the generally accepted objectives of any such system.

Additionally, the Funding Formula Working Group was charged with the task of developing guiding principles for a state funding formula for the purpose of developing goals for which to

measure the impact of any funding formula changes to ensure that the desired outcomes were achieved.

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

Policy Implications: The APA white paper will provide background and context for the Board and the Senate Education Funding Advisory Committee as they consider adjustment to the state's education funding formula. In addition, the guiding principles will provide direction and priorities for consideration that must be considered when studying any changes to the funding formula.

Budget Implications: The impact of any of funding formula change should be thoroughly examined to determine that the Board's guiding principles are met and that any unintended consequences are identified and reviewed for the impact to school districts.

Legislative Action: None at this time

Communication: Dissemination of the APA white paper and the Board's guiding principles

Pros and Cons of Various Actions

Pros: The Board's efforts to inform the Senate Committee will help to ensure informed decisions are being made regarding educational funding.

Cons: None

Superintendent's Recommendation

Not Applicable

Next Steps

Staff will execute the recommendations the Board decides upon, which may include finalizing the APA white paper, the Board's letter outlining their guiding principles and whether or not the two should be linked. Staff will also distribute these materials as directed which may include to the Senate Education Advisory Committee, other members of the General Assembly and stakeholders.

ILLINOIS STATE BOARD OF EDUCATION MEETING
September 18-19, 2013

TO: Illinois State Board of Education

FROM: Christopher A. Koch, Ed.D., State Superintendent of Education 
Nicki Bazer, General Counsel 

Agenda Topic: 2013 Veto Session and 2014 Legislative Agenda

Staff Contact(s): Nicole Wills, Governmental Relations
Amanda Elliott, Governmental Relations

Purpose of Agenda Item

The purpose of the agenda item is for the Board to approve agency action on various legislative initiatives for the 2013 Veto and 2014 Legislative Session and to provide the Board with a summary of items that may be addressed in the Fall Veto Session.

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

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

Expected Outcome(s) of Agenda Item

The Board will direct agency staff to develop legislative proposals and strategies for the development of the 2013 Veto Session and 2014 Legislative Agenda.

Background Information

2013 Veto Session

The General Assembly will return to Springfield for the Fall Veto Session October 22-24 and November 5-7.

Governmental Relations staff will be monitoring action on bills that the Governor vetoed or amendatorily vetoed over the summer and will continue pursuing legislation to establish a licensure renewal system. The agency will also make supplemental appropriation request for FY 2014.

Educator Licensure Renewal: In the spring of 2013, ISBE introduced HB 496 to put in place a new licensure renewal system that will complete the changes made in PA 97-607 (Steans/Chapa LaVia). The bill passed the Senate but did not pass the House before the end of Session. Governmental Relations staff has been discussing the bill with members and staff of the General Assembly and is hopeful that language can be included on another bill and moved during the fall Veto Session.

The purpose of the bill is to establish renewal for the Professional Educator License as a process of continuous improvement that will be online and focuses on professional development aligned to state and national standards. The issue raised by House leadership was a provision in the bill that decreased the number of professional development hours to 100 instead of 120 as it is currently. This change was not acceptable to House Leadership and the bill was unable to move. In language for the 2014 fall veto session, staff is proposing to keep the number of hours at 120 to eliminate the opposition from the House leadership. Highlights of the proposal include:

- Educators will be required to complete 120 hours of professional development every 5 years and must complete a minimum of 10 hours of professional development annually. This will encourage educators to continually think about improving their craft, and will still allow them flexibility in their professional development choices.

- PD must align to standards that will make the renewal process meaningful. Activities will be developed to have a sustained impact; engage educators in higher order thinking skills such as analysis and synthesis; align to and support the educator's performance; and relate directly to student growth or district improvement.
- Approved providers will have responsibility for offering quality PD that 1) aligns to district goals and improvement; 2) results in improving student learning; 3) organizes learning communities with goals aligned to the schools and districts; 4) increases knowledge and skills in direct relation to teaching, learning and leadership, research-based instructional strategies to assist students in meeting rigorous academic standards, classroom assessment, learning strategies, collaboration, and application of research.
- Providers are limited to the enumerated groups instead of the more than 8,000, currently approved, and will be audited, resulting in more accountability for PD. Providers will enter completion data into ELIS so teachers will only have to verify their activities, simplifying the process while increasing quality.
- To help keep educators who hold an administrative endorsement but do not work in an administrative position informed and aware of ever-changing administrative responsibilities, completion of one Administrators' Academy course during each 5-year renewal cycle will be required. Practicing Administrators will be required to complete one Administrators' Academy each year.
- Individuals not working in positions that require licenses may place their licenses in "exempt" status. Individuals who are retired may place their licenses in "retired" status and not have to do anything more unless they return to a position that requires a license. Their licenses will never lapse and they will accrue no penalties.

FY 14 Supplemental Request: Due to insufficient appropriations, staff recommends requesting supplemental appropriations for the following line items: student assessments, district consolidation costs, alternative education/regional safe schools, and the Truant Alternative and Optional Education Program. Staff will be able to determine if appropriations for special education line items were insufficient to meet the federal maintenance of effort requirements in the coming weeks. If the appropriations were not sufficient, supplemental funding will also be requested to meet the federal maintenance of effort requirements.

2014 Legislative Session

Over the past several months, the Agency's Governmental Relations staff has been working with Agency divisions to develop legislative proposals for the spring 2014 legislative session.

Multiple Measures Index: While engaged in the ESEA Flexibility Waiver application process it became clear that the current accountability system in Illinois did not consider all the factors that contribute to school and district success. Illinois needs a system that provides stakeholders with the necessary information, tools, and measures to properly address the appropriate interventions, supports, and rewards given the diverse needs of our students. Based on the feedback gathered from stakeholders, implementation of multiple measures provides a more holistic and comprehensive differentiated recognition, accountability, and support system to better serve the school districts, schools, students, and parents of Illinois. Staff is proposing legislation that will include amendments to the assessment provisions in the school code to bring them up to date with new testing requirements, including the introduction of PARCC.

District Interventions: This proposal will amend Section 3.25(f) of the School Code to clarify ISBE's authority to intervene in failing school districts. This legislation will be similar to SB 2340 which did not move through the House during the Spring 2013 legislative session. The bill would specifically:

- Require all districts that have been on academic watch for 3 or more years and fall into the lowest 5% of districts based on academic performance to engage in a district accreditation process run

by a national organization with research-based, peer reviewed standards. The 1-2 year accreditation process will provide these districts with intensive intervention with the goal of dramatically improving performance.

- Provide that if a district fails to meet accreditation because of **governance**, as defined in part by failure to adhere to requirements in the School Code for school board members, then ISBE has the discretion to remove the school board and put in place an Independent Authority (IA).
- Provide specific criteria that the accreditation entity will use when considering if a district can meet the governance standards for accreditation.
- Provide specific due process rights to board members being removed.
- Define an IA's authority as being identical to a school board.
- Provide specifics on the make-up and organization of an IA, including requiring a majority of the IA members be residents of the District.
- Suspend school board elections for one election cycle and then phase school board elections back into the district over 4 years while keeping an IA in place.

Charter Schools: This proposal will amend Article 27A to make it explicit that charters are subject to all state laws, regulations and rules regarding Special Education and English Language Learning instruction.

Under the Charter Law, charter schools are exempt from all requirements of the Illinois School Code except for those specifically enumerated therein. Nothing in the Charter Law expressly provides that Article 14 ("Children With Disabilities") and Article 14C ("Transitional Bilingual Education") are applicable to charter schools. Notwithstanding, ISBE Legal has taken the position that all special education requirements set forth in Article 14 of the School Code and Part 226 of the 23 Illinois Administrative Code apply to charter schools. The rationale is that IDEA establishes a broad framework to define and regulate special education programs in the United States, but leaves to the states the responsibility for developing and executing educational programs for students with disabilities. Put another way, IDEA compliance presupposes compliance with all State statutes, regulations and rules concerning special education. The Illinois State Charter Commission has challenged this position, asserting that charter schools are not subject to any State-imposed requirement that exceeds Federal special education statute and regulation [20 U.S.C. § 1408(1)(2)].

ISBE Legal has recently considered extending this position to State requirements for English Language Learning. Again, the rationale is that federal law (including Title VI of the Civil Rights Act of 1964, Title III Part A of NCLB, and the Equal Educational Opportunities Act of 1974) establishes broad sweeping requirements for equal access to educational opportunities, leaving it to the states to develop and execute the necessary programs to guarantee these rights, including with respect to English Language Learners.

Requiring charter schools to comply with all state laws, regulations, and rules concerning Students with Disabilities and English Language Learners is good public policy. These are protected categories of students and consistent policies across schools will protect schools and districts against potential charges of discrimination. In addition, State Board monitoring staff have repeatedly requested clarity regarding requirements for Special Education and English Language Learning instruction in charter schools.

Federal Grant Processing: This proposal will provide explicit authority in the State Finance Act [30 ILCS 105] for State Board of Education to process payments for federal grants provided primarily by the United States Department of Education, Agriculture or any other federal agency in subsequent state fiscal year(s). There is no actual change in policy for school districts that will take place as a result of this change, but it will allow ISBE to operate without potential audit issues when processing federal funds.

Data Streamlining: This proposal will repeal sections of the School Code related to the collection and reporting of data including: RIF report; end of year report; high school students taking community college courses; annual report; and annual statistical report. This legislation will be similar to SB 578 (Bertino-Tarrant/Pihos) which failed to move in the House during the Spring 2013 legislative session.

ISBE has made substantial changes over the past decade in the methods it uses to collect information from school districts and other district-level entities. The agency's data collection processes evolved first from a series of paper data collection forms to a set of electronic data collections (data disks, and later data submission via IWAS applications) and then from electronic data collections to larger information systems that allow districts to upload data from local packages that support district information systems.

These changes were made both to increase the accuracy and efficiency of data reporting by school districts and also to respond to evolving purposes for the data collected. The Agency's Center for Performance staff have undertaken a review of the agency's data collection systems to look for areas where data collections could be eliminated or consolidated based on changes in collection procedures and need and is proposing the elimination of some of types of reporting as a result.

Elections: While developing a legislative fix for an April 2013 DuPage Regional Board of School Trustees election concern during the spring legislative session, it became apparent that the School Code was silent on several additional related issues which could cause election questions in the future. Changes to Articles 6 and 9 of the School Code would help remedy the deficiencies in the statutory language, thus preventing a need to address potential future concerns through special legislation after the fact.

Potential changes include:

- Section 6-2 should be amended to address which candidate is seated on a regional board in the event that in a single-county region, a candidate who ran for a full-term and a candidate who ran for an unexpired term are from the same congressional township and both are the highest vote getters in their respective elections
- Section 6-2 should be amended to address which candidate is seated on a regional board in the event that in a single-county region, two candidates ran for unexpired terms, both are from the same congressional township, and both are the highest vote getters in their respective elections
- Section 6-19 should be amended to clarify the meaning of "territory"
- Section 9-11.2 should be amended to address which candidate is seated on a local school board where the school district elects its board members by area of residence, the two candidates ran for unexpired terms, both are from the same area of residence, and both are the highest vote getters in their respective elections

Tuberculosis Testing: This proposal will align Tuberculosis (TB) screening requirements for school district employees in the School Code with screening requirements in Illinois Department of Public Health (IDPH) rules. Currently, 105 ILCS 5/24-5 requires school employees to be screened for TB prior to employment. In October 2012, IDPH made modifications to the Control of Tuberculosis Code (77 Ill. Adm. Code 696) with respect to the screening of certain persons. Specifically, IDPH rules no longer require TB screening of all teachers prior to employment in a school. The requirement for TB screening, however, does remain in effect for workers in child day care and pre-school settings. Also, under Section 140, subsection (b), persons who have a documented positive TB screening test result are to be screened for active TB disease. ISBE intends to work with IDPH to bring clarity to the latter categories. It should be further noted that a shortage of TB screening materials has been experienced in the field, dating back to early spring of 2013. This shortage of screening materials only complicates the lack of connection between the School Code and IDPH rules.

School Safety Drills: This initiative would clarify that state-recognized non-public schools are required to conduct a minimum of one annual meeting regarding safety drill programs. This would align safety drill requirements for state-recognized non-public schools with public school requirements.

Obsolete/Duplicative Bill: 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. Changes may include:

- Home/Hospital Reimbursement – legislation to align the amount of home/hospital reimbursement for each eligible teacher from \$8,000 to \$9,000 as currently provided in Section 14-13.01
- Special Education Reimbursement – legislation to strike obsolete language as to how special education students are reimbursed in group orphanage settings. Since fiscal year 2002, eligible special education students served in group homes are claimed individually instead of via a group program budget application through the regional superintendent. All eligible students are claimed individually with appropriate eligible costs and reimbursed fully.
- Multi-Function School Activity Bus (MFSAB) – legislation to align Section 29-6.3 regarding the definition of a multi-function school activity bus (MFSAB) to mirror the Illinois Vehicle Code (IVC) in 625 ILCS 5/1-148.3a-5 which defines such vehicle. Currently, the School Code in Section 29-6.3 limits a MFSAB to 15 passengers while the IVC defines the same vehicle as those manufactured to carry 11 or more persons including the driver.
- Reorganization – changes are needed to the various reorganization articles in the School Code. When the new performance evaluation language was enacted, the section on contractual continued service protection in a reorganization was moved from Section 24-12 of the School Code to Section 24-11(h) of the School Code. Due to this, the references within the reorganization articles dealing with this topic need to be updated.

Superintendent's Recommendation

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

The State Board of Education hereby authorizes the following legislative proposals to move forward as agency initiated proposals for the 2013 Veto Session and the 2014 Legislative Session:

- FY 14 Supplemental Request
- Multiple Measures Index
- District Interventions
- Charter Schools
- Federal Grant Processing
- Data Streamlining
- Elections
- Tuberculosis Testing
- School Safety Drills
- Obsolete and Duplicative Changes

Next Steps

Staff will move forward with drafting all approved legislative proposals and will proceed with securing legislative sponsors for the 2014 Legislative Session.

ILLINOIS STATE BOARD OF EDUCATION MEETING
September 18-19, 2013

TO: Illinois State Board of Education

FROM: Christopher Koch, Ed.D., State Superintendent of Education 
Peter Godard, Chief Performance Officer 

Agenda Topic: Board Goals and Metrics

Materials: U.S. Education Delivery Institute Goals Inventory for Partner States
Center for Performance/U.S. Education Delivery Institute Presentation
Materials on Board Goals and Metrics

Staff Contact(s): Peter Godard, Chief Performance Officer

Purpose of Agenda Item

In response to requests from several members of the State Board, the Chief Performance Officer requests that the Board identify four to six priority metrics to track the State Board's progress on its strategic plan and that the Board authorize the State Superintendent to recommend annual targets on these metrics for the Board's approval at a future meeting.

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

This agenda item relates to measurement of progress of the strategic plan as a whole and to the refinement of the strategic plan itself.

Expected Outcome(s) of Agenda Item

It is expected the Board will identify four to six priority metrics that the State Board will use to track and communicate its progress in furthering its mission and achieving the three goals in its strategic plan. It is also anticipated that the Board will authorize the Superintendent to recommend annual targets for each of these metrics for the Board's approval at a future meeting. Further, it is expected that the Board will make a determination about the need for future adjustments or refinements to its strategic plan.

Background Information

In 2008, the State Board revised its strategic plan by adopting a new mission statement. The current mission of the board states;

"The Illinois State Board of Education will provide leadership, assistance, resources, and advocacy so that every student is prepared to succeed in careers and postsecondary education, and share accountability for doing so with districts and schools."

At the same time, the State Board adopted three goals for its strategic plan:

Goal 1: Every student will demonstrate academic achievement and be prepared for success after high school

Goal 2: Every student will be supported by highly effective teachers and school leaders

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

Since 2008, these goals have been used to organize, communicate and manage the work of the State Board. Agency staff use the goals as a framework for categorizing items requiring Board approval and they also serve as a structure for the State Board's annual update to the strategic plan. Further, the goals are used in a number of internal processes such as prioritizing requests to fill positions.

In August 2013, State Board members Curt Bradshaw and Steven Gilford requested that Agency staff identify a set of performance metrics that Board members could use to track the progress of the strategic plan. Mr. Bradshaw and Mr. Gilford indicated that they would like the State Board to adopt a small number of performance metrics that would succinctly communicate the results of its work. In response to this request, Agency staff identified the set of performance metrics summarized in Table 1 below. These performance metrics were selected based on their appropriateness to the board mission of preparing every student to succeed in careers and postsecondary education as well as the availability of data.

Table 1. Available Metrics to Measure Progress

Metric Type	Metric	Definition
High School Graduation	% Grade 9 students graduating within five years	Percent of Grade 9 students who graduate within five years of starting high school
College & Career Readiness	% Graduates ready for college coursework	Percent of graduates: with an ACT composite score of 21 or above
	In English	with an ACT English score of 18 or above
	In social science	with an ACT reading score of 22 or above
	In math	with an ACT math score of 22 or above
	In science	with an ACT science score of 23 or above
	% Graduates certified for career readiness	Percent of graduates with a career readiness certificate (based on an optional WorkKeys test)
Academic Proficiency (Absolute)	% Grade 8 students academically on track	Percent of Grade 8 students meeting common core standards on both reading and math assessments
	% Grade 3 students academically on track	Percent of Grade 3 students meeting common core standards on both reading and math assessments
Academic Proficiency (Growth)	Growth model score	Statewide average on the value table-based growth model
School Readiness	% Early Childhood Block Grant program participants ready for kindergarten	In development for 2016-17

Metric Type	Metric	Definition
Teacher & Leader Effectiveness	% Teachers proficient	% Teachers rated excellent or proficient.
	% Leaders proficient	% School leaders rated excellent or proficient

The table above includes only metrics that apply across all students and districts. However, each metric can be disaggregated and reported for selected segments of students and school districts. Targets for these populations (e.g., closing the achievement gap for students with disabilities) can also be set and reported. The Board may consider student groups including students with disabilities, students in low income households, Black/African American students, and Hispanic/Latino students. The Board may also consider district groups including intervention districts, focus districts, and priority districts.

Agency staff enlisted the technical assistance of the U.S. Education Delivery Institute (EDI) in selecting the metrics presented in Table 1. EDI is a non-profit organization that focuses on implementing large-scale system change in public education. EDI currently works in fourteen states with the mission to partner with K-12 and higher education systems with ambitious reform agendas and invest in their leaders' capacity to deliver results. By employing a proven approach, known as *delivery*, EDI helps state leaders maintain the necessary focus to plan and drive reform.

One key contribution EDI provided to the process was an inventory of goals that have been developed by other state departments of education with which they work. Table 2 summarizes the information EDI compiled. For reference, the specific metrics used by these states are also included in the attached inventory document. The metrics compiled above by Agency staff have been organized into these same categories for ease of comparison.

Table 2. Metrics Used by State

	AL	DE	HI	KY	MA
High School Graduation	X	X	X	X	X
College and Career Readiness	X	X	X	X	X
Proficiency (Absolute)	X	X	X	X	X
Proficiency (Gaps)	X	X	X	X	X
School Readiness				X	
School Turnaround					X
Teacher Effectiveness	X		X	X	X
Data Systems					X

During the board retreat, Agency staff along with staff from EDI will review the background information contained in the attached set of PowerPoint slides. Board members will then have an opportunity for extended conversation with the objective of identifying four to six priority outcome metrics. Guiding questions for this conversation include:

- Do you believe this process will improve the likelihood of achieving the State Board's mission?
- Which of these are the right metrics to track our progress?
- Which will help us best communicate our progress?
- Which metrics from other states might work well for us?
- Is anything missing?

After Board members have come to consensus about the priority metrics, EDI will share some additional information about its work in other state departments of education. In particular, EDI will review some of the implementation tracking and reporting tools used in Massachusetts to ensure high quality delivery of the strategies it selected to achieve its goals.

Next Steps

Upon Board authorization, Agency staff will conduct a trend analysis for each of the priority metrics identified by the Board. Utilizing this trend analysis, the Superintendent will recommend annual targets for each metric for the Board's approval at a future meeting. It is anticipated that these metrics and targets would then be used by the State Board in all future discussions and communications about its progress on the strategic plan.

EDI K-12 Partner Systems: Goals Inventory

Goal Category	State	Metric Definition	Baseline	Target	Year
I. High School Graduation					
	DE	4-year cohort graduation rate	78.4%	89.2%	2017
	KY	4-year average Freshman graduation rate	76.0%	90.0%	2015
	MA	5-year cohort graduation rate	85.7%	88.0%	2014
	AL	4-year cohort graduation rate	65.0%	85.0%	2016
II. College and Career Readiness					
	DE	Post-secondary enrollment	61.0%	70.0%	2014
		Post-secondary retention	78%	80.3%	2014
	KY	Students meeting ACT benchmark, passing COMPASS, or earning career certificate	34.5%	67.0%	2015
	MA	Completion of MassCore (rigorous course of study)	69.6%	82.5%	2014
	AL	Students meeting ACT benchmark	18.0%	30.0%	2020
III. Proficiency (Absolute)					
	DE	Grade 3-5 reading proficiency	63%	Increase percent scoring proficient to 81%	2015
			32%	Increase percent grade 4 scoring advanced to 56%	2015
		Grade 6-8 reading proficiency	61%	Increase percent scoring proficient to 80%	2015

III. Proficiency (Absolute)					
	DE		37%	Increase percent grade 8 scoring advanced to 56%	2015
		Grade 9-10 reading proficiency	60%	Increase percent scoring proficient to 80%	2015
		Grade 3-5 math proficiency	66%	Increase percent scoring proficient to 83%	2015
			21%	Increase percent grade 4 scoring advanced to 60%	2015
		Grade 6-8 math proficiency	60%	Increase percent scoring proficient to 80%	2015
			28%	Increase percent grade 8 scoring advanced to 57%	2015
		Grade 9-10 math proficiency	60%	Increase percent scoring proficient to 80%	2015
		Grade 4 social studies proficiency	64%	Increase percent scoring proficient to 82%	2015
		Grade 7 social studies proficiency	56%	Increase percent scoring proficient to 78%	2015
		Grade 5 science proficiency	49%	Increase percent scoring proficient to 74%	2015
		Grade 8 science proficiency	48%	Increase percent scoring proficient to 74%	2015
		Grade 10 science proficiency	40%	Increase percent scoring proficient to 70%	2015
		Grade 4 reading proficiency	35%	55% proficient on NAEP	2015
		Grade 8 reading proficiency	31%	55% proficient on NAEP	2015
		Grade 4 math proficiency	36%	55% proficient on NAEP	2015
		Grade 8 math proficiency	32%	55% proficient on NAEP	2015

III. Proficiency (Absolute)					
	KY	Combined reading and math proficiency	¹	Increase the average K-PREP scores for elementary and middle school students	2016
		Quality of educational programs	¹	Increase the percentage of proficient and distinguished programs in the Arts and Humanities, Practical Living and Career Studies, and Writing	2017
		Kindergarten readiness	¹	Increase the number of students that will be ready for kindergarten by 50%	2016
		3 rd grade reading and math proficiency	¹	Increase the percentage of 3 rd graders proficient in math and reading to 90%	2016
	MA	3 rd grade reading proficiency	85.8%	Increase overall 3rd grade Reading Composite Performance Index (CPI) to 88.8%	2014
			14.3%	Increase percent scoring Advanced on grade 3 MCAS reading comprehension to 18.0%	2014

¹ This data is based on the current assessment; a new assessment will be used in spring 2012 and baseline and targets will be updated.

III. Proficiency (Absolute)					
	MA	8 th Grade Math Proficiency	75%	Increase overall 8th grade Mathematics Composite Performance Index (CPI) to 89%	2014
			22.2%	Increase percent scoring Advanced on grade 8 MCAS Mathematics test to 35.9%	2014
	CO ²	Third Grade Reading Proficiency	TBA	TBA	TBA
IV. Proficiency (Gaps)					
	DE	Black-White Achievement Gap (Reading and Math, Grades 3-5, 6-8, 9-10)	26-29%	Reduce by half from 2008-09 levels	2015
		Hispanic-White Achievement Gap (Reading and Math, Grades 3-5, 6-8, 9-10)	18-24%	Reduce by half from 2008-09 levels	2015
		Low-Income, High-Income Gap (Reading and Math, Grades 3-5, 6-8, 9-10)	25-27%	Reduce by half from 2008-09 levels	2015
		Students with Disabilities, Students without Disabilities Gap (Reading and Math, Grades 3-5, 6-8, 9-10)	44-49%	Reduce by half from 2008-09 levels	2015
	KY	Achievement for non-duplicated gap group	³	Increase average combined reading and math proficiency for all students in the non-duplicated gap group	2017
	MA	Increase 3 rd grade reading CPI for any student identified as high-needs (e.g. SPED, LEP)	76.1%	80.1%	2014
		Increase 8th grade math CPI for any student identified as high-needs (e.g. SPED, LEP)	59.0%	74.9%	2014

² CO is currently in the early stages of producing a student proficiency goal, targets, and trajectories.

³ Baseline data will be available based on new state-wide assessment.

VI. Teacher Effectiveness					
	KY	Teacher effectiveness	⁴	Increase percent effective teachers	2020
		Leader effectiveness	⁴	Increase the percentage of effective school principals	2020
	MA	Improve the effectiveness of administrators and teachers across the state, particularly in the 61 Level 3 and 4 districts (low performing districts)	41.0% (English)	Increase English median student growth percentile (SGP) to 64 for all grades in the Level 4 (turnaround) schools	2014
			43.0% (Math)	Increase math median SGP to 65 for all grades in the Level 4 (turnaround) schools	2014
VII. School Turnaround					
	KY	All schools and districts are effective: Increase the percentage of schools/districts rated at or above proficient as measured by School/District Report Cards	Not available	TBD ⁵	2017

⁴ New tools are being used. Baseline data will be available soon.

⁵ New tools are being used. Baseline data will be available soon.

VII. School Turnaround					
	MA	Turnaround underperforming schools and districts to improve access to high-quality learning opportunities	31%	Increase English SGP to 41% for SPED students in level 4 schools	2014
			34%	Increase Math SGP to 44% for SPED students in level 4 schools	2014
			40%	Increase English SGP to 50% for LEP students in level 4 schools	2014
			45%	Increase Math SGP to 55% for LEP students in level 4 schools	2014
			42%	Increase English SGP to 64% for schools on the cusp of turnaround	2014
			42%	Increase Math SGP to 65% for schools on the cusp of turnaround	2014
VIII. Data Systems					
	KY	Use data to inform decision making as well as teaching and learning	89%	Increase the number of schools meeting the threshold to receive school-level reporting as measured by the TELL survey to 95%	2015



Illinois
State Board
of Education

Board Goals & Metrics

Illinois State Board of Education Retreat

September 18, 2013



Agenda



- **Introduction and context**

- Goal-setting and metrics in other states
- Review ISBE goals and available metrics to measure progress
- Discussion: Identifying metrics for our goals
- EDI Presentation: Using the delivery model to strengthen implementation
- Close and next steps

Agenda

- Introduction and context



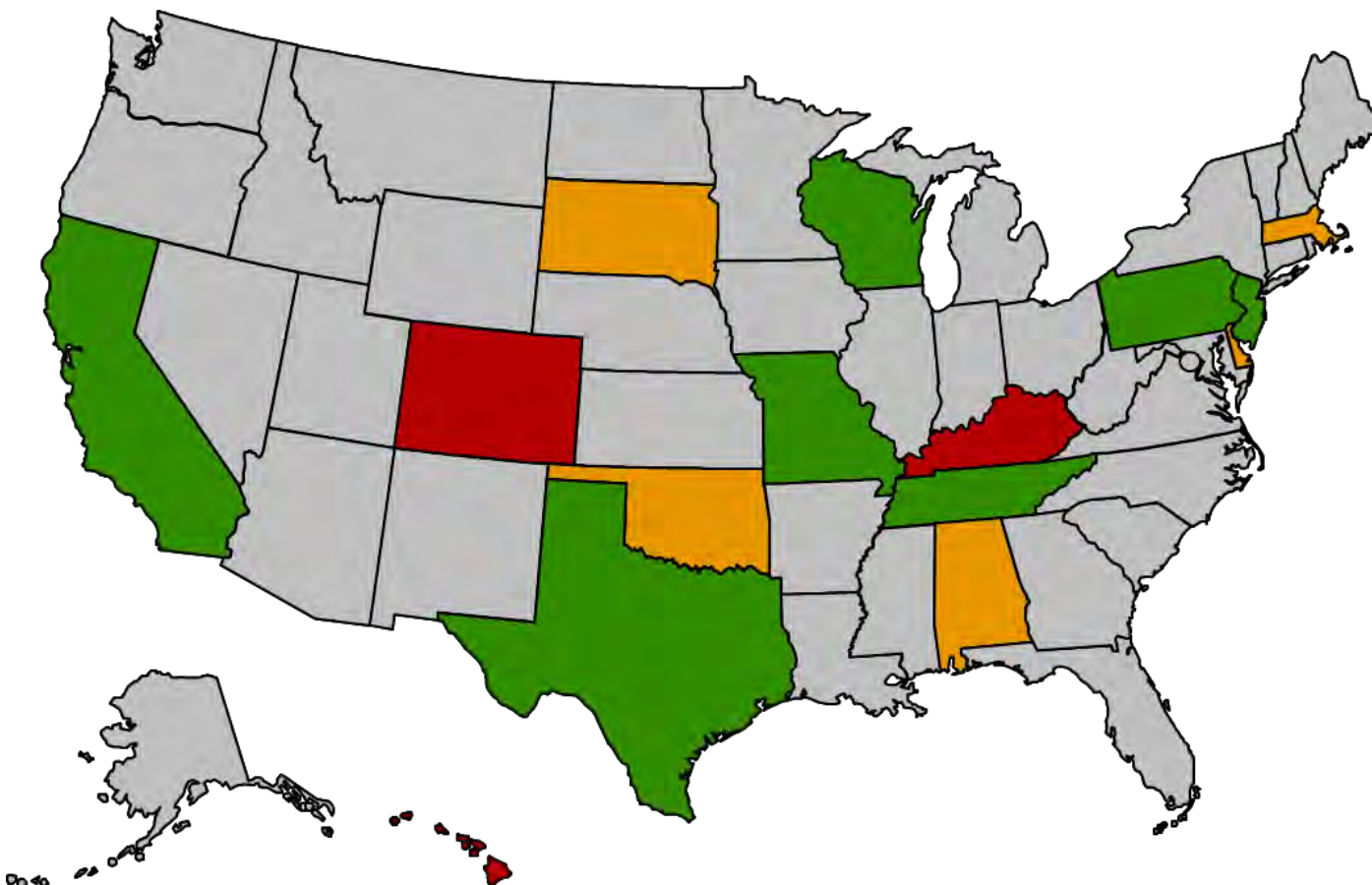
- **Goal-setting and metrics in other states**

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EDI was created to help bring the delivery methodology to implementation of education reform in the US

Current EDI Partner Systems

- K-12
- Higher Education
- Both



Our mission is to partner with K-12 and higher education systems with ambitious reform agendas and invest in their **leaders' capacity to deliver results**. By employing a proven approach, known as *delivery*, we help state leaders maintain the necessary **focus** to plan and drive reform.


The delivery approach produces results by focusing leaders on four fundamental questions

“delivery” (*n.*) is a systematic process through which system leaders can drive progress and deliver results.

It will enable a system to answer the following questions rigorously:

- 1 What is our system trying to do?
- 2 How are we planning to do it?
- 3 At any given moment, how will we know whether we are on track?
- 4 If not, what are we going to do about it?

Definitions for our discussion

 Focus of today's discussion

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Aspiration: The system's overarching ambition and moral imperative. It is the system's answer to the question: ***"What are we trying to do?"***






Goal:
The "What" A specific, measurable, ambitious and realistic, time-bound outcome for students that will move the system closer to its aspiration when achieved. It should have clear **metrics, targets, and year** in which it will be achieved.

Theory of action: The system's belief about the best way to achieve its goals, that can usually be expressed in the form of an "if, then" statement. It is the organizing force for selecting and prioritizing strategies

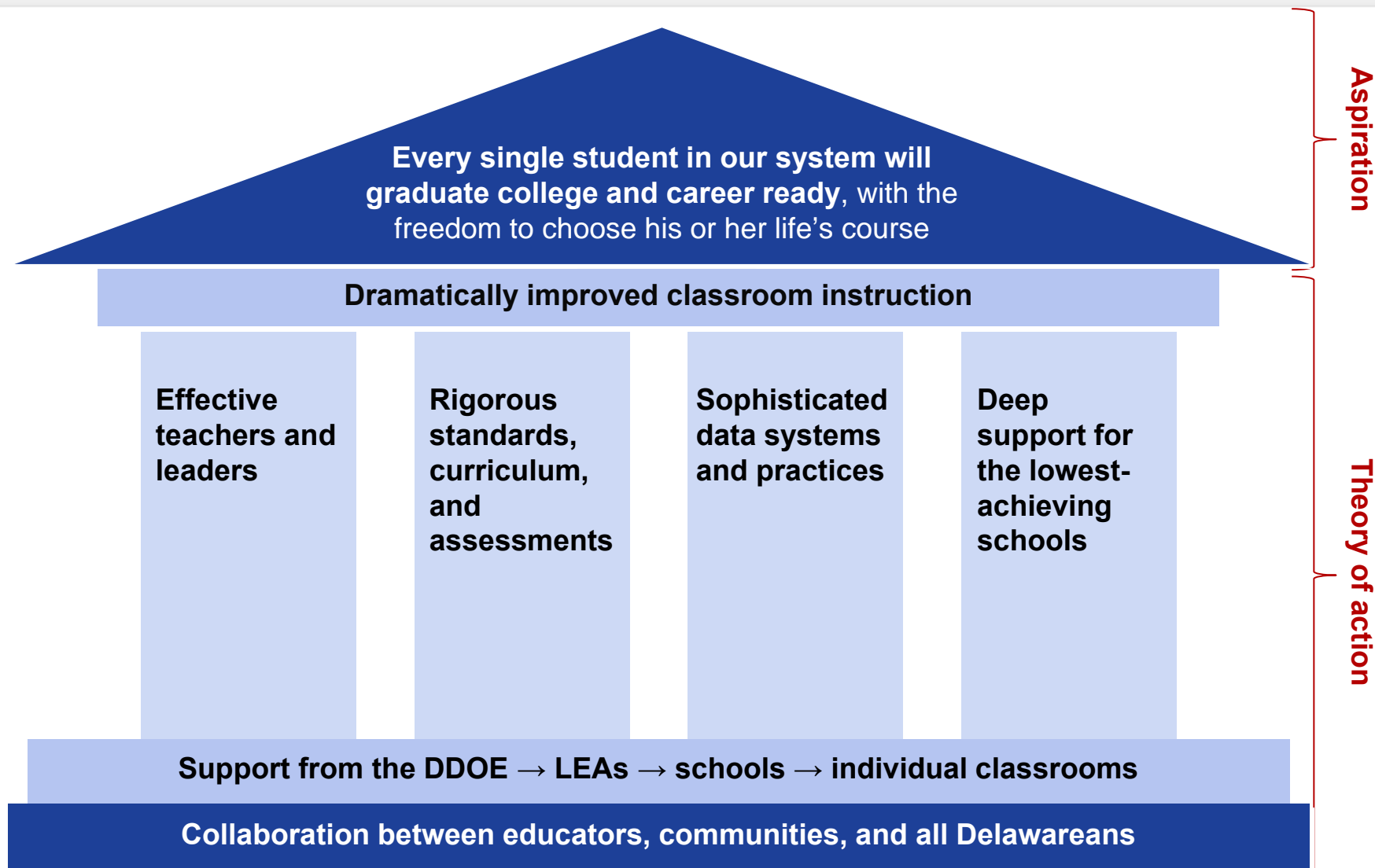
Strategies:
The "How" The projects/ programs/ initiatives that will enable the system to achieve its goals

An early priority in EDI's work with partner systems is to establish specific goals for student outcomes

Summary of goal types and origins for some K-12 systems in the EDI network

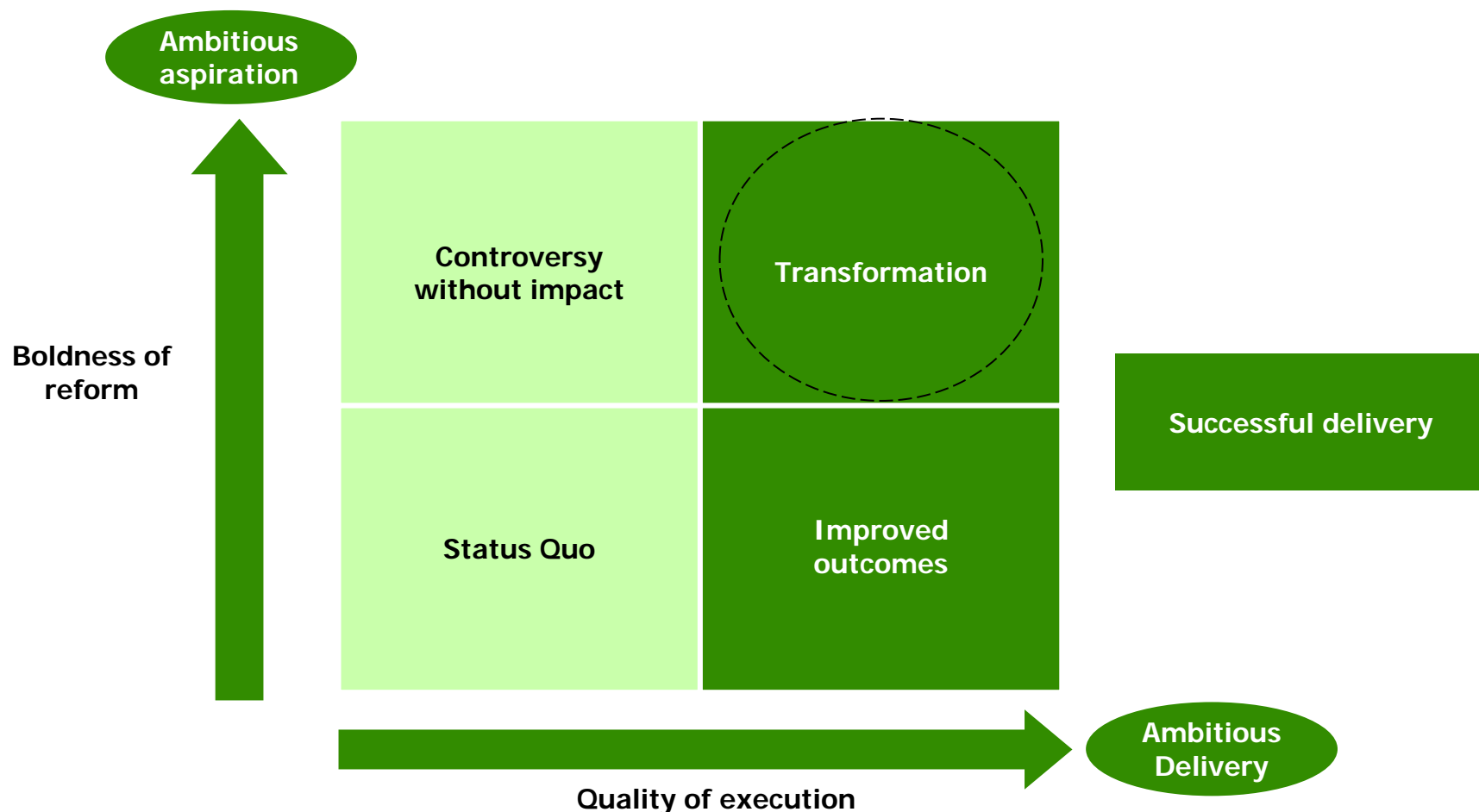
	High School Graduation	College and Career Readiness	Proficiency (Absolute)	Proficiency (Gaps)	School Readiness	School Turn-around	Teacher Effectiveness	Data Systems	Where did the goals come from?
AL 	X	X	X	X			X		Defined in the state's Plan 2020 vision.
DE 	X	X	X	X					Based closely on the state's Race to the Top grant application
HI 	X	X	X	X			X		Based closely on the state's Strategic Plan goals for 2018
KY 	X	X	X	X	X		X		Driven by Senate Bill 1 through Kentucky's legislature
MA 	X	X	X	X		X	X	X	Based closely on the state's Race to the Top plan and State Board goals

Delaware's aspiration for students




Aspirations push the boldness of reform while delivery pushes the quality of execution

The nature of your aspiration determines how bold the reform will be, while the quality of the delivery effort determines how well executed the reform will be.



Agenda

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Illinois State Board of Education Mission & Goals Adopted 2008

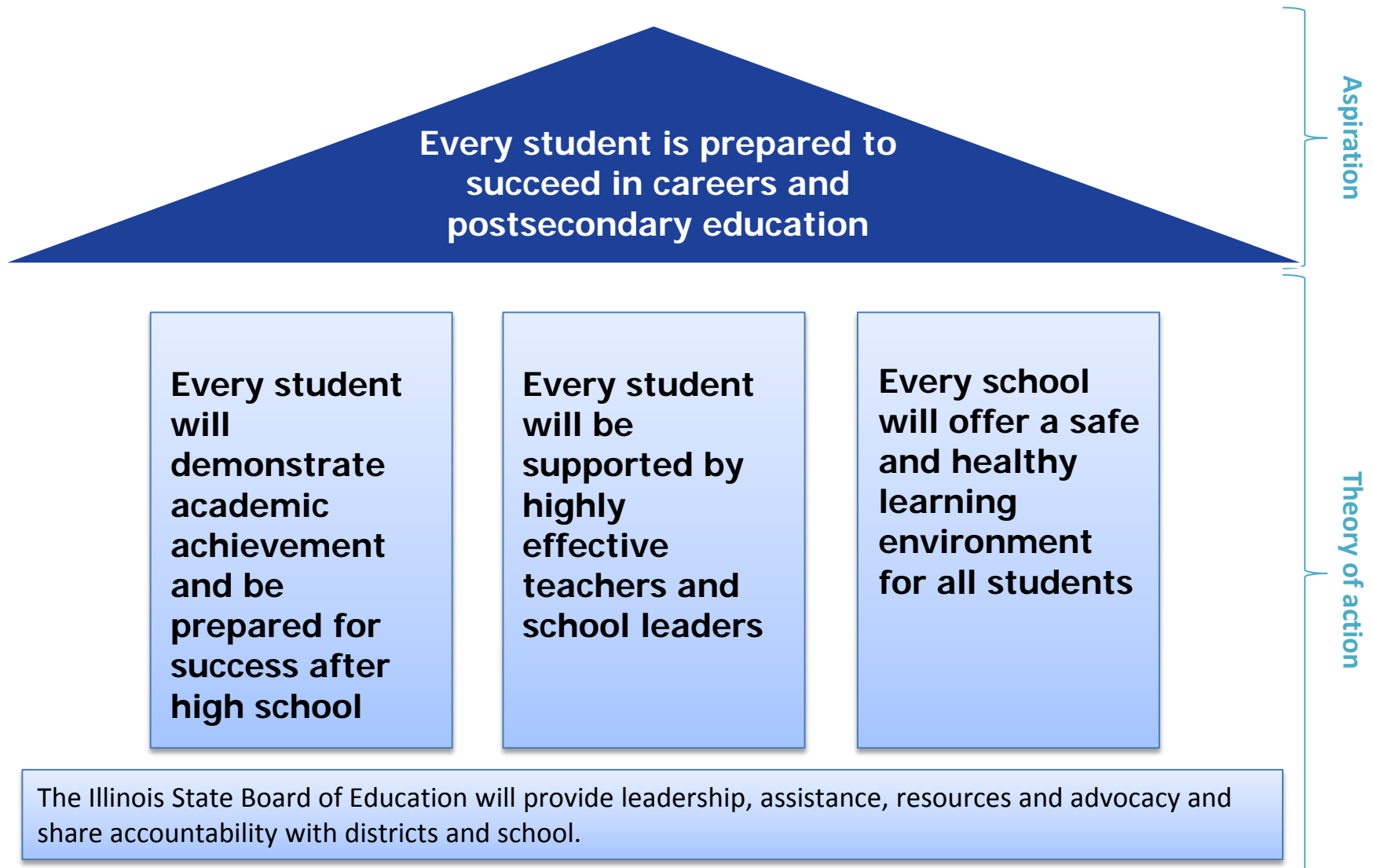
Mission: The Illinois State Board of Education will provide leadership, assistance, resources and advocacy so that every student is prepared to succeed in careers and postsecondary education, and share accountability with districts and schools.

Goal 1:
Every student will demonstrate academic achievement and be prepared for success after high school

Goal 2:
Every student will be supported by highly effective teachers and school leaders

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

Proposed Framework for Selecting Metrics to Measure Progress



Available Metrics to Measure Progress

Metric Type	Metric	Definition
High School Graduation	% Grade 9 students graduating within five years	Percent of Grade 9 students who graduate within five years of starting high school
College & Career Readiness	% Graduates ready for college coursework	Percent of graduates: with an ACT composite score of 21 or above
	In English	with an ACT English score of 18 or above
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	% Graduates certified for career readiness	Percent of graduates with a career readiness certificate (based on an optional WorkKeys test)
Academic Proficiency (Absolute)	% Grade 8 students academically on track	Percent of Grade 8 students meeting common core standards on both reading and math assessments
	% Grade 3 students academically on track	Percent of Grade 3 students meeting common core standards on both reading and math assessments
Academic Proficiency (Growth)	Growth model score	Statewide average on the value table-based growth model

Available Metrics to Measure Progress (Continued)

Metric Type	Metric	Definition
School Readiness	% Early Childhood Block Grant program participants ready for kindergarten	In development for 2016-17
Teacher & Leader Effectiveness	% Teachers Proficient	% Teachers rated as excellent or proficient. In development for 2014-15.
	% Leaders Proficient	% School leaders rated as excellent or proficient. In development for 2014-15.

Segments for Reporting Our Performance Metrics

Performance metrics selected can be tracked and reported for selected segments of our student and district populations. Targets for these populations (e.g., closing the achievement gap for students with disabilities) can also be set and reported.

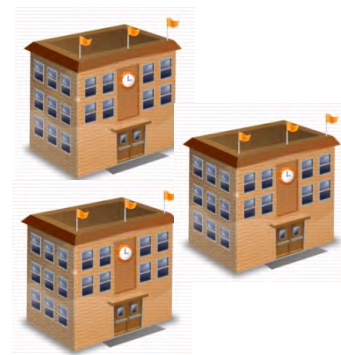
Groups of Students

- Students with disabilities
- Students in low income households
- Black/African American students
- Hispanic/Latino students



Groups of Districts

- Intervention districts
- Focus districts
- Priority districts



Agenda

- Introduction and context
- Goal-setting and metrics in other states
- Review ISBE goals and available metrics to measure progress



- **Discussion: Identifying metrics for our goals**
- EDI Presentation: Using the delivery model to strengthen implementation
- Close and next steps

Questions to Consider

Review the draft metrics and consider:

- ✓ Do you believe this process will improve the likelihood of achieving the State Board's mission?
- ✓ Which of these are the right metrics to track our progress?
- ✓ Which will help us best communicate our progress?
- ✓ Which metrics from other states might work well for us?
- ✓ Is anything missing?

Agenda

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Pulse Check: The ISBE's Reform Agenda



When you think about the work underway at the ISBE...

- What is your **greatest success** in delivering results?
- What is the **greatest challenge** you face in your implementation efforts?

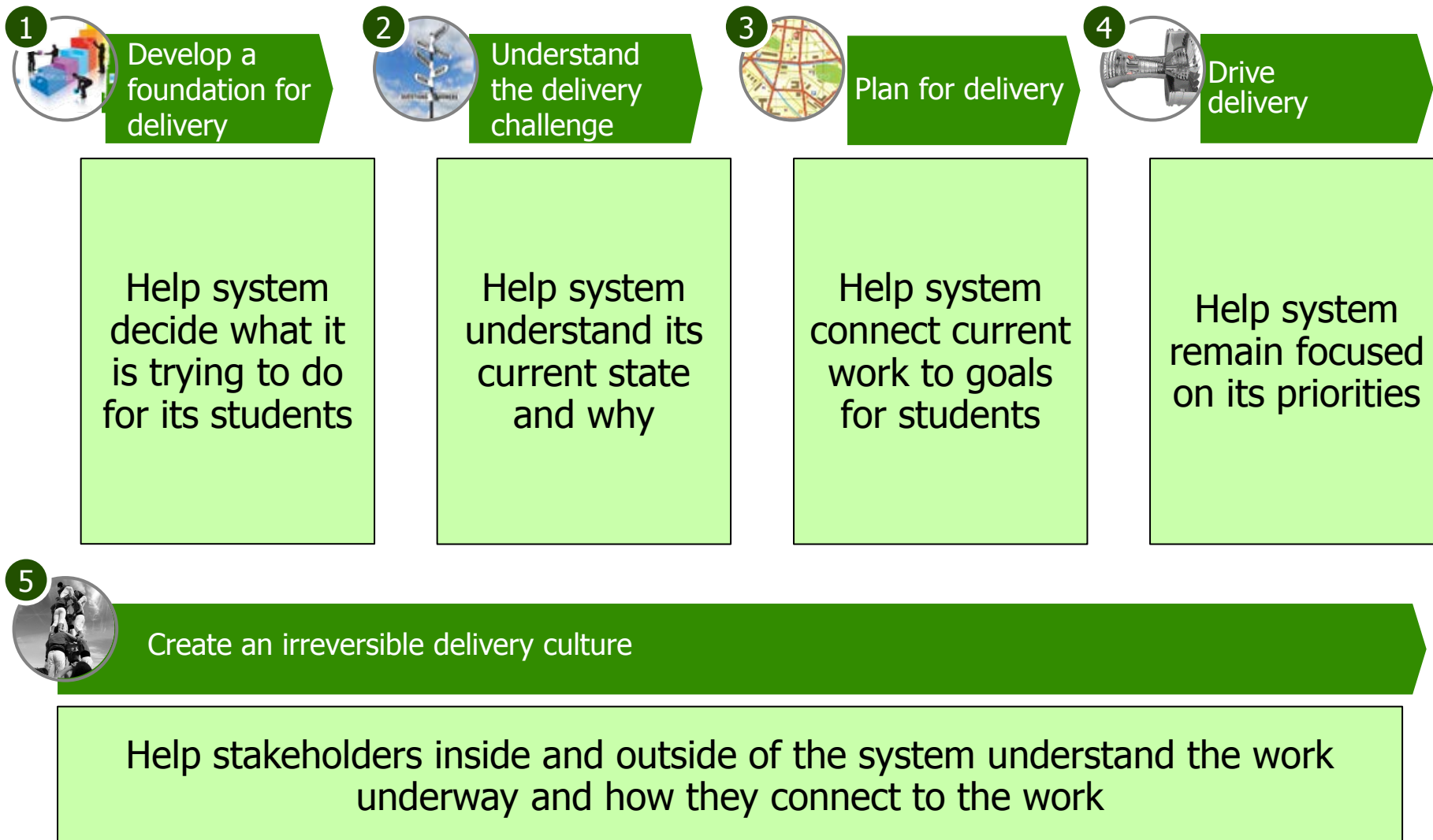
The delivery approach produces results by focusing leaders on four fundamental questions

“delivery” (*n.*) is a systematic process through which system leaders can drive progress and deliver results.

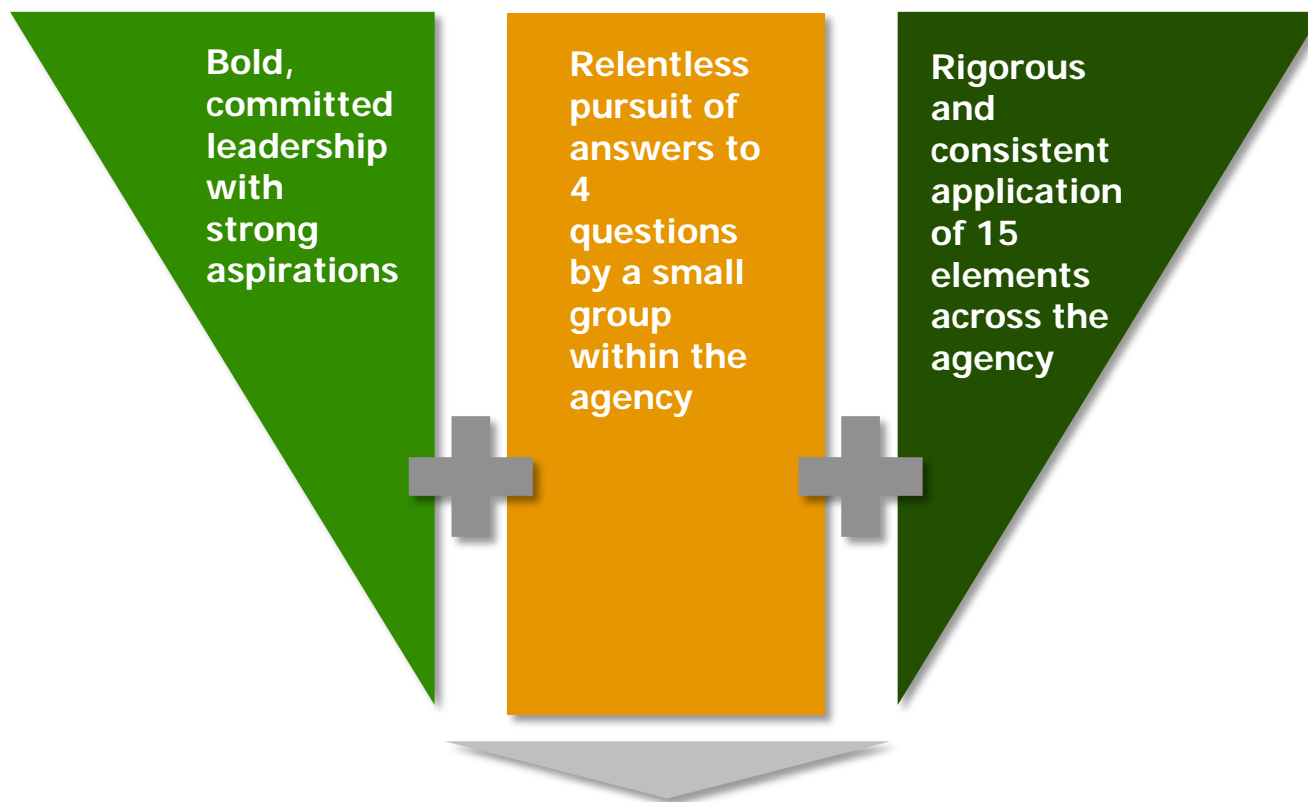
It will enable a system to answer the following questions rigorously:

- 1 What is our system trying to do?
- 2 How are we planning to do it?
- 3 At any given moment, how will we know whether we are on track?
- 4 If not, what are we going to do about it?


In order to fully answer these four questions, agencies must pay attention to the 15 essential elements of delivery



We believe that a committed leadership team using these tools will achieve significant results for students



Case Story: Massachusetts

A high-angle photograph of four students sitting around a wooden desk. Two students are at the top of the frame, looking down at a notebook. Two students are at the bottom, also looking at a notebook. The desk is cluttered with books, papers, and a laptop. A semi-transparent grey box with text is overlaid in the center.

Delivery in Action

Massachusetts Department of Elementary and Secondary Education

In October 2010, the MADESE began delivery by defining goals and assigning leaders at EDI's Harvard Institute

These delivery goals are closely aligned with their Race to the Top goals

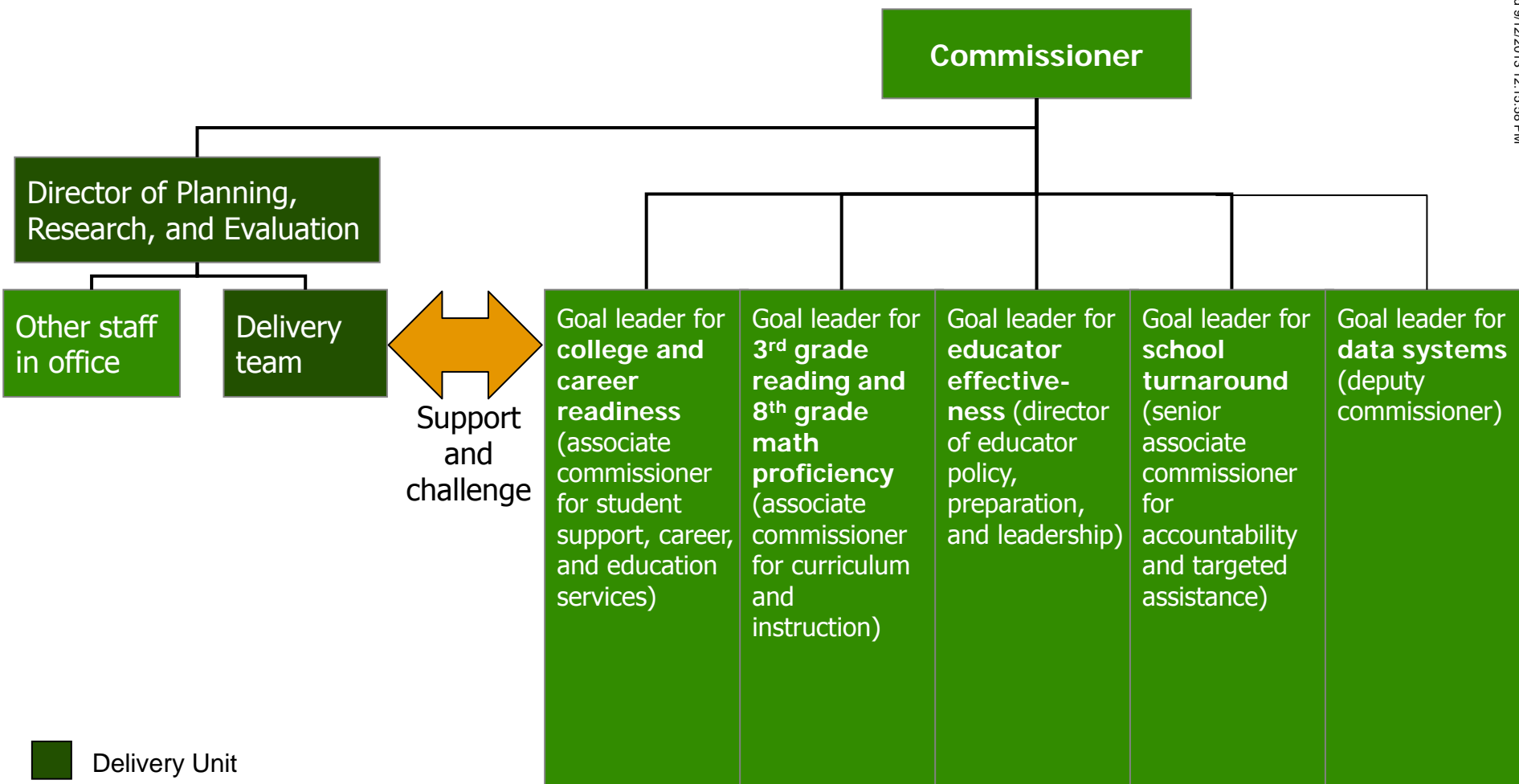
<i>Delivery</i>	Grade 3 reading	Grade 8 math	College & career readiness	Turnaround	Data systems	Educator effective-ness
<i>Goal leader</i>	Julia	Julia	John	Lynda	Jeff	Claudia
<i>Goal mgr</i>	Sue	Barbara	Keith	Lise	Rob	Liz

<i>RTTT</i>	Curriculum and instruction	Assess-ment	College & career readiness	Turnaround	Data systems	Educator effective-ness (except eval)	Educator evaluation
<i>Exec sponsor</i>	Julia	Bob	John	Lynda	Jeff	Claudia	Karla

To coordinate the agency's efforts on the goals, Commissioner Chester created a Delivery Unit

The MADESE DU has three full-time team members and reports directly to the Commissioner

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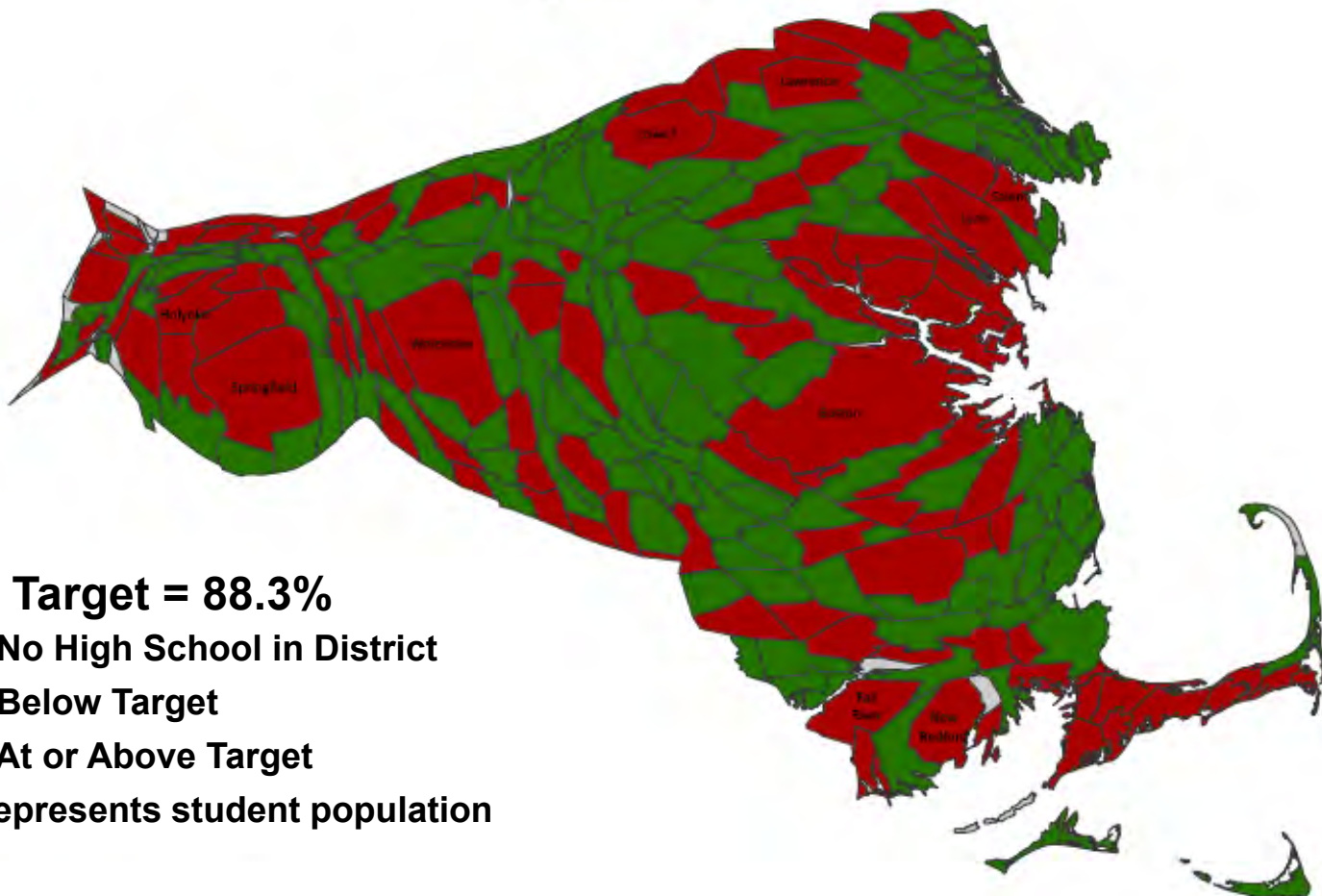
From the beginning, the DU has conducted detailed analyses to understand drivers of performance across the state

Example:

College and Career Readiness

5-Year Graduation Rate (2010)

Cartogram Map



2014 Target = 88.3%

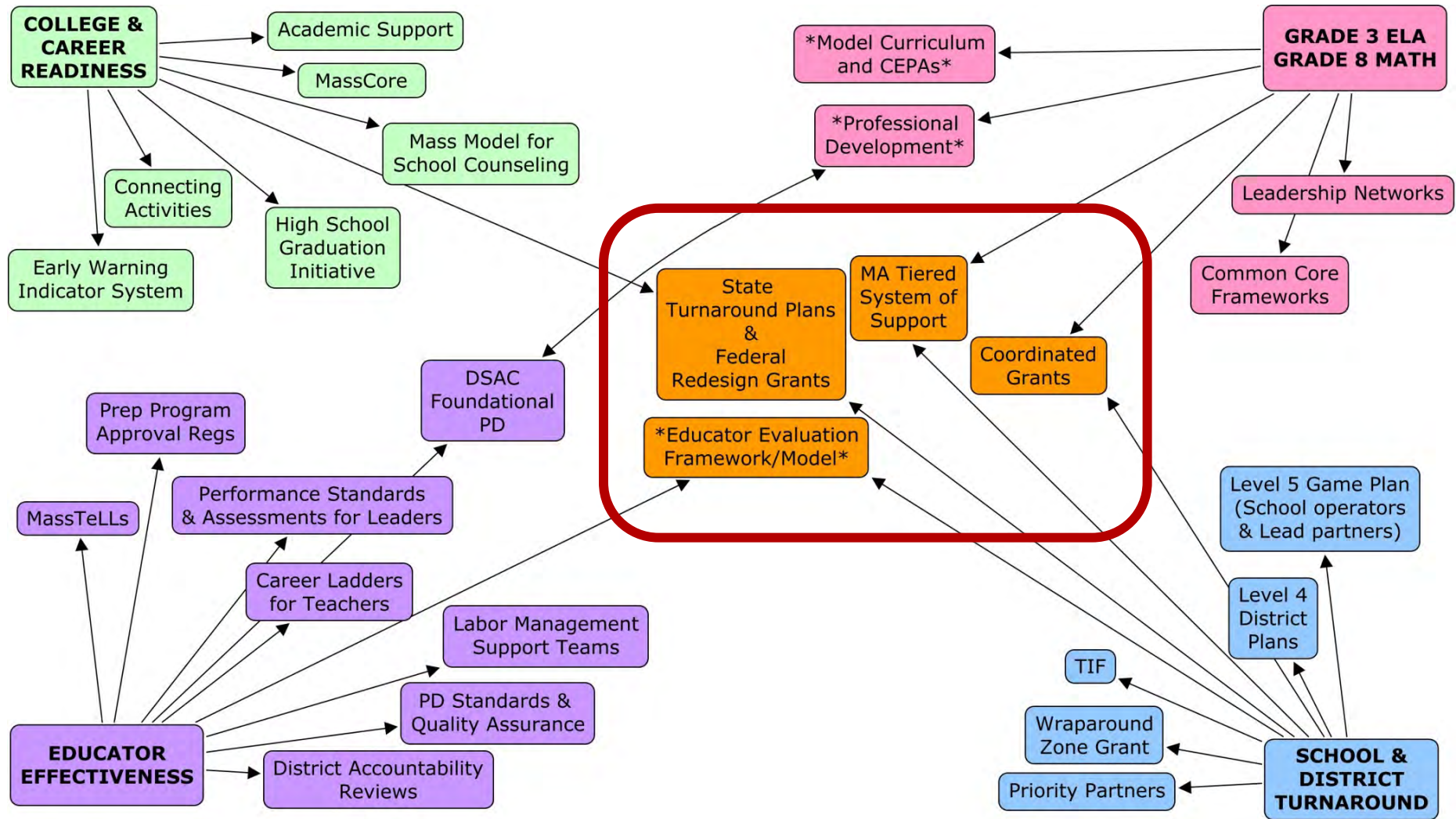
 No High School in District

 Below Target

 At or Above Target

Size represents student population

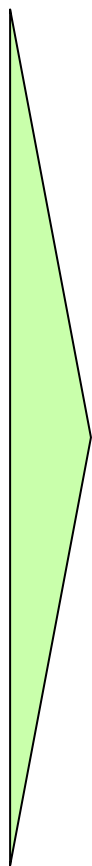
The DU began the planning process by coordinating priority strategies around their identified goal areas



Each delivery plan describes priority projects in detail

The delivery plan highlights the following information for each project:

- ✓ Description
- ✓ Leadership
- ✓ Scope
- ✓ Activities
- ✓ Timeline
- ✓ Stakeholders
- ✓ Effects on the Target
- ✓ Performance Management
- ✓ Project Risks



4. Level 4 and 5 District Plans	
Project Description	Each Level 4 district (Southbridge, Gill-Montague, Randolph, Holyoke and New Bedford) will be supported in developing and implementing a sound district plan to rapidly accelerate improvement in instructional practices and student achievement. The planning and implementation process links focused plan development with project management support and expertise.
Project Leadership	The Center for Targeted Assistance (CTA) led by Lynda Folsy, The Center for District and School Accountability (CDSA) led by Eva Mitchell, Andrea Condit in the Office of District and School Turnaround
Project Scope	The Department has learned that most underperforming districts lack the capacity to prioritize their improvement efforts, implement their plans with focus and urgency, or monitor the results in ways that lead to greater accountability and swift mid-course adjustments. They need substantial support to build these capacities quickly.
Project Activities	<p>The Center for District and School Accountability (CDSA), led by Eva Mitchell, will lead a team of Monitors who will conduct monthly formative check-ins, and quarterly progress monitoring to assess the degree of implementation, the impact of the implementation on adult practices, and the extent to which short and long term benchmark goals have been achieved.</p> <p>The Center for Targeted Assistance (CTA) will provide a Plan Manager to each district to support plan development, implementation of plan strategies, and internal monitoring of the progress on each initiative in the plan.</p> <p>CTA will also provide governance and labor management support, technical expertise, and funding designed to assist and support the success of each plan manager, and thus each district in implementing its plan.</p>
Project Timeline	<ul style="list-style-type: none"> September 2012: Annual monitoring report to BESE
Project Stakeholders	<ol style="list-style-type: none"> Plan Process Consultants: Cambridge Ed and DMC will draft and incorporate ESE feedback on Plan template, guidance, benchmarks, and tools for Plan Managers and Monitors. Plan Manager Networking Support: SchoolWorks will organize Plan Managers including: Mike Guinan, Anne Lane, Christine DeBarge, Cambridge Ed, DMC consultants. Plan Managers will submit monthly reports and documents, and set up meetings so Monitors can assess progress. Lead Plan Developers will support districts in writing plans. Plan Monitors: Eva Mitchell will lead and organize Plan Monitors Joan Connolly, Nadine Binkley, Peter Davies, and draft tools for Monitors to use to systematize their work. Monitors will assess progress using monthly reports and documents, and district meetings organized by Plan Managers. CDSA and Monitors will develop quarterly reports and present them to the School Committees. CDSA will present reports to BESE annually. Superintendents and district leadership teams will work with Plan Managers to develop and internally monitor their own progress. They will also engage with Monitors monthly to reflect on their progress, obstacles, challenges, and internal threats. Also, they will receive quarterly reports from Monitors, and be encouraged to use them to make mid-course corrections.

To keep the Commissioner informed of progress, the DU established a series of routines, consisting of bimonthly memos and stocktakes

Calendar of delivery routines for Massachusetts Department of Education, 2011

△ Stocktake
○ Memo

Last Modified 9/12/2013 12:16:00 PM

Goals	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
College and career readiness	△		○		○			△		○		○
3 rd grade reading and 8 th grade math proficiency				△		○		○		△		△
Teacher and school leader effectiveness					△		○		○		△	
Turnaround of lowest performing schools							△		○		○	
Use of data								△		○		

Additional attention for goals that are lagging

Staggered starts to each of the goals and plans

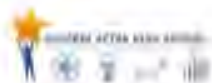
The bimonthly memos provide frequent updates on key challenges and immediate actions ...

Immediate actions for the commissioner

Likelihood of delivery for each core strategy in current and prior periods, based on most recent data and qualitative assessment

Additional detail on the evidence underlying the likelihood of delivery for each core strategy

Interim data on leading indicators to inform decisions



MEMORANDUM

To: Commissioner Mitchell Chester
From: Delivery Unit
Date: October 16, 2012
Subject: Bimonthly Memo for College and Career Readiness Goal

FOR YOUR IMMEDIATE ACTION/ATTENTION
 No items for immediate action/attention.

OVERALL LIKELIHOOD OF DELIVERY

Last 4 ratings			
● ● ● ●	At Risk	MassCore Policy & Implementation	MassCore completion rate off trajectory
● ● ● ●	At Risk	Academic Support	Posted Academic Support Specialists position
● ● ● ●	Likely	Connecting Activities	Posted Connecting Activities Coordinator position
● ● ● ●	Likely	Mass School Counseling Model	Supporting districts implement the model
● ● ● ●	Highly Likely	Early Warning Indicator System	Met deadline and providing technical assistance
● ● ● ●	Highly Likely	MassGrad	Adjusted technical assistance based on feedback

STATUS OF 2014 PRIORITY PROJECTS

MassCore ● At Risk: MassCore completion rate off trajectory
 Changing this policy to a default program of study for high school students continues to be our biggest challenge.
Next Steps: ESE staff will continue to provide individual technical assistance to districts. However, the agency will not reach its MassCore completion rate delivery target without changing MassCore to a default policy. At this point, we believe it makes sense to adjust the trajectory, both in light of the ICCR task force recommendations as well as the quality of data we've received from districts around the completion of MassCore.

Appendix A: 2012 Statewide EWIS Results

Early Elementary
Outcome: Proficient or Advanced on 3rd grade ELA MCAS

Incoming Students	EWIS Risk Level						Total
	Low		Moderate		High		
	#	%	#	%	#	%	
1 st graders	31,217	43.3%	17,135	24.9%	20,584	29.8%	68,939
2 nd graders	33,922	48.2%	15,189	21.6%	21,226	30.2%	70,337
3 rd graders	35,927	50.6%	13,629	19.2%	21,403	30.2%	70,959

*Example Interpretation: 29.8 percent of the incoming 1st graders are highly at-risk of not scoring Proficient or Advanced on the 3rd grade ELA MCAS

...while stocktakes provide a more in depth report on delivery goal progress

Agenda

- | | | |
|---------------------------------|---------------|------------|
| 1. Progress on Targets (prelim) | Delivery Unit | 10 minutes |
| 2. Progress on Projects | Turnaround | 10 minutes |
| 3. Discussion points | Turnaround | 35 minutes |
| 4. Joint Action Planning | Group | 5 minutes |

Objectives

1. Agree on the strategy for targeting schools that are on the cusp of becoming level 4
2. Agree on key recommendations and action items to push the turnaround work ahead
3. Agree on what success will look like by the next bi-monthly memo



As a result of their focused delivery efforts, Massachusetts has seen substantial progress in a number of key areas

Agency Culture

- Increased focus on student outcomes
- Shared language across agency
- Focus on key deliverables and distribution to the field
- Better use of data
- Improved ownership of initiatives

Student Outcomes

- **CCR:** 5-year graduation rate has improved to 84.7% (initial trajectory estimate was 85%)
- **Turnaround:** 30 of 34 level 4 (high needs) schools have shown improvement in ELA; 28 of 34 have shown improvement in Math
 - Special education students in these schools exceeded proficiency targets in both ELA and Math
 - ELL students in these schools exceeded proficiency target in ELA
- **Data Use:** Priority projects are all on budget, within scope, and the majority are on time

Discussion: MA Case Story

For discussion:

- ✓ How is this approach to implementation similar to ISBE's current approach? How is it different?
- ✓ Would elements of this approach be helpful for the ISBE? Why or why not?

Agenda

- Introduction and context
- Goal-setting and metrics in other states
- Review ISBE goals and available metrics to measure progress
- Discussion: Identifying metrics for our goals
- EDI Presentation: Using the delivery model to strengthen implementation



- **Close and next steps**



Illinois
State Board
of Education

Thank You

Illinois State Board of Education

RESOLUTION

**Honoring
Linda Tomlinson
September 2013**

WHEREAS, Linda earned her undergraduate degree from Western Illinois University, a Master's of Education from Phillips University in Enid, Okla., and a Ph.D. in Higher Education Administration from Illinois State University; and

WHEREAS, Linda has demonstrated her diverse skill set for putting out all kinds of fires by serving as a volunteer firefighter for the Emmet Chalmers Fire Protection District in Macomb, including serving as fire chief for the department; and

WHEREAS, Linda served in various capacities at Western Illinois University, quickly rising from a Secretary III position for Alumni Programs and ultimately serving as Director and Teacher Certification Officer at the Center for the Preparation of Education Professionals; and

WHEREAS, Linda began her career at the Illinois State Board of Education on October 1, 2007, as the Assistant Superintendent of School Support Services, later serving in the same capacity as the Assistant Superintendent of Teacher and Leader Effectiveness; and

WHEREAS, Linda always kept the K-12th grade learner central to all discussions regarding the preparation of teachers and administrators in Illinois; and

WHEREAS, Linda modeled courageous leadership in her willingness to challenge previous methods used to prepare, support and evaluate educators; and

WHEREAS, Linda provided selfless support and sacrifice to her staff while bringing the Illinois education licensure system into the 21st century of teaching and learning; and

WHEREAS, Linda laid the foundation for elevated standards and shared accountability for preparing, supporting and evaluating Illinois educators that will serve as a national model; and

WHEREAS, Linda's tireless efforts and dedication to ensure students in all Illinois schools have access to teachers and leaders who are prepared, passionate and effective will be seen and felt by today's students and students of future generations for many years to come; and

NOW, THEREFORE, BE IT RESOLVED that the Illinois State Board of Education extends its sincere appreciation and gratitude to **LINDA TOMLINSON** for her commitment to the students and educators of Illinois. The impact of **LINDA'S** dedication and contributions to the field of education will reverberate for decades.

DRAFT

Pending Approval

**Illinois State Board of Education Meeting
via video conference
August 15, 2013**

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

Mr. Gery Chico, Chairman, called the meeting to order at 10:04 a.m. Dr. Christopher Koch, State Superintendent of Education, was in attendance in Springfield. A quorum was present.

Members Present in Springfield

Dr. Andrea Brown
Dr. David Fields

Members Present by Phone

Mr. James Baumann

Members Present in Chicago

Mr. Gery Chico, Chairman
Mr. Steven Gilford, Vice Chairman
(joined meeting at 10:10 a.m.)
Dr. Vinni Hall
Ms. Melinda LaBarre

Members Absent

Mr. Curt Bradshaw

**PRESENTATIONS/
SHOWCASES**

**Race to the Top
Illinois Report
Year 1: 2012**

Peter Godard, Chief Performance Officer shared with the Board the “Race to the Top Illinois Report Year 1: 2012” (Year 1 Report), issued by the U.S. Department of Education (USDE). Mr. Godard noted that information contained in the report is gathered by the USDE during the review process (e.g. through monthly calls, onsite reviews and Annual Performance Reports to draft state-specific summary reports). The Year 1 Report highlights successes and accomplishments, identifies challenges, and provides lessons learned from implementation from approximately December 2011 through December 2012. (A copy of the report is available by contacting Board Services.)

**Center for School
Improvement
Updates**

Susie Morrison, Chief Education Officer along with Gina Burkhardt and Jessica Johnson from American Institutes for Research (AIR) and Dick Spohr, Interim Director of the Illinois Center for School Improvement discussed their partnership to build the Illinois Center for School Improvement (Illinois CSI).

Jessica Johnson explained the purpose of the Illinois CSI is to provide high-quality, coordinated, and consistent leadership for the Statewide System of Support in partnership with Regional Offices of Educations and Illinois Service Centers to ensure that Illinois school districts and schools receive expert, timely, and relevant assistance to increase district level capacity to improve student performance.

Ms. Johnson presented that Board with a PowerPoint that explained the Illinois CSI's structure, accomplishments, district support, priorities, etc. Ms. Johnson commented that they plan to launch the center in September 2013.

**EverFi Education
Technology
Company**

Sean Fitzgerald, Executive Vice President of EverFi a program created to improve the financial literacy of our nation's youth shared with the Board the highlights of EverFi's statewide data. Mr. Fitzgerald stated that EverFi Financial Literacy program is provided at no cost to school, districts, or taxpayers. He thanked the Board for playing an important part in a significant national movement to make a new generation of Americans who feel in control of their future.

**PUBLIC
PARTICIPATION**

Chicago Public Participation

The following people provided testimony on Part 25 (Education Licensure):

- Linda Wegner
- Dominic Belmonte, President and CEO of the Golden Apple Foundation
- Katelyn Johnson, Action Now, Grow Your Own Teachers

The following people provided testimony in support of the proposed rule change for Part 226 (Special Education) *school nurse and medical reviews*:

- Linda Kimel, Illinois Association of School Nurse
- Marianne Wesoloski, Illinois Association of School Nurses (accompanied Ms. Kimel)

Springfield Public Participation

Lynn Rochkes, Illinois Association of School Nurse Association (accompanied Ms. Kimel who testified in the Chicago Office)

Daryl Morrison from the Illinois Education Association and Cynthia Riseman of Illinois Federation of Teachers communicated that both organizations support the school nurses and the current proposed rule changes to Part 226.

Chairman Chico recognized Jane Quinlan, Superintendent of Regional Office of Education #9 Champaign–Ford Counties.

CLOSED SESSION

Mr. Gilford moved that the Board enter into closed session under the exceptions set forth in the Open Meetings Act of the State of Illinois as follows:

Section 2 c 29 for the purpose of discussion of meetings between internal or external auditors and governmental audit committees, finance committees, and their equivalents, when the discussion involves internal control weaknesses, identification of potential fraud risk areas, known or suspected frauds, and fraud interviews conducted in accordance with generally accepted auditing standards of the United States of America.

I further move that the Board may invite anyone they wish to have included in this closed session. Dr. Hall seconded the motion and it passed with a unanimous roll call vote.

The Board entered into closed session at 11:45 a.m. and reconvened from closed session at 12:25 p.m.

CONSENT AGENDA

Motion:

Dr. Brown moved that the State Board of Education hereby approve the consent agenda as presented. Dr. Fields seconded the motion and it passed with a unanimous voice vote.

The following motions were approved by action taken in the consent agenda motion.

Approval of Minutes

The State Board of Education hereby approves the June 19, 2013 Plenary Board Minutes as presented and the following Plenary Board Minutes as corrected: January 23-24, 2013, February 20, 2013 and March 20, 2013.

Rules for Adoption

New Part 20 (Standards for Endorsements in Elementary Education)

New Part 21 (Standards for Endorsements in the Middle Grades)

Part 25 (Educator Licensure)

Part 26 (Standards for Certification in Early Childhood Education and in Elementary Education)

Part 27 (Standards for Certification in Specific Teaching Fields)

The State Board of Education hereby adopts the proposed rulemakings for:

Standards for Endorsements in Elementary Education
(23 Illinois Administrative Code 20)

Standards for Endorsements in the Middle Grades
(23 Illinois Administrative Code 21)

Educator Licensure
(23 Illinois Administrative Code 25)

Standards for Certification in Early Childhood Education
and in Elementary Education
(23 Illinois Administrative Code 26)

Standards for Certification in Specific Teaching Fields
(23 Illinois Administrative Code 27)

Further, the Board authorizes the State Superintendent of Education to make such technical and nonsubstantive changes as the State Superintendent may deem necessary in response to suggestions or objections of the Joint Committee on Administrative Rules.

The incorporation into the Illinois Learning Standards of the Common Core State Standards for English language arts and mathematics necessitate changes in the standards for teachers of elementary education and implementation of standards specific to the teachers in the middle grades. Proposed new Parts 20 and 21 will address standards for these grade levels that focus on the literacy and mathematics skills that teachers must possess before entering the classroom. Full implementation of the proposed new standards for elementary education and middle grades will occur by February 1, 2017, for elementary, and by February 1, 2018, for middle grades.

Two optional endorsements also are being proposed for gifted education teacher and gifted education specialist, and those standards will be placed in Part 27 as new Sections 27.490 and 27.495, respectively. These standards will take effect immediately. Companion changes are being proposed in Parts 25, 26 and 27 to recognize the availability of the new endorsements in elementary education, middle grades and gifted, as well as to update terminology used regarding certification so that it reflects the new licensure system that will take effect on July 1, 2013.

Several changes were made in the proposals as a result of the 134 letters of public comment received, specifically to delay the date by which programs must stop admitting students to existing elementary programs and for candidates to obtain endorsements based on existing requirements.

Part 65 (New Teacher Induction and Mentoring)

Part 75 (Agricultural Education Program)

Part 140 (Calculation of Excess Cost under Section 18-3 of the School Code)

**Part 210
(Illinois Hope and Opportunity Pathways through Education Program)**

The State Board of Education hereby adopts the proposed rulemaking for:

New Teacher Induction and Mentoring
(23 Illinois Administrative Code 65),

Agricultural Education Programs
(23 Illinois Administrative Code 75),

Calculation of Excess Costs under Section 18-3 of the School Code (23 Illinois Administrative Code 140), and

Illinois Hope and Opportunity Pathways through Education Program (23 Illinois Administrative Code 210),

Further, the Board authorizes the State Superintendent of Education to make such technical and nonsubstantive changes as the State Superintendent may deem necessary in response to suggestions or objections of the Joint Committee on Administrative Rules.

Proposed amendments to Parts 65, 75, 140 and 210 make technical changes to align terminology in the rules to the new licensure system to take effect July 1, 2013. No public comment was received on these rulemakings, and the rules adopted were identical to those originally proposed.

Part 226 (Special Education)

The State Board of Education hereby adopts the proposed rulemaking for:

Special Education
(23 Illinois Administrative Code 226),

Further, the Board authorizes the State Superintendent of Education to make such technical and nonsubstantive changes as the State Superintendent may deem necessary in response to suggestions or objections of the Joint Committee on Administrative Rules.

The proposed amendments delay until July 1, 2015, as originally proposed, the implementation of new requirements specific to the qualifications of personnel who may conduct medical reviews, and provides opportunities other than certification (i.e., training, testing) for staff hired before July 1, 2015, to become qualified to conduct all components of the medical review. Additionally, the term "medical review" is being defined in new Section 226.160(a). The agency received 660 letters of public comment and as a result, delayed by one year (until July 1, 2016) the date upon which individuals must meet new requirements and those currently employed to receive training to become qualified to conduct all components of the medical review.

Part 228 (Transitional Bilingual Education)

The State Board of Education hereby adopts the proposed rulemaking for:

Transitional Bilingual Education
(23 Illinois Administrative Code 228).

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

technical and nonsubstantive changes, as the State Superintendent may deem necessary in response to suggestions or objections of the Joint Committee on Administrative Rules.

Proposed amendments to Part 228 provide for options other than English proficiency for placing English learners into part-time transitional bilingual education programs. Two letters of public comment were received, resulting in minor changes to the rules, as originally proposed.

Contracts and Grants Over \$1 Million

Grants Exceeding \$1 Million:

Illinois Institutes of Higher (IHE) Education Partnership

The State Board hereby authorizes the State Superintendent to enter into a continuation grant agreement in FFY 2014 and FFY 2015 with SIUE in an amount up to \$300,000 per year, which will result in the multi-year total exceeding \$1 million. Renewal in FFY 2015 will be subject to sufficient appropriation of funds and satisfactory performance in the preceding grant period.

Grants Exceeding \$1 Million:

Illinois Response To Intervention Network

The State Board hereby authorizes the State Superintendent to enter into a continuation grant agreement in FFY 2014 with Lee/Ogle ROE 47 in an amount up to \$2.4 million, with renewal in FFY 2015 subject to sufficient appropriation of funds and satisfactory performance in the preceding grant period.

Grants Exceeding \$1 Million:

Illinois Coalition for Immigrant and Refugee Rights, Parent Mentoring Program for Early Childhood Learning

The State Board hereby authorizes the State Superintendent to award a grant to the Illinois Coalition for Immigrant and Refugee Rights for an initial period beginning September 1, 2013, through June 30, 2014, with permission given to the State Superintendent to extend expenditure availability of the grant for a period not to exceed 2 years if needed to complete grant activities as provided in Section 5 of the Illinois Grant Funds Recovery Act [30 ILCS 705/5], an initial award of \$250,000, with up to an additional \$750,000 to be awarded contingent on successful completion of FY13 grant requirements and satisfactory demonstration of program effectiveness on the FY13 evaluation. The total award will not exceed \$1,000,000.

Approval of Contract:

Performance Evaluation Reform Act (PERA) Prequalification Training

The State Board hereby authorizes the State Superintendent to enter into a contract with Consortium for Educational Change (CEC), which was the successful bidder under the RFSP for maintenance of the Performance Evaluation Reform Act (PERA) Prequalification Training in Illinois. There will be no cost to the state and the initial term will be from September 2, 2013 (or upon execution, whichever is later) through June 30, 2014. There will be four possible one-year renewals contingent upon the satisfactory performance of the contractor in the preceding contract year.

Approval of Intergovernmental Agreement:

Board of Regents of the University of Wisconsin

The State Board hereby authorizes the State Superintendent to extend the intergovernmental agreement with the Board of Regents of the University of Wisconsin (Wisconsin Center for Education Research) through August 31, 2014 without any increase in the funding amount of \$1,918,845.

Contract Exceeding \$1 Million:

Illinois Migrant Council

The State Board hereby authorizes the State Superintendent to enter into a contract with the Illinois Migrant Council which was the successful bidder under the RFSP for Migrant Support Services. The cost of the initial term of the contract is \$590,000 from September 1, 2013 through August 31, 2014. This contract will have 4 optional 1-year renewals.

FY 2012 COMPLIANCE AUDIT REPORT

The State Board of Education hereby accepts the Office of the Auditor General's Illinois State Board of Education Compliance Audit for the Two Years Ended June 30, 2012.

STATEWIDE SINGLE AUDIT

The State Board of Education hereby accepts the Office of the Auditor General's State of Illinois Single Audit Report for the Year Ended June 30, 2012 as it relates to ISBE.

NASBE DUES FOR 2014

The State Board of Education hereby authorizes the State Superintendent to renew National Association of State Boards of Education membership for 2014 for the amount of \$47,519.00 as well as \$2,500.00 for the middle-range professional development account for use by Illinois members.

END OF THE CONSENT AGENDA

APPOINTMENT OF STATE EDUCATOR PREPARATION LICENSURE BOARD MEMBERS

Dr. Fields moved that the State Board of Education hereby approves the following recommended appointments to the Illinois State Educator Preparation and Licensure Board: Angie Zarvell to represent the Illinois Association of Regional School Superintendents (IARSS) and Addie Washington, Annice Brave, and Kathryn McDonough to represent the Illinois Education Association (IEA). Ms. LaBarre seconded the motion and it passed with the previous voice vote.

QUALIFIED ZONE ACADEMY BOND AUTHORIZATIONS

Dr. Hall moved that the Illinois State Board of Education approve the applications submitted by the districts listed below for designation of \$4,702,428 in bonds from the calendar year 2012 allocation and \$8,567,400 in bonds from the calendar year 2013 allocation as Qualified Zone Academy Bonds pursuant to the provisions of Section 1397E of the Internal Revenue Code of 1986, as amended (the Qualified Zone Academy Bond Program). Dr. Fields seconded the motion and it passed with the previous voice vote.

	Amount of QZAB Request	2012 Allocation*	2013 Allocation*
Authorized amounts available for allocation		\$14,893,000	\$14,893,000
Allocation issued at the June 2013 Board meeting		\$(10,190,572)	\$(0)
Remaining amounts available for allocation		\$4,702,428	\$14,893,000
DISTRICT			
Alton Community Unit School District 12	\$7,675,250	\$519,700	\$7,155,550
Villa Grove Community Unit School District 302	\$150,000	\$150,000	
Meridian Community Unit School District 101	\$1,625,000	\$1,625,000	
La Moille Community Unit School District 303	\$500,000	\$500,000	
Minooka Community Consolidated District 201**	\$8,354,320	\$1,907,728	
Bellwood Community Consolidated District 88***	\$2,000,000	\$0	\$0
Proviso Township High School District 209	\$1,411,850	\$0	\$1,411,850
Total		\$4,702,428	\$8,567,400
Remaining Authority	-	\$0	\$6,325,600

ANNOUNCEMENTS

Chairman Chico introduced Dr. Phoshanta Nandi from the Illinois Board of Higher Education (IBHE) who was present at the meeting. The Illinois Board of Higher Education met on August 6, 2013 at the University of Chicago, Booth School of Business, Charles M. Harper Center in Chicago. Dr. Nandi shared with the Board a written summary of the meeting highlights.

IBHE Liaison Report**Superintendent's Report**

Superintendent Koch provided an update on East St. Louis and North Chicago. ISBE does not yet have the enrollment numbers for East St. Louis and North Chicago; we are hoping that the enrollments have not declined because it could mean a reduction in revenue for both of the districts. Dr. Koch noted that East St. Louis and North Chicago both have three community members serving on their Financial Oversight Panels and this continues to be helpful. Dr. Koch commented that it has required great skill by the local superintendents and oversight bodies as efforts are made to balance budgets without compromising instruction.

Robert Wolfe reported that a final budget for both East St. Louis and North Chicago should be ready before September 30, 2013; after we receive their enrollment numbers.

Superintendent Koch informed the Board members that we need to seek a supplemental in the budget for the writing assessment, the consolidation reimbursement and Regional Safe Schools Truant Alternatives. With the Board's permission he would like to pursue these budget supplementals. Mr. Wolfe stated that we may need to ask for additional money for Special Education after we finish our final calculations to maintain effort.

Dr. Koch said he has spoken with Senator Manar and the first Senate Education Funding Advisory Committee meeting will be held on August 19, 2013. They discussed having the ISBE budget hearings in tandem with legislative hearing. Senator Manar is very interested in seeing this happen if the Board is open to doing so. The first committee meeting we will have a presentation on General State Aid.

Dr. Koch noted that we will be bringing his recommendation for class size and composition (70/30) at the board retreat in September.

Regional Superintendents came up with a Regional Office of Education map but the Regional Boards did not all approve the map. 35 regional offices are required by law. The law is contingent that the Regional Boards approve it, so ISBE will have to make a determination. The statute forbids us from making a determination before January 1, 2014. Nicki Bazer has contacted the Board of Elections and they are adamant to follow the law as written. Ms. Bazer will be writing a letter to all members of the General Assembly to make sure they are clear on our intention, because members of the General Assembly have been contacting us asking us to rule on the map.

Superintendent Koch acknowledged Melissa Oller for ten years of service to the agency.

Member Reports

Ms. LaBarre reported that on August 14, 2013 she attend Generations Serving Generations Intergenerational Conference in Chicago. She also attended a scholarship presentation for sons and daughters of Marines who were living, deceased or currently serving. Thirteen students received scholarships from the Midwest region.

Chairman's Reports

Chairman Chico commented that a recent technology survey indicated that only about 25% of the districts are ready for any rigorous online programs. Because of the findings from this survey Chairman Chico and Superintendent Koch will be writing the General Assembly and asking for technology funding from Capital funding that is unallocated.

**MOTION FOR
ADJOURNMENT**

Dr. Hall moved that the meeting be adjourned. Dr. Fields seconded the motion and it passed with a unanimous voice vote. The meeting adjourned at 1:38 p.m.

Respectfully Submitted,

**Dr. Vinni Hall
Board Secretary**

**Mr. Gery J. Chico
Chairman**

ILLINOIS STATE BOARD OF EDUCATION MEETING
September 18-19, 2013

TO: Illinois State Board of Education

FROM: Christopher A. Koch, Ed.D., State Superintendent of Education 
Susie Morrison, Deputy Superintendent/Chief Education Officer 
Nicki Bazer, General Counsel 

Agenda Topic: Action Item: Proposed Amendments for Initial Review: Part 1
(Public Schools Evaluation, Recognition and Supervision)

Materials: Recommended Rules

Staff Contacts: Amy Jo Clemens, Assistant Superintendent
Beth Hanselman, Assistant Superintendent
Reyna Hernandez, Assistant Superintendent

Purpose of Agenda Item

The purpose of the agenda item is to present the proposed amendment for the Board's initial review.

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

The proposed rulemaking relates to Goals 1 and 2 (student achievement and highly prepared and effective teachers and school leaders), as it will incorporate into the Illinois Learning Standards (ILS) the Next Generation Science Standards to which instruction must be aligned in kindergarten and grades 1 through 12, and teacher preparation programs must incorporate into their courses of study. Additionally, staff are proposing modifications to the current ILS for Physical Development and Health to focus more intently on the link between physical activity and improved learning. Other changes being proposed are primarily technical in nature and thus, do not related specifically to any of the three goals.

Expected Outcome of Agenda Item

The Board will be asked to adopt a motion authorizing solicitation of public comment on the proposed amendments.

Background Information

In 1985, the State Board of Education first defined expectations for student learning relative to the fundamental learning areas, initially as the State Goals for Learning and then expanding on that work in 1997 with its adoption of the Illinois Learning Standards (ILS). In the last several years, the agency and others recognized that the ILS no longer adequately addressed the knowledge and skills that students must have in order to be successful in college and their careers. To begin addressing this need, the State Board in 2010 incorporated the Common Core State Standards for mathematics and English language arts into the ILS.

In 2011, Illinois became one of 26 states to serve as a lead partner in the collaborative effort to create the Next Generation Science Standards (NGSS). This work, coordinated by Achieve, Inc., and assisted by the National Research Council (NRC), the National Science Teachers Association, and the American Association for the Advancement of Science in collaboration with

the Council of State Science Supervisors and the Council of Chief State School Officers, resulted in the development of the NGSS. The lead states provided guidance to the NGSS Writing Team and reviewed the standards during the development process.

The NGSS Writing Team was composed of 41 members from 26 states who developed the *Next Generation Science Standards* based on the NRC's *Framework for K–12 Science Education*. To ensure fidelity to the *Framework*, the *Framework* design committee chairs acted as the chairs of the NGSS writing team committees, and Achieve coordinated the writing team on behalf of the states. The writing team included members who had expertise in elementary school science, middle school science, high school science, students with disabilities, English language acquisitions, state level standards and assessment, and workforce development. K–12 educators played a central role in the development and makeup of the writing team.

Illinois has three educators who were selected to be on the writing team. They were:

- Carol Baker Ed.D., director of curriculum for science and music for Community High School District 218 in Oak Lawn. Carol served on the physical science writing team.
- Rita Januszyk, elementary teacher at Gower District 62 in Willowbrook. Rita served on the elementary science writing team.
- Chris Embry Mohr, high school science teacher at Olympia High School in Stanford. Chris served on the life science writing team.

In Illinois, teams of science educators, representatives of institutions of higher education, and business and industry partners reviewed and revised multiple drafts of the NGSS and discussed their relevance to college and career readiness, as well as their connections to the Common Core State Standards for mathematics and English language arts. The public also received an opportunity to comment on the proposed NGSS released in May 2012 and January 2013, which resulted in additional revisions to the standards.

The vision for K-12 education in the sciences and engineering described by NGSS is one in which students, over multiple years of school, actively engage in scientific and engineering practices and apply cross-cutting concepts to deepen their understanding of the core ideas in these fields.

The conceptual shift that set NGSS apart from current state science standards are characterized by the following:

- Students must be engaged at the nexus of the three dimensions.
 1. science and engineering practices,
 2. cross-cutting concepts, and
 3. disciplinary core ideas.
- The science concepts in the NGSS build coherently from kindergarten to grade 12.
- The NGSS focus on deeper understanding of content as well as application of content.
- Science and engineering are integrated in the NGSS, from kindergarten through grade 12.
- The NGSS are designed to prepare students for college, career, and citizenship.
- The NGSS and Common Core State Standards (English language arts and mathematics) are aligned.

Also related to standards, P.A. 97-1102, effective August 27, 2012, established the Illinois Enhance Physical Education Task Force, which, among its charges, was to update the ILS for Physical Development and Health "based on research in neuroscience that impacts the relationship between physical activity and learning". As a result, the task force recommended the addition of two new standards and revisions to several others.

These and other modifications being proposed in Part 1 are discussed more fully under "Policy Implications" below.

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

Policy Implications:

Science Standards. Illinois is realigning the state's educational system around college and career readiness. To this end, the adoption of the Next Generation Science Standards will provide standards for kindergarten and grades 1 through 12 that:

- apply a blend of science and engineering practices, concepts that have application across all domains of science (i.e., "cross-cutting" concepts), and disciplinary core ideas that focus the curriculum, instruction and assessments on the most important aspects of science in order to make sense of the world and approach problems not previously encountered by the student or presented by new situations, new phenomena or new information;
- provide for planning, monitoring and evaluation that is self-directed;
- apply knowledge more flexibly across various disciplines through the continual exploration of three dimensions: science and engineering practices, "cross-cutting" concepts and disciplinary core ideas;
- employ valid and reliable research strategies; and
- exhibit evidence of the effective transfer of mathematics and disciplinary literacy skills to science.

As noted in "Background" above, NGSS are aligned to the Common Core State Standards for mathematics and English language arts that are already incorporated as part of the ILS. NGSS are based on the assumption that the learning expectations will adequately prepare students for college or a career after high school. A student should be ready to enter and succeed in coursework beyond high school in science and technical subjects that lead to a degree or credential. This includes preparing a student to be successful in the military or other credentialing that may occur during the high school experience, such as career and technical education credentialing programs, dual enrollment programs and advanced placement courses.

NGSS also include information regarding their application for English language learners and students with disabilities. Additionally, it is anticipated that implementation of these standards will provide opportunities for agency staff to share experiences and best practices within Illinois and across other participating states.

Enhanced Physical Education Standards. The work of the statutorily mandated Task Force came on the heels of two other efforts to assess the status of physical education instruction in Illinois elementary and secondary schools. The State Board and Department of Public Health in 2010, under a grant from the Centers for Disease Control, established a predecessor "Enhance Physical Education Task Force". That group's charge was to examine standards, curriculum, and best practices in the area of physical education. Additionally, the State Board's Student Advisory Council in 2011 studied and reported back to the Board about the mandate requiring

school districts to provide physical education instruction for all high school students on a daily basis and the implications that this statutory provision has on school districts' budgets. The Council's conclusions mirrored some of those of the current Task Force, including consideration of changes in physical education instruction to focus programs more on physical fitness.

The current Task Force's proposed modifications to the ILS for Physical Development and Health reflect best practices and promote activities and approaches for students to improve both physically and cognitively. In proposing the revisions, the task force relied on existing research in neuroscience and national standards for health education. The standards represent a beginning for districts to recalibrate their physical education programs to increase the amount of time that students spend in moderate and vigorous activity and change the focus from "athletics to physical fitness", so that physical education and activity can benefit students at all fitness levels. The goal, according to the task force, is to "maximize the positive impact on health, behavior and learning".

Other Proposed Modifications. P.A. 97-1025, effective January 1, 2013, amended Section 2-3.25g of the School Code relative to requirements for school districts' requesting a waiver from agency rules to enter into a contract to provide driver's education through a commercial driving school. The law also added additional requirements concerning the notices that districts must post regarding public hearings held to take testimony about any type of waiver request. Additional changes are being made in response to P.A. 98-513, to become effective January 1, 2014, regarding waivers from requirements of performance evaluations conducted under Section 24A-5 of the School Code. References to these new requirements are being made in Section 1.100 of the rules.

Section 1.320 is being amended to acknowledge that school districts that are implementing performance evaluation plans for teachers and principals must execute a signed assurance – and make that assurance available upon request to the State Board – indicating whether the evaluation system aligns to the state model for teacher or principal evaluations, as applicable, or a locally determined evaluation system that aligns to the requirements of Article 24A of the School Code or Part 50, the agency's rules for the evaluation of certified employees. This change is being proposed as a result of discussions with the U.S. Department of Education concerning the agency's review and monitoring of performance evaluation plans, as part of the state's request for a waiver.

Proposed new Section 1.520 clarifies existing requirements related to the provision of instruction for hospitalized and homebound general education students and the receipt of personnel reimbursement under Section 14-13.01 of the School Code for these services. These requirements now are stated in Part 226 (Special Education). While the provisions in Part 226 apply to both students with disabilities who receive home or hospital instruction, as well as to general education students, their placement in rules governing special education generated confusion for or were overlooked by school districts that were providing home or hospital services for general education students. As proposed, Section 1.520 will differ from the requirements in Part 226 in that districts will be able to use an individual holding only a substitute teaching license to deliver instruction, provided that that person is under the supervision of a licensed teacher. In these situations, however, districts may not claim reimbursement for substitute teachers, as they are not considered to be fully "licensed" for the position.

The remaining proposed changes are primarily technical in nature, in that they address modifications necessitated by the agency's new licensure system and other outdated provisions.

Budget Implications: Funding for professional development regarding the NGSS will be necessary. While current state funding will assist with some of this work, it will be important for districts to receive assistance with standards implementation through the Regional Offices of Education and Intermediate Service Centers. Additional resources will be produced as a result of work being done in the federally funded Illinois Mathematics and Science Partnerships Program. In addition, Illinois is participating in the multi-state Building Capacity for State Science Education Initiative, in which teams from 46 states will begin to work collaboratively on identifying or developing the resources necessary for effective implementation of NGSS.

Legislative Action: None

Communication: Please see "Next Steps" below.

Pros and Cons of Various Actions

Incorporating into the Illinois Learning Standards the Next Generation Science Standards will provide the necessary foundation for high-quality, coherent science curricula designed to prepare students for success in college or the workplace. The modifications to the standards for physical development reflect recent research on brain development and activity, enabling physical education programs to adequately prepare students to continue practices that will help them reach optimal health and academic achievement. The Next Generation Science Standards and physical education modifications will replace the 16-year-old standards currently articulated in the ILS to reflect the knowledge and skills needed for students to compete globally and maintain a healthy and fit lifestyle. The remaining changes update obsolete provisions or align the rules to recently enacted statutes, making the rules more complete, accurate and timely.

Failure to adopt the standards will mean that Illinois students may be held to lower expectations than students in other states or will not be well-prepared for success in college and careers. Retaining obsolete rules or requirements that differ from statute would be result in the rules being incomplete, inaccurate and out of date.

Superintendent's Recommendation

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

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

Public Schools Evaluation, Recognition and Supervision (23 Illinois Administrative Code 1),

including publication of the proposed amendments in the Illinois Register.

Next Steps

With the Board's authorization, 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.

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: RECOGNITION REQUIREMENTS

Section

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

SUBPART B: SCHOOL GOVERNANCE

Section

- 1.210 Approval of Providers of Training for School Board Members under Section 10-16 of the School Code
- 1.220 Duties of Superintendent (Repealed)
- 1.230 Board of Education and the School Code (Repealed)
- 1.240 Equal Opportunities for all Students
- 1.242 Temporary Exclusion for Failure to Meet Minimum Academic or Attendance Standards
- 1.245 Waiver of School Fees
- 1.250 District to Comply with 23 Ill. Adm. Code 180 (Repealed)

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- 1.260 Commemorative Holidays to be Observed by Public Schools (Repealed)
- 1.270 Book and Material Selection (Repealed)
- 1.280 Discipline
- 1.285 Requirements for the Use of Isolated Time Out and Physical Restraint
- 1.290 Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section

- 1.310 Administrative Qualifications and Responsibilities
- 1.320 Evaluation of Licensed Educators ~~Certified Staff in Contractual Continued Service~~
- 1.330 Toxic ~~Hazardous~~ Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section

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

SUBPART E: SUPPORT SERVICES

Section

- 1.510 Transportation
- 1.515 Training of School Bus Driver Instructors
- 1.520 Home and Hospital Instruction ~~School Food Services (Repealed)~~
- 1.530 Health Services
- 1.540 Pupil Personnel Services (Repealed)

SUBPART F: STAFF LICENSURE ~~CERTIFICATION~~ REQUIREMENTS

Section

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

SUBPART G: STAFF QUALIFICATIONS

Section	
1.705	Requirements for Supervisory and Administrative Staff
1.710	Requirements for Elementary Teachers
1.720	Requirements for Teachers of Middle Grades
1.730	Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above through June 30, 2004
1.735	Requirements to Take Effect from July 1, 1991, through June 30, 2004
1.736	Requirements to Take Effect from July 1, 1994, through June 30, 2004
1.737	Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
1.740	Standards for Reading through June 30, 2004
1.745	Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
1.750	Standards for Media Services through June 30, 2004
1.755	Requirements for Library Information Specialists Beginning July 1, 2004
1.760	Standards for <u>School Support</u> Pupil Personnel Services
1.762	Supervision of Speech-Language Pathology Assistants
1.770	Standards for Special Education Personnel
1.780	Standards for Teachers in Bilingual Education Programs
1.781	Requirements for Bilingual Education Teachers in Prekindergarten, Kindergarten and any of Grades 1-12
1.782	Requirements for Teachers of English as a Second Language in Prekindergarten, Kindergarten and any of Grades 1-12
1.783	Requirements for Administrators of Bilingual Education Programs
1.790	Substitute Teacher
1.APPENDIX A	Professional Staff <u>Licensure</u> Certification
1.APPENDIX B	Certification Quick Reference Chart (Repealed)
1.APPENDIX C	Glossary of Terms (Repealed)
1.APPENDIX D	State Goals for Learning
1.APPENDIX E	Evaluation Criteria - Student Performance and School Improvement Determination (Repealed)

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- 1.APPENDIX F Criteria for Determination - Student Performance and School Improvement (Repealed)
1.APPENDIX G Criteria for Determination - State Assessment (Repealed)

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

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. 11811, effective July 13, 2005; amended at 29 Ill. Reg. 12351, effective July 28, 2005; amended at 29 Ill. Reg. 15789, effective October 3, 2005; amended at 29 Ill. Reg. 19891, effective November 23, 2005; amended at 30 Ill. Reg. 8480, effective April 21, 2006; amended at 30 Ill. Reg. 16338, effective September 26, 2006; amended at 30 Ill. Reg. 17416, effective October 23, 2006; amended at 31 Ill. Reg. 5116, effective March 16, 2007; amended at 31 Ill. Reg. 7135, effective April 25, 2007; amended at 31 Ill. Reg. 9897, effective June 26, 2007; amended at 32 Ill. Reg. 10229, effective June 30, 2008; amended at 33 Ill. Reg. 5448, effective March 24, 2009; amended at 33 Ill. Reg. 15193, effective October 20, 2009; amended at 34 Ill. Reg. 2959, effective February 18, 2010; emergency amendment at 34 Ill. Reg. 9533, effective June 24, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 17411, effective October 28, 2010; amended at 35 Ill. Reg. 1056, effective January 3, 2011; amended at 35 Ill. Reg. 2230, effective January 20, 2011; amended at 35 Ill. Reg. 12328, effective July 6, 2011; amended at 35 Ill. Reg. 16743, effective September 29, 2011; amended at 36 Ill. Reg. 5580,

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effective March 20, 2012; amended at 36 Ill. Reg. 8303, effective May 21, 2012; amended at 37 Ill. Reg. _____, effective _____.

SUBPART A: RECOGNITION REQUIREMENTS

Section 1.20 Operational Requirements

- a) Districts' and schools' recognition status is based upon compliance with the requirements imposed by law, including but not limited to the recognition standards established by the State Board of Education pursuant to Section 2-3.25 of the School Code and this Part, as modified or waived, if applicable, pursuant to Section 2-3.25g of the School Code and Section 1.100 of this Part or Section 22-60 of the School Code and Section 1.110 of this Part.
- 1) No later than September 30 of each year, each school district shall apply for recognition of each school operated by the district. This application shall be submitted to the respective regional superintendent of schools through an electronic submission process established by the State Superintendent of Education, except that a district operated pursuant to Article 34 of the School Code [105 ILCS 5/Art. 34] shall submit its application directly to the State Superintendent.
- 2) No later than October 15 of each year, each regional superintendent of schools shall summarize, through an electronic process established by the State Superintendent of Education, the degree to which the schools in the districts for which he or she is responsible adhere to operational compliance requirements. The regional superintendent shall recommend the assignment of recognition status as applicable considering the compliance-related information supplied.
- 3) As part of this process, the regional superintendent of schools shall periodically visit the region's school districts as he or she may deem necessary to ascertain the degree to which the districts' schools comply with operational requirements.
- b) Based upon the information provided by the district and the regional superintendent, the State Superintendent shall assign ~~prepare~~ a ~~certificate of~~ recognition status for each school and for each district as a whole, which will be posted on the Illinois State Board of Education's website at www.isbe.net and ~~shall transmit these certificates to all districts.~~ In each case, the recognition status

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assigned shall be either "Fully Recognized", "On Probation", "Recognized Pending Further Review", or "Nonrecognized".

- 1) Each school or district that meets the requirements imposed by law, including the requirements established by the State Board pursuant to Section 2-3.25 of the School Code and this Part, shall be fully recognized.
- 2) A school or district shall be placed on probation if it:
 - A) exhibits deficiencies that present a health hazard or a danger to students or staff;
 - B) fails to offer required coursework;
 - C) employs personnel who lack the required qualifications and who are not in the process of attaining such qualifications;
 - D) fails or refuses to serve students according to relevant legal and/or regulatory requirements; and/or
 - E) prolongs or repeats instances of noncompliance to a degree that indicates an intention not to comply with relevant requirements.
- 3) A school or district shall be recognized pending further review if it exhibits areas of noncompliance that:
 - A) are not serious enough to warrant probation as delineated in subsection (b)(2) of this Section; and
 - B) may be corrected prior to the end of the school year following the school year in which they were identified.
- 4) A district shall be recognized pending further review whenever one or more of the district's schools are first removed from full recognition, whether recognized pending further review or placed on probation. The district shall subsequently be placed on probation if the instances of noncompliance cited for one or more schools have not been corrected within the time allowed under subsection (b)(3)(B) of this Section.

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- c) The recognition status of a district or a school may be changed by the State Board of Education at any time to reflect information confirmed during compliance monitoring or by any other means. Any change in status that may occur during the subsequent school year will be posted in accordance with subsection (b) of this Section no later than 30 days after the change in status is determined.
- d) The superintendent of a district that is recognized pending further review or in which one or more schools are recognized pending further review may, within 30 days after receipt of notification to this effect, request a conference at which representatives of the district will have an opportunity to discuss compliance issues with representatives of the State Board of Education.
- e) The State Superintendent shall schedule a conference with the superintendent of a district that is placed on probation, or in which one or more schools are placed on probation, at which representatives of the district will discuss compliance issues with representatives of the State Board of Education. Within 60 days following this conference, the school district shall submit to the regional superintendent of schools and the State Superintendent of Education a corrective plan that conforms to the requirements of subsection (f) of this Section.
 - 1) If the plan is required to relate to areas of noncompliance at the district level, the plan shall be signed by the secretary of the local board of education as evidence that the board adopted a resolution authorizing its submission.
 - 2) If the plan is required to relate to areas of noncompliance at one or more schools, the plan shall be signed by the district superintendent and each affected principal.
- f) The State Superintendent of Education shall respond to the submission of a plan within 15 days after receiving it and may consult with the regional superintendent of schools to determine the appropriateness of the actions proposed by the district to correct the cited deficiencies. The State Superintendent shall approve a plan if it:
 - 1) specifies steps to be taken by the district that are directly related to the area or areas of noncompliance cited;

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- 2) provides evidence that the district has the resources and the ability to take the steps described without giving rise to other issues of compliance that would lead to probationary status; and
 - 3) specifies a timeline for correction of the cited deficiencies that is demonstrably linked to the factors leading to noncompliance and is no longer than needed to correct the identified problems.
- g) If a district's plan is not approvable under subsection (f) of this Section, the State Superintendent shall notify the district to this effect. If no plan is submitted, or if no approvable plan is received within 60 days after the district's conference with the State Board, the status of the district, or of the affected school or schools, as applicable, shall be changed to "nonrecognized".
- h) If, at any time while a plan for corrective action is in effect, the State Superintendent determines that the agreed-upon actions are not being implemented in accordance with the plan or the underlying areas of noncompliance are not being remedied, the status of the district, or of the affected school or schools, as applicable, shall be changed to "nonrecognized".
- i) The superintendent of a district that is nonrecognized pursuant to this Section, or in which one or more schools are nonrecognized pursuant to this Section, may request a conference with representatives of the State Board of Education within 15 days after receipt of notification to this effect. (See Section 1.95 of this Part for procedures related to nonrecognition pursuant to Section 2-3.25f of the School Code [105 ILCS 5/2-3.25f].)
- 1) If a conference is requested by a superintendent on behalf of a nonrecognized school or district and the areas of concern are not resolved, the State Superintendent shall furnish the school board with a Notice of Opportunity for Hearing. The school board may submit an appeal by adopted board resolution within 15 days after receipt of the notice. The appeal must identify the specific findings with which the district disagrees. The district will be given a hearing in accordance with the State Board's rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475). A final decision shall be rendered by the State Board of Education.
 - 2) If no conference is requested, the district shall be deemed not to intend to appeal the nonrecognition.

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- j) Neither a district nor a school shall be nonrecognized under this Section without first having been placed on probation. A district that is nonrecognized, or in which one or more schools are nonrecognized, shall be subject to the provisions of Section 18-8.05(A)(3)(a) of the School Code [105 ILCS 5/18-8.05(A)(3)(a)].

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.30 State Assessment

The State Superintendent of Education shall develop and administer assessment instruments and other procedures in accordance with Section 2-3.64 of the School Code [105 ILCS 5/2-3.64]. In addition, school districts shall collaborate with the State Superintendent in the design and implementation of special studies.

- a) Development and Participation
- 1) Assessment instruments and procedures shall meet generally accepted standards of validity and reliability as stated in "Standards for Educational and Psychological Testing" (2013) (~~1999~~), published by the American Educational Research Association, 1430 K 1230 17th St., N.W., Washington, D.C. 20005 20036. (No later amendments to or editions of these standards are incorporated.)
 - 2) Districts shall participate in special studies, tryouts, and/or pilot testing of these assessment procedures and instruments when one or more schools in the district are selected to do so by the State Superintendent.
 - 3) A school shall generally be selected for participation in these special studies, tryouts, and/or pilot testing no more than once every four years, except that participation may be required twice every four years in the case of the Illinois Alternate Assessment.
 - 4) *All pupils enrolled in a public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, a charter school operating in compliance with the Charter Schools Law [105 ILCS 5/Art. 27A], a school operated by a regional office of education under Section 13A-3 of the School Code [105 ILCS 5/13A-3], or a public school administered by a local public agency or the Department of Human Services shall be required to participate in the State assessment, whether by taking the regular assessment, with or*

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without accommodations, or by participating in an alternate form of the assessment (Sections 2-3.25a and 2-3.64 of the School Code).

A) Students who are served in any locked facility that has a State-assigned RCDTS (region/county/district/type/school) code, students who attend public university laboratory schools under Section 18-8.05(K) of the School Code, and students beyond the age of compulsory attendance (other than students with IEPs) whose programs do not culminate in the issuance of regular high school diplomas are not required to participate in the State assessment.

B) It is the responsibility of each district or other affected entity to ensure that all students required to participate in the State assessment do so. See also Section 1.50 of this Part.

5) Each district or other affected entity shall ensure the availability of reasonable accommodations for participation in the State assessment by students with disabilities, as reflected in those students' IEPs or plans developed under Section 504 of the Rehabilitation Act of 1973 (29 USC 794), or limited English proficiency.

b) Assessment Procedures

1) All assessment procedures and practices shall be based on fair testing practice, as described in "Code of Fair Testing Practices in Education" (2004), published by the Joint Committee on Testing Practices of the American Educational Research Association, American Psychological Association, and National Council on Measurement in Education, 750 First Avenue, N.E., Washington, D.C. 20002-4242. (No later amendments to or editions of this code are incorporated.)

2) Districts and other affected entities shall protect the security and confidentiality of all assessment questions and other materials that are considered part of the approved State assessment, including but not necessarily limited to test items, reading passages, charts, graphs, and tables.

3) Districts shall promptly report to the State Superintendent all complaints received by the district of testing irregularities. A district shall fully

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investigate the validity of any such complaint and shall report to the State Superintendent the results of its investigation.

- 4) Districts shall administer the Prairie State Achievement Examination (PSAE) or the Illinois Alternate Assessment (IAA), if applicable under subsection (d) of this Section, to students in grade 11. (See Section 2-3.64 of the School Code.) For the purpose of this subsection (b)(4), “grade 11” means the point in time when a student has earned the number of credits necessary for enrollment in grade 11, as determined by his or her school district in accordance with Sections 1.420(b) and 1.440 of this Part. A district shall not promote a student to grade 12 status until that student has taken either the PSAE or IAA, as applicable.

c) Accommodations

Students who have been identified at the local level as having limited proficiency in English as provided in 23 Ill. Adm. Code 228.15, including students not enrolled in programs of bilingual education, may participate in an accommodated State assessment, subject to the limitations set forth in Section 2-3.64 of the School Code. A student with limited proficiency in English shall be afforded extra time for completion of the State assessment when, in the judgment of the student’s teacher, extra time is necessary in order for the student’s performance to reflect his or her level of achievement more accurately, provided that each test must be completed in one session. See also Section 1.60(b) of this Part.

d) Illinois Alternate Assessment

Students with the most significant ~~cognitive~~ intellectual disabilities whose IEPs identify the regular State assessment as inappropriate for them even with accommodations shall participate in the Illinois Alternate Assessment (IAA), based on alternate achievement standards, for all subjects tested. See also Section 1.60(c) of this Part.

e) Review and Verification of Information

Each school district and each charter school shall have an opportunity to review and, if necessary, correct the preliminary data generated from the administration of the State assessment, including information about the participating students as well as the scores achieved.

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- 1) Within 10 days after the preliminary data for the Illinois Standards Achievement Test (ISAT) and the IAA are made available and within five days after preliminary data for the PSAE are made available, each district or charter school shall make any necessary corrections to its demographic and score data and then use a means prescribed by the State Board to indicate either:
 - A) that both its demographic and preliminary data are correct; or
 - B) that it is requesting rescoring of some or all portions of the assessment for specific students.
 - 2) When districts request rescoring, staff of the State Board and/or its contractor shall have an additional period of 21 days within which to work with the affected district or charter school to make any resulting corrections.
 - 3) At the end of the 21-day period discussed in subsection (e)(2) of this Section, all districts' and charter schools' data shall stand as the basis for the applicable school report cards and determination of status. Any inaccuracies that are believed to persist at that time shall be subject to the appeal procedure set forth in Section 1.95 of this Part.
- f) Reports of State Assessment Results
- 1) Following verification of the data under subsection (e) of this Section, the State Board shall send each school and district a report containing final information from the results of each administration of the State assessment.
 - A) The scores of students who are served by cooperatives or joint agreements, in Alternative Learning Opportunities Programs established under Article 13B of the School Code, by regional offices of education under Section 13A-3 of the School Code, by local agencies, or in schools operated by the Department of Human Services, scores of students who are served in any other program or school not operated by a school district and who are scheduled to receive regular high school diplomas, all scores of students who are wards of the State, and all scores of students who have IEPs, shall be reported to the students' respective districts of residence

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and to the schools within those districts that they would otherwise attend.

- B) The scores of students enrolled in charter schools shall be reported to the chief administrator of the charter school and to any school district serving as a chartering entity for the charter school.
- 2) Each report shall include, as applicable to the receiving entity:
- A) results for each student to whom the State assessment was administered (excluding any scores deemed by the State Board to be invalid due to testing irregularities); and
 - B) summary data for the school and/or district and the State, including but not limited to raw scores, scale scores, comparison scores, including national comparisons when available, and distributions of students' scores among the applicable proficiency classifications (see subsection (h) of this Section).
- g) Each school district and each charter school shall receive notification from the State Board of Education as to the status of each affected school and the district based on the attainment or non-attainment of adequate yearly progress as reflected in the final data. These determinations shall be subject to the appeal process set forth in Section 1.95 of this Part.
- h) Classification of Scores

Each score achieved by a student on a regular or alternate State assessment shall be classified among a set of performance levels, as reflected in score ranges that the State Board shall disseminate at the time of testing, for the purpose of identifying scores that “demonstrate proficiency”.

- 1) Each score achieved by a student on a regular State assessment (i.e., the ISAT or the PSAE) shall be classified as "academic warning", "below standards", "meets standards", or "exceeds standards". Among these scores, those identified as either meeting or exceeding standards shall be considered as demonstrating proficiency.
- 2) Each score achieved by a student on the IAA shall be classified as "entry", "foundational", "satisfactory", or "mastery". Among these scores, those

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identified as "satisfactory" or "mastery" shall be considered as demonstrating proficiency.

i) Scores Relevant to Adequate Yearly Progress

For purposes of determining whether a district or a school has made adequate yearly progress, scores achieved on a State assessment in reading or mathematics shall be "relevant scores". For schools without grades higher than 2 (that is, for schools where no State assessment is administered), the determination as to whether a school in this group has made adequate yearly progress shall be the determination applicable to the school where the largest number of students go on into the third grade.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.60 Subgroups of Students; Inclusion of Relevant Scores

A student's scores shall count among those for his or her school or district, as applicable, for a given year only if he or she was enrolled continuously in the district on or before May 1 of the previous academic year through State testing the following spring. Students who feed into another school within the same district during the summer based upon the district's progression of students among attendance centers based on grade level shall have their scores counted for the school and district. Any student who is continuously enrolled within the district but, for reasons not mandated by the district, changes to a new school within the district after May 1 will be counted at the district level but not at the school level. Nothing in this Section is intended to exempt a student from the requirement for participation in the State assessment, except as provided in subsection (b)(1) of this Section.

a) Relevant scores shall be disaggregated by content area for any subgroup identified in this subsection (a) whose membership meets the minimum subgroup size. For purposes of this Section 1.60, "minimum subgroup size" shall mean 45 students across all the grades tested in the school or district, as applicable. Except as provided in subsection (b) of this Section, each student's scores shall be counted in each of the subgroups to which he or she belongs.

- 1) Students with disabilities, i.e., students who have Individualized Education Programs (IEPs);
- 2) For school years through 2009-10, racial/ethnic groups:
 - A) White,

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- B) Black,
 - C) Hispanic,
 - D) American Indian or Alaskan Native,
 - E) Asian/Pacific Islander,
 - F) Multiracial/ethnic;
- 3) For school year 2010-11 and beyond, racial/ethnic groups:
- A) Hispanic or Latino of any race,
 - B) For students who are not Hispanic or Latino:
 - i) American Indian or Alaska Native,
 - ii) Asian,
 - iii) Black or African American,
 - iv) Native Hawaiian or Other Pacific Islander,
 - v) White,
 - vi) Two or more races;
- 4) Students who have been identified at the local level as having limited proficiency in English as provided in 23 Ill. Adm. Code 228.15; and/or
- 5) Students who are eligible for free or reduced-price meals under the Child Nutrition Act of 1966 (42 USC 1771 et seq.) or the National School Lunch Act (42 USC 1751 et seq.).
- b) Special provisions shall apply to the treatment of scores achieved by students of limited English proficiency in certain circumstances.
- 1) An Illinois student who is in his or her first year of enrollment in school in the United States and who is identified as having limited proficiency in

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English may elect to participate in the State assessment in reading. Any ~~such~~ student who elects not to participate shall nevertheless be treated as having participated for purposes of calculating the participation rate.

- 2) The score achieved by a student who elects to participate in the regular State assessment in reading under subsection (b)(1) of this Section shall be counted for purposes of calculating the participation rate but not for purposes of calculating performance.
 - 3) An Illinois student who is in his or her first year of enrollment in school in the United States and who is identified as having limited proficiency in English shall be required to participate in the State assessment in mathematics. The score achieved by such a student shall be counted for purposes of calculating the participation rate but not for purposes of calculating performance.
 - 4) A student who has previously been identified as having limited proficiency in English and whose scores have been attributed to that subgroup shall continue to have his or her scores attributed to that subgroup for the first two years after the last year when he or she was considered to have limited English proficiency. However, districts and schools shall not be required to count students to whom this subsection (b)(4) applies as part of the subgroup with limited English proficiency for purposes of determining whether the minimum subgroup size exists.
- c) All relevant scores of a district's students with disabilities who participate in the alternate form of the State assessment shall be included in the district's calculations for purposes of determining whether adequate yearly progress has been made.
- 1) The number of scores earned by students who participate in the alternate form of the State assessment that may be counted as demonstrating proficiency in a content area shall be no more than 1 percent of all scores achieved by the district's students in that subject. (See the regulations of the U.S. Department of Education at 34 CFR 200.6.)
 - 2) Except as provided in subsection (c)(3) of this Section, for purposes of calculating adequate yearly progress at the district level, each score that demonstrates proficiency but is in excess of the 1 percent maximum set forth in subsection (c)(1) of this Section shall be counted as not

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demonstrating proficiency and shall be included as such in the calculations for each subgroup of which the student is a member.

- 3) A district may apply to the State Superintendent of Education for a one-year exception to the 1 percent maximum set forth in subsection (c)(1) of this Section, which may be renewed for one or more subsequent years if warranted. Using a format established by the State Superintendent, the district shall display information demonstrating that the prevalence of students for whom the alternate assessment is appropriate exceeds 1 percent of the total population. The district shall also supply a narrative explaining the disproportionate representation of these ~~such~~ students in its population. The State Superintendent of Education shall approve a district's request for an exception if the district superintendent provides assurances that the district meets all the requirements of 34 CFR 200.6 and if the information supplied by the district demonstrates that:
 - A) families of students with the most significant intellectual ~~cognitive~~ disabilities have been attracted to live in the district by the availability of educational, health, or community services that respond to their needs; or
 - B) the district's student population is so small that the presence of even a small number of students with the most significant intellectual ~~cognitive~~ disabilities causes the district to exceed the 1 percent threshold (e.g., in a population of 50 students, one student represents 2 percent); or
 - C) other circumstances exist such that the overrepresentation of students with the most significant intellectual ~~cognitive~~ disabilities is outside the control of the district, i.e., the overrepresentation is not a result of inappropriate decision-making as to the form of the State assessment that should be used for particular students.
- 4) When scores that demonstrate proficiency and were achieved by students on the IAA make up more than 1 percent of a district's scores in either reading or mathematics, and the district has not received approval for an exception to the 1 percent maximum pursuant to subsection (c)(3) of this Section, the district shall be required to identify the "proficient" scores on the IAA that will be counted as not demonstrating proficiency for purposes of calculating adequate yearly progress (AYP). In making this determination, a district may choose to identify:

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- A) scores of students who belong to the fewest subgroups;
 - B) scores of students who belong to the largest subgroups;
 - C) scores of students who belong to the smallest subgroups;
 - D) scores of students who belong to the subgroups whose performance is farthest above the target applicable to the year in question; or
 - E) scores of students who belong to the subgroups whose performance is farthest below the target applicable to the year in question.
- 5) The State Superintendent of Education shall notify each district that is affected by the requirement to identify excess "proficient" scores on the IAA. The deadline set by the State Superintendent shall allow at least five business days for districts' responses. For any district that does not submit the requested information on this selection within the time allowed, the State Superintendent shall identify the scores that will be considered as not demonstrating proficiency for this purpose.
- d) Targets for scores demonstrating proficiency
- 1) In each subject and for each subgroup of students, the percentage of scores demonstrating proficiency that is required for AYP shall increase from the original baseline of 40 percent for the 2002-03 school year according to the following schedule:
 - A) For 2003-04, 40 percent;
 - B) For 2004-05 and for 2005-06, 47.5 percent;
 - C) For 2006-07, 55 percent;
 - D) For 2007-08, 62.5 percent;
 - E) For 2008-09, 70 percent;
 - F) For 2009-10, 77.5 percent;

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- G) For 2010-11, 85 percent;
 - H) For 2011-12 and for 2012-13, 92.5 percent;
 - I) For 2013-14, 100 percent.
- 2) In order to avoid penalizing schools and districts for the decision bias that is associated with a minimum subgroup size, a 95 percent "confidence interval" shall be applied to subgroups' data. (A confidence interval is a mathematical approach designed to compensate for the unreliability of data derived from consideration of small groups.)
- e) "Safe Harbor"
- A school or a district in which one or more subgroups fail to achieve the required academic target for a particular year may nevertheless be considered as having made AYP for that year. Each subgroup in question must have attained the minimum subgroup size in the preceding year and, for each such subgroup, there must have been a decrease of at least ten percent in the proportion of scores that do not demonstrate proficiency in comparison to that subgroup's scores for the preceding year. In addition, if the school is a high school, the relevant subgroup's graduation rate must at least equal the target rate for that year, and, if the school is an elementary or a middle school, the relevant subgroup's attendance rate must at least equal the target rate for that year (see Section 1.70 of this Part). This "safe harbor" method for calculating AYP shall apply only to subgroups within schools or districts; it shall not be used for the aggregate scores of a school or a district as a whole.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.77 Educator Licensure Information ~~Certification~~ System

Each school district shall ensure that information on the qualifications of its professional and paraprofessional staff is recorded on the electronic data system maintained by the State Board of Education so that the State Board may complete federally required reports. A district that lacks the technological capacity to participate in this electronic system shall be given an opportunity to demonstrate to the State Superintendent that this is the case, and the State Superintendent shall make available an alternative means that the district shall use in transmitting the required information.

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(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.88 Additional Accountability Requirements for Districts Serving Students of Limited English Proficiency Under Title III

This Section implements section 3122 of the No Child Left Behind Act of 2001 (NCLB) (20 USC 6842), which requires that states establish "Annual Measurable Achievement Objectives" (AMAOs) for educational agencies that use funds provided under Title III of the Act to serve students of limited proficiency in English and hold those entities accountable for meeting those objectives. Further, this Section implements section 3113(b)(5) of NCLB (20 USC 6823), which requires states to hold local educational agencies and schools accountable for meeting all the objectives described in NCLB section 3122.

- a) The three distinct AMAOs address progress, proficiency, and adequate yearly progress (AYP), respectively, in connection with students taking the annual English language proficiency assessment prescribed by the State Board of Education in 23 Ill. Adm. Code 228 (Transitional Bilingual Education). These objectives shall apply at the district or cooperative level, as applicable, i.e., based on the test scores achieved by all the students served by each entity that receives Title III funding. In order to "meet AMAOs" for any given year, a district or cooperative must achieve all of the applicable objectives described in this subsection (a).
 - 1) "Progress" relates to the percentage of a school district's or cooperative's students who are making progress in learning English. An individual student is determined to have made progress in English when his or her composite English proficiency level, which is derived from his or her score on a given administration of the English language proficiency assessment, increased in comparison to the previous composite English proficiency level achieved by at least .5 of a proficiency level or, in the second administration of the English language proficiency assessment, the student achieved the maximum composite English proficiency level attainable on the assessment. (Also see subsection (a)(1)(E) of this Section.) The composite English proficiency levels of students tested but not being served in bilingual education programs shall not be counted for this purpose (e.g., a student whose parents have refused English learning services).
 - A) For the purpose of this subsection (a), "composite English proficiency level" means the level associated with the overall scale score achieved on the English language proficiency assessment.

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The overall scale score is calculated using individual scores achieved in each of the four domains of listening, speaking, reading and writing, with greater value being placed on literacy development (i.e., reading and writing scores are weighted).

- B) The Illinois annual progress target shall be 54.4 percent of students showing progress for school year 2010-11, which shall increase to 69.6 percent by school year 2015-16.
- C) The percentage of a district's or cooperative's students who show progress shall increase by a minimum of 3 percent each year.
- D) The provisions of this subsection (a)(1) shall apply provided that the number of students enrolled during the time in which the State-prescribed English language proficiency assessment is administered and being served in bilingual education programs is no fewer than 45 at the district or cooperative level, as applicable.
- E) A student's composite English proficiency level shall be counted for this purpose only if he or she has participated in at least two consecutive administrations of the State-prescribed English language proficiency assessment, except as provided in this subsection (a)(1)(E) ~~subsections (a)(1)(D)(i) and (ii) of this Section.~~
 - i) For a student who previously was enrolled in an Illinois school district and who re-enrolled in an Illinois school district during the current school year, the level of attainment for making progress shall be determined as prescribed in subsection (a)(1) of this Section using the student's current composite English proficiency level on the State-prescribed English language proficiency assessment compared to the student's most recent, previous composite English proficiency level achieved when he or she was enrolled in an Illinois district.
 - ii) For a student enrolled in an Illinois school district and who, for any reason other than not having been enrolled in an Illinois school district at the time of testing, does not have composite English proficiency levels from two consecutive administrations of the State-prescribed English language

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proficiency assessment, the level of attainment for making progress shall be calculated by multiplying the number of years between the two most recent administrations of the State-prescribed English language proficiency assessment in which the student has participated by .5. For example, a student who took the test in school year 2010-11 and school year 2008-09 must increase his or her composite English proficiency level by 1.0 of a proficiency level in order to be considered as making progress (.5 of a proficiency level \times 2 years = 1.0 of a proficiency level).

- 2) "Proficiency" relates to the percentage of students who attained the scores identified by the State Board of Education (~~ISBE~~) as demonstrating English language proficiency and eligibility to exit an English learner program ~~bilingual education~~. The scores of students tested but not being served in bilingual education programs shall not be counted for this purpose (e.g., a student whose parents have refused English learning services).
- A) The Illinois annual proficiency target shall be six percent of students attaining English proficiency for school year 2009-10, with the target increasing to 15 percent by school year 2015-16.
- B) The percentage of the district's or cooperative's students attaining proficiency shall increase by 1 or 2 percent each year. The State Superintendent shall inform districts and cooperatives annually of the percentage to be used.
- C) The provisions of this subsection (a)(2) shall apply provided that the number of students enrolled during the time in which the State-prescribed English language proficiency assessment is administered and being served in bilingual education programs is no fewer than 45 at the district or cooperative level, as applicable.
- 3) "Adequate yearly progress" or "AYP" has the meaning given to that term in Section 1.40 of this Part, except that, for purposes of this Section, AYP is specific to the scores earned on the reading and mathematics portions of the State assessment by students with limited proficiency in English, to their participation in the State assessment, and to their attendance or graduation rate, as applicable. The AYP objective shall apply only when

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the number of students served is treated as a subgroup under Section 1.60(a) of this Part.

- b) In order to avoid penalizing districts and cooperatives for the decision bias that is associated with drawing inferences from a small distribution, a 95 percent "confidence interval" shall be applied to the data involved in each calculation discussed in subsection (a) of this Section. (A confidence interval is a mathematical approach designed to compensate for the unreliability of data derived from consideration of small groups.)
- c) The scores of all students served by a cooperative shall be analyzed as one group for purposes of determining whether the cooperative has met AMAOs in a given year. When a district changes cooperative membership, the scores of its students from the most recently completed school year will be used to determine whether the new cooperative has met progress under subsection (a)(1) of this Section. The determination for a cooperative shall also apply to each of its member districts.
- d) Section 3122(b) of NCLB requires entities funded under Title III that fail to reach AMAOs for two consecutive years to prepare improvement plans designed to ensure that the entities will meet those objectives in the future. Each entity that is subject to this requirement shall submit its plan no later than six months after it receives notification from ISBE of its failure to meet AMAOs for the second consecutive year. Should a district or cooperative elect not to apply for Title III funding in the subsequent year, it shall be required to submit an improvement plan before it next applies, unless data on the performance of its students demonstrate that the entity met AMAOs in the most recent year preceding its new application for funding. ISBE shall not approve an application for Title III funds from an entity that is subject to this requirement until its plan has been submitted.
- e) When an entity funded under Title III has failed to reach AMAOs for four consecutive years, ISBE shall, as required by section 3122(b)(4) of NCLB:
 - 1) require the entity to modify its curriculum, program, and method of instruction; or
 - 2) make a determination regarding the entity's continued receipt of funds under Title III and require the entity to replace educational personnel relevant to the entity's failure to meet the achievement objectives.

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- f) The sanctions chosen pursuant to subsection (e) of this Section shall be identified based upon ISBE's analysis of the factors that prevented the entity from attaining the AMAOs, including those factors presented in the improvement plan submitted in accordance with subsection (d) of this Section. In particular, ISBE shall deny continued Title III funding to an entity that:
- 1) fails or refuses to serve students according to relevant legal and/or regulatory requirements; or
 - 2) prolongs or repeats instances of noncompliance to a degree that indicates an intention not to comply with relevant requirements.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

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

- a) As authorized in Section 2-3.25g of the School Code [105 ILCS 5/2-3.25g], *a school district or independent authority established pursuant to Section 2-3.25f of the School Code [105 ILCS 5/2-3.25f], a joint agreement made up of school districts, or a Regional Superintendent of Schools applying on behalf of a school or program operated by the regional office of education; or, as authorized under Sections 13A-5 and 13A-10 of the School Code [105 ILCS 5/13A-5 and 13A-10] with respect to regional safe schools programs*, the governing board of an Intermediate Service Center ~~operating such a program~~ may petition for:
- 1) State Board approval of waivers or modifications of State Board of Education rules and of modifications of School Code mandates, which may be requested to meet the intent of the rule or mandate in a more effective, efficient or economical manner or when necessary to stimulate innovation or to improve student performance; and/or
 - 2) General Assembly approval of waivers of School Code mandates, which may be requested only to stimulate innovation or improve student performance.
- b) "The School Code" comprises only those statutes compiled at 105 ILCS 5.
- 1) Waivers from State Board rules or School Code mandates pertaining to those areas enumerated in Section 2-3.25g(b) of the School Code [105 ILCS 5/2-3.25g(b)] are not permitted.

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- A) For the purposes of this subsection (b)(1), provisions of the School Code or the rules of the State Board of Education that reflect or implement the No Child Left Behind Act of 2001 (Public Law 107-110) shall include all requirements for:
- i) the entities to be held accountable for the achievement of their students;
 - ii) the participation of students in the various forms of the State assessment;
 - iii) the timing of administration of the State assessment;
 - iv) the use of students' scores on the State assessment in describing the status of schools, districts, and other accountable entities;
 - v) the use of indicators other than test scores in determining the progress of students;
 - vi) the required qualifications of paraprofessionals;
 - vii) the placement of schools not making adequate yearly progress on academic early warning status or academic watch status, and the results to schools and districts that follow from such placement;
 - viii) the district's responsibility to prepare revised school and/or district improvement plans in response to placement on academic warning or watch status;
 - ix) the appointment of school or district improvement panels for schools or school districts on academic watch status;
 - x) the use of State interventions according to the timeline set forth in Section 2-3.25f of the School Code; and
 - xi) the appeals process set forth in Section 1.95 of this Part, and the authority of the State Board of Education to make final determinations on these ~~such~~ appeals.

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- B) Waivers or modifications of mandates pertaining to the use of student performance data and performance categories for teacher and principal evaluations, as required under Article 24A of the School Code [105 ILCS 5/Art. 24A], are not permitted and on September 1, 2014, any previously authorized waiver or modification from such requirements shall terminate (Section 2-3.25g(b) of the School Code after the applicable implementation date specified in Section 24A-2.5 of the School Code [105 ILCS 5/24A-2.5].
- 2) Waivers of mandates contained in Section 5-1 of the School Code [105 ILCS 5/5-1] or in Section 5-2.1 of the School Code [105 ILCS 5/5-2.1] also shall not be requested.
- c) Each application for a waiver or modification shall provide the following, on a form supplied by the State Board of Education.
- 1) Identification of the rules or mandates involved, either by quoting the exact language of or by providing a citation to the rules or mandates at issue. Applicants unable to determine the exact language or citation may obtain a copy of, or citation to, the rules or mandates involved by contacting the State Board of Education Legal Department by mail at 100 North First Street, Springfield, Illinois, 62777-0001, by email at waivers@isbe.net, or by telephone at 217-782-5270.
- 2) Identification as to the specific waivers and/or modifications sought. For modifications, the specific modified wording of the rules or mandates must be stated.
- 3) Identification as to whether the request is for an initial waiver or modification or for the renewal of a previously approved request. Renewals of waivers and modifications of Section 27-6 of the School Code [105 ILCS 5/27-6] shall be subject to the requirements of subsection (l) of this Section.
- 4) For requests based upon meeting the intent of the rule or mandate in a more effective, efficient, or economical manner, a narrative description that sets forth:
- A) the intent of the rule or mandate to be achieved;

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- B) the manner in which the applicant will meet that intent;
 - C) how the manner proposed by the applicant will be more effective, efficient or economical; and
 - D) if the applicant proposes a more economical manner, a fiscal analysis showing current expenditures related to the request and the projected savings that would result from approval of the request.
- 5) If the request is necessary for stimulating innovation or improving student performance, the request must include the specific plan for improved student performance and school improvement upon which the request is based. This plan must include a description of how the applicant will determine success in the stimulation of innovation or the improvement of student performance.
 - 6) If the request is for a waiver of the administrative expenditure limitation established by Section 17-1.5 of the School Code [105 ILCS 5/17-1.5], the request must include the amount, nature, and reason for the requested relief and all remedies that have been exhausted to comply with the administrative expenditure limitation and shall otherwise comply with Section 17-1.5(d) of the School Code.
 - 7) The time period for which the waiver or modification is sought. Pursuant to Section 2-3.25g of the School Code, this time period may not exceed five years, except for requests made pursuant to subsection (c)(6) of this Section, which may not exceed one year (see Section 17-1.5(d) of the School Code), and except for requests for relief from the mandate set forth in Section 27-6 of the School Code, which may not exceed two years.
 - 8) A description of the public hearing held to take testimony about the request from educators, parents and students, which shall include the information required by Section 2-3.25g of the School Code.
 - 9) An assurance stating the date of the public hearing conducted to consider the application and, if applicable, the specific plan for improved student performance and school improvement; affirming that the hearing was held before a quorum of the board or before the regional superintendent, as applicable, and that it was conducted as prescribed in Section 2-3.25g of the School Code; and stating the date the application (and, if applicable,

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the plan) was approved by the local governing board or regional superintendent.

- 10) For waivers or modifications of State Board of Education administrative rules governing contracting of driver's education (23 Ill. Adm. Code 252), the information required under Section 2-3.25g(d) of the School Code.
- d) Each applicant must attach to the application a dated copy of the notice of the public hearing that was published in a newspaper of general circulation, and a dated copy of the written notifications about the public hearing provided to the applicant's collective bargaining agent and to those State legislators representing the applicant, and a dated copy of the notice of the public hearing posted on the applicant's website, each of which must comply with the requirements of Section 2-3.25g of the School Code.
- e) Applications must be sent by certified mail, return receipt requested, and addressed as specified on the application form.
- f) Applications must be postmarked not later than 15 calendar days following the local governing board's approval. Applications addressed other than as specified on the application form shall not be processed.
- g) Applications for the waiver or modification of State Board rules or for the modification of School Code mandates shall be deemed approved and effective 46 calendar days after the date of receipt by the State Board of Education unless disapproved in writing. Receipt by the State Board shall be determined by the date of receipt shown on the return receipt form, except in the case of an incomplete application.
- 1) An applicant submitting an incomplete application shall be contacted by staff of the State Board regarding the need for additional information and the date by which the information must be received in order to avoid the application's return as ineligible for consideration.
- 2) The 45-day response time referred to in this subsection (g) shall not commence until the applicant submits the additional material requested by the State Board.
- 3) Each application that has not been made complete by the date identified in accordance with subsection (g)(1) of this Section shall be ineligible for

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consideration and shall be returned to the applicant with an explanation as to the deficiencies.

- h) The State Board may disapprove a request for the waiver or modification of State Board rules or for the modification of School Code mandates if the request:
 - 1) is not based upon sound educational practices;
 - 2) endangers the health or safety of students or staff;
 - 3) compromises equal opportunities for learning; or
 - 4) does not address the intent of the rule or mandate in a more effective, efficient or economical manner or does not have improved student performance as a primary goal.
- i) Disapproval of an application for a waiver or modification of a State Board rule or for a modification of a School Code mandate shall be sent by certified mail to the applicant no later than 45 calendar days after receipt of the application by the State Board. An applicant wishing to appeal the denial of a request may do so within 30 calendar days after receipt of the denial letter by sending a written appeal by certified mail to the Illinois State Board of Education, Rules and Waivers Division Unit, 100 North First Street, S-493, Springfield, Illinois 62777-0001 or by email to waivers@isbe.net. The written appeal shall include the date the local governing board approved the original request, the citation of the rule or School Code section involved, and a brief description of the issue. Appeals of denials shall be submitted to the General Assembly in the semiannual report required under Section 2-3.25g of the School Code.
- j) The State Superintendent of Education shall periodically notify school districts and other potential applicants of the date by which applications must be postmarked in order to be processed for inclusion in the next report to the General Assembly. Each application will be reviewed for completeness. Complete applications shall be submitted to the General Assembly in the next report. Incomplete applications shall be treated as discussed in subsections (g)(1) and (g)(3) of this Section.
- k) The State Superintendent of Education shall notify Regional Superintendents of Schools and Intermediate Service Centers of the disposition of requests for waivers or modifications submitted by school districts located within their regions.

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- l) The limitation on renewals established in Section 2-3.25g(e) of the School Code shall apply to each waiver or modification of Section 27-6 of the School Code that is approved on or after January 1, 2008. Once an eligible applicant has received approval for a waiver or modification of that Section on or after January 1, 2008, any request submitted by that applicant for a subsequent time period shall be considered a renewal request, regardless of the rationale for the request or the schools or students to be affected. No applicant shall receive approval for more than two renewals after January 1, 2008, and no applicant shall receive approval for more than six years cumulatively beginning with that date.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.110 Appeal Process Under Section 22-60 of the School Code

Section 22-60 of the School Code [105 ILCS 5/22-60] authorizes regional superintendents of schools to grant exemptions from certain mandates contained in the School Code [105 ILCS 5] or in administrative rules of the State Board of Education. Any decision of the regional superintendent regarding a school district's or private school's request for an exemption may be appealed to the State Superintendent by the school district, the private school or a resident of the district. For the purposes of this Section, references to "regional superintendent" shall be understood to include the intermediate service centers established in that portion of Cook County located outside of the City of Chicago.

- a) A school district, private school or resident wishing to appeal the decision of the regional superintendent to deny or approve an exemption request may do so by sending a written appeal on or before April 15 by certified mail to the Illinois State Board of Education, Public School Recognition Governmental Relations Division, 100 West Randolph North First Street, Suite 14-300 S-404, Chicago Springfield, Illinois 60601 62777 or by email to mandateappeal@isbe.net. The written appeal shall include:
 - 1) the date the regional office of education acted on the exemption request;
 - 2) a copy of the original request that includes the citation of the rule or School Code section involved;
 - 3) a copy of the regional superintendent's decision to grant or deny the request;

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- 4) a narrative explanation of the petitioner's objections to the regional superintendent's decision (not to exceed two pages), along with any documentation that directly supports the argument being made; and
 - 5) the name, address, telephone number and contact person of the school district or private school submitting the appeal, or the name, address and telephone number of the resident submitting the appeal.
- b) The State Superintendent of Education shall provide written notice of the date, time, and location of the hearing to consider the appeal to the petitioner not less than 10 days before the hearing date. The notice shall be sent by certified mail, return receipt requested. Copies of the notice of hearing also shall be provided to the school district's regional superintendent of schools and, in the case of a resident's appeal, to the school district superintendent or private school administrator. Any hearing shall be held no later than May 15 of each year.
- c) A petitioner may present oral testimony at the hearing, not to exceed 30 minutes. Any responses to the petitioner's testimony made by the school district, private school or regional superintendent of schools also shall be limited to no more than 30 minutes.
- d) The State Superintendent of Education shall consider the net costs associated with the implementation of the mandate and other evidence of its financial impact presented by the school district or private school to determine if implementation or operation is cost-prohibitive. For purposes of this Section, "cost-prohibitive" means that the financial burden of implementing or operating the mandate is greater than the benefits to be received.
- e) The State Superintendent shall inform the petitioner of his or her decision at the conclusion of the hearing. (See Section 22-60(b) of the School Code.) A written summary of the decision, including reasons for accepting or denying the appeal, shall be provided to each affected party no later than 10 calendar days after the hearing.
- f) A school district, private school or regional superintendent of schools shall provide to a resident of the district, upon the resident's request, a copy of the original exemption request or a copy of the decision regarding the exemption request, along with the reason for the denial or approval, no later than 10 calendar days after the request has been made.

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- g) City of Chicago School District 299 or a private school located in the City of Chicago shall submit any request for an exemption from a statutory or regulatory mandate to the Division Supervisor Administrator of the Public School Recognition Educator and School Development Division, 100 West Randolph North First Street, Suite 14-300 E-310, Chicago Springfield, Illinois 60601 62777, within the timelines and in the format specified in Section 22-60 of the School Code.
- 1) The division supervisor administrator shall schedule a public hearing to take testimony from the district and interested residents about the request.
 - 2) A committee comprised of representatives from each department of the State Board of Education with a responsibility for the statutory or regulatory mandate shall review the request and the testimony provided at the public hearing. The committee shall recommend to the division supervisor administrator whether the request should be granted, and the division supervisor administrator shall send written notification of his or her decision to the district or private school on or before March 15, along with reasons why the exemption was granted or denied.
 - 3) A public hearing conducted under this subsection (g) shall comply with the Open Meetings Act [5 ILCS 120].
 - 4) The process for a school district, private school or resident to appeal a decision made pursuant to subsection (g)(2) of this Section shall be as provided in this Section.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART B: SCHOOL GOVERNANCE

Section 1.280 Discipline

Section 24-24 of the School Code [105 ILCS 5/24-24] provides for teachers, other licensed ~~certificated~~ educational employees (except for individuals holding an educator license with stipulations endorsed for paraprofessional educator) and persons providing a related service for or with respect to a student as determined by the board of education to maintain discipline in the schools.

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- a) The board of education shall establish and maintain a parent-teacher advisory committee as provided in Section 10-20.14 of the School Code [105 ILCS 5/10-20.14].
- b) The board of education shall establish a policy on the administration of discipline in accordance with the requirements of Sections 10-20.14 and 24-24 of the School Code [105 ILCS 5/10-20.14 and 24-24] and disseminate that policy as provided in Section 10-20.14 of the School Code.
- c) Any use of isolated time out or physical restraint permitted by a board's policy shall conform to the requirements of Section 1.285 of this Part. If isolated time out or physical restraint is to be permitted, the policy shall include:
 - 1) the circumstances under which isolated time out or physical restraint will be applied;
 - 2) a written procedure to be followed by staff in cases of isolated time out or physical restraint;
 - 3) designation of a school official who will be informed of incidents and maintain the documentation required pursuant to Section 1.285 of this Part when isolated time out or physical restraint is used;
 - 4) the process the district or other administrative entity will use to evaluate any incident that results in an injury that the affected student (or the responsible parent or guardian), staff member, or other individual identifies as serious;
 - 5) a description of the alternative strategies that will be implemented when determined advisable pursuant to Section 1.285(f)(4) of this Part; and
 - 6) a description of the district's or other administrative entity's annual review of the use of isolated time out or physical restraint, which shall include at least:
 - A) the number of incidents involving the use of these interventions,
 - B) the location and duration of each incident,
 - C) identification of the staff members who were involved,

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- D) any injuries or property damage that occurred, and
 - E) the timeliness of parental notification and administrative review.
- d) In addition to, or as part of, its policy on the maintenance of discipline, each board of education shall adopt policies and procedures regarding the use of behavioral interventions for students with disabilities who require ~~such~~ intervention. Each board's policies and procedures shall conform to the requirements of Section 14-8.05(c) of the School Code [105 ILCS 5/14-8.05(c)].

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.285 Requirements for the Use of Isolated Time Out and Physical Restraint

Isolated time out and physical restraint as defined in this Section shall be used only as means of maintaining discipline in schools (that is, as means of maintaining a safe and orderly environment for learning) and only to the extent that they are necessary to preserve the safety of students and others. Neither isolated time out nor physical restraint shall be used in administering discipline to individual students, i.e., as a form of punishment. Nothing in this Section or in Section 1.280 of this Part shall be construed as regulating the restriction of students' movement when that restriction is for a purpose other than the maintenance of an orderly environment (e.g., the appropriate use of safety belts in vehicles).

- a) "Isolated time out" means the confinement of a student in a time-out room or some other enclosure, whether within or outside the classroom, from which the student's egress is restricted. The use of isolated time out shall be subject to the following requirements:
 - 1) Any enclosure used for isolated time out shall:
 - A) have the same ceiling height as the surrounding room or rooms and be large enough to accommodate not only the student being isolated but also any other individual who is required to accompany that student;
 - B) be constructed of materials that cannot be used by students to harm themselves or others, be free of electrical outlets, exposed wiring, and other objects that could be used by students to harm themselves or others, and be designed so that students cannot climb up the walls (including walls far enough apart so as not to

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offer the student being isolated sufficient leverage for climbing);
and

- C) be designed to permit continuous visual monitoring of and communication with the student.
- 2) If an enclosure used for isolated time out is fitted with a door, either a steel door or a wooden door of solid-core construction shall be used. If the door includes a viewing panel, the panel shall be unbreakable.
- 3) An adult who is responsible for supervising the student shall remain within two feet of the enclosure.
- 4) The adult responsible for supervising the student must be able to see the student at all times. If a locking mechanism is used on the enclosure, the mechanism shall be constructed so that it will engage only when a key, handle, knob, or other similar device is being held in position by a person, unless the mechanism is an electrically or electronically controlled one that is automatically released when the building's fire alarm system is triggered. Upon release of the locking mechanism by the supervising adult, the door must be able to be opened readily.
- b) "Physical restraint" means holding a student or otherwise restricting his or her movements. "Physical restraint" as permitted pursuant to this Section includes only the use of specific, planned techniques (e.g., the "basket hold" and "team control").
- c) The requirements set forth in subsections (d) through (h) of this Section shall not apply to the actions described in this subsection (c) because, pursuant to Section 10-20.33 of the School Code [105 ILCS 5/10-20.33], *"restraint" does not include momentary periods of physical restriction by direct person-to-person contact, without the aid of material or mechanical devices, accomplished with limited force and designed to:*
 - 1) *prevent a student from completing an act that would result in potential physical harm to himself, herself, or another or damage to property; or*
 - 2) *remove a disruptive student who is unwilling to leave the area voluntarily.*
- d) The use of physical restraint shall be subject to the following requirements.

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- 1) Pursuant to Section 10-20.33 of the School Code, physical restraint may only be employed when:
 - A) *the student poses a physical risk to himself, herself, or others,*
 - B) *there is no medical contraindication to its use, and*
 - C) *the staff applying the restraint have been trained in its safe application* as specified in subsection (h)(2) of this Section.
- 2) Students shall not be subjected to physical restraint for using profanity or other verbal displays of disrespect for themselves or others. A verbal threat shall not be considered as constituting a physical danger unless a student also demonstrates a means of or intent to carry out the threat.
- 3) Except as permitted by the administrative rules of another State agency operating or licensing a facility in which elementary or secondary educational services are provided (e.g., the Illinois Department of Corrections or the Illinois Department of Human Services), mechanical or chemical restraint (i.e., the use of any device other than personal physical force to restrict the limbs, head, or body) shall not be employed.
- 4) Medically prescribed restraint procedures employed for the treatment of a physical disorder or for the immobilization of a person in connection with a medical or surgical procedure shall not be used as means of physical restraint for purposes of maintaining discipline.
- 5) Any application of physical restraint shall take into consideration the safety and security of the student. Further, physical restraint shall not rely upon pain as an intentional method of control.
- 6) In determining whether a student who is being physically restrained should be removed from the area where ~~the such~~ restraint was initiated, the supervising ~~adult~~ adult(s) shall consider the potential for injury to the student, the student's need for privacy, and the educational and emotional well-being of other students in the vicinity.
- 7) If physical restraint is imposed upon a student whose primary mode of communication is sign language or an augmentative mode, the student shall be permitted to have his or her hands free of restraint for brief

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periods, unless the supervising adult determines that this ~~such~~ freedom appears likely to result in harm to the student or others.

e) Time Limits

- 1) A student shall not be kept in isolated time out for longer than is therapeutically necessary, which shall not be for more than 30 minutes after he or she ceases presenting the specific behavior for which isolated time out was imposed or any other behavior for which it would be an appropriate intervention.
- 2) A student shall be released from physical restraint immediately upon a determination by the staff member administering the restraint that the student is no longer in imminent danger of causing physical harm to himself, herself, or others.

f) Documentation and Evaluation

- 1) A written record of each episode of isolated time out or physical restraint shall be maintained in the student's temporary record. The official designated pursuant to Section 1.280(c)(3) of this Part shall also maintain a copy of each of these records ~~such~~ record. Each ~~such~~ record shall include:
 - A) the student' name;
 - B) the date of the incident;
 - C) the beginning and ending times of the incident;
 - D) a description of any relevant events leading up to the incident;
 - E) a description of any interventions used prior to the implementation of isolated time out or physical restraint;
 - F) a description of the incident and/or student behavior that resulted in isolated time out or physical restraint;
 - G) a log of the student's behavior in isolated time out or during physical restraint, including a description of the restraint

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~~techniques~~ ~~technique(s)~~ used and any other interaction between the student and staff;

- H) a description of any injuries (whether to students, staff, or others) or property damage;
 - I) a description of any planned approach to dealing with the student's behavior in the future;
 - J) a list of the school personnel who participated in the implementation, monitoring, and supervision of isolated time out or physical restraint;
 - K) the date on which parental notification took place as required by subsection (g) of this Section.
- 2) The school official designated pursuant to Section 1.280(c)(3) of this Part shall be notified of the incident as soon as possible, but no later than the end of the school day on which it occurred.
 - 3) The record described in subsection (f)(1) of this Section shall be completed by the beginning of the school day following the episode of isolated time out or physical restraint.
 - 4) The requirements of this subsection (f)(4) shall apply whenever an episode of isolated time out exceeds 30 minutes, an episode of physical restraint exceeds 15 minutes, or repeated episodes have occurred during any three-hour period.
- A) A licensed educator ~~certified staff person~~ knowledgeable about the use of isolated time out or trained in the use of physical restraint, as applicable, shall evaluate the situation.
 - B) The evaluation shall consider the appropriateness of continuing the procedure in use, including the student's potential need for medication, nourishment, or use of a restroom, and the need for alternate strategies (e.g., assessment by a mental health crisis team, assistance from police, or transportation by ambulance).
 - C) The results of the evaluation shall be committed to writing and copies of this documentation shall be placed into the student's

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temporary student record and provided to the official designated pursuant to Section 1.280(c)(3) of this Part.

- 5) When a student has first experienced three instances of isolated time out or physical restraint, the school personnel who initiated, monitored, and supervised the incidents shall initiate a review of the effectiveness of the ~~procedures~~ procedure(s) used and prepare an individual behavior plan for the student that provides either for continued use of these interventions or for the use of other, specified interventions. The plan shall be placed into the student's temporary student record. The review shall also consider the student's potential need for an alternative program or for special education.
 - A) The district or other entity serving the student shall invite the student's ~~parents~~ parent(s) or ~~guardians~~ guardian(s) to participate in this review and shall provide ten days' notice of its date, time, and location.
 - B) The notification shall inform the ~~parents~~ parent(s) or ~~guardians~~ guardian(s) that the student's potential need for special education or an alternative program will be considered and that the results of the review will be entered into the temporary student record.

g) Notification to Parents

- 1) A district whose policies on the maintenance of discipline include the use of isolated time out or physical restraint shall notify parents to this effect as part of the information distributed annually or upon enrollment pursuant to Sections 10-20.14 and 14-8.05(c) of the School Code [105 ILCS 5/10-20.14 and 14-8.05(c)].
- 2) Within 24 hours after any use of isolated time out or physical restraint, the school district or other entity serving the student shall send written notice of the incident to the student's ~~parents~~ parent(s), unless the parent has provided the district or other entity with a written waiver of this requirement for notification. ~~The Such~~ notification shall include the student's name, the date of the incident, a description of the intervention used, and the name of a contact person with a telephone number to be called for further information.

h) Requirements for Training

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1) Isolated Time Out

Each district, cooperative, or joint agreement whose policy permits the use of isolated time out shall provide orientation to its staff members covering at least the written procedure established pursuant to Section 1.280(c)(2) of this Part.

2) Physical Restraint

A) Physical restraint as defined in this Section shall be applied only by individuals who have received systematic training that includes all the elements described in subsection (h)(2)(B) of this Section and who have received a certificate of completion or other written evidence of participation. An individual who applies physical restraint shall use only techniques in which he or she has received ~~such~~ training within the preceding two years, as indicated by written evidence of participation.

B) Training with respect to physical restraint may be provided either by the employer or by an external entity and shall include, but need not be limited to:

i) appropriate procedures for preventing the need for physical restraint, including the de-escalation of problematic behavior, relationship-building, and the use of alternatives to restraint;

ii) a description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;

iii) the simulated experience of administering and receiving a variety of physical restraint techniques, ranging from minimal physical involvement to very controlling interventions;

iv) instruction regarding the effects of physical restraint on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;

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- v) instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and
 - vi) demonstration by participants of proficiency in administering physical restraint.
- C) An individual may provide training to others in a particular method of physical restraint only if he or she has received written evidence of completing training in that technique that meets the requirements of subsection (h)(2)(B) of this Section within the preceding one-year period.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section 1.310 Administrative Qualifications and Responsibilities

Administrators and supervisors shall be appropriately licensed ~~certificated~~ meeting the requirements stated in Sections 21B-20 and 21B-25 ~~Section 21-7.1~~ of the School Code [105 ILCS 5/21B-20 and 21B-25 ~~21-7.1~~] and Section 1.705 of this Part.

- a) Chief school business officials, effective July 1, 1977, shall be appropriately licensed ~~certificated~~, meeting the requirements stated in Section 21B-25 ~~21-7.1~~ of the School Code.
- b) Department chairpersons and teacher leaders who are required to supervise and/or evaluate teachers shall meet the applicable requirements of Section 1.705 of this Part. (See also Section 21B-25 ~~21-7.1~~ of the School Code.) This regulation shall apply only to those individuals serving as department chairs first assigned to this position on or after September 1, 1978 and individuals holding a teacher leader endorsement issued in accordance with 23 Ill. Adm. Code 25.32 (Teacher Leader Endorsement).
- c) Divided Service
 - 1) An administrator, i.e., a superintendent or principal, may serve in two professional capacities provided that full-time equivalency results in a maximum of one full-time position.

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- 2) In school districts with an enrollment of 100 or fewer, an individual may serve as superintendent/principal and teach (up to 1/2 day).

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.320 Evaluation of Licensed Educators ~~Certified Staff in Contractual Continued Service~~

Each school district shall develop an evaluation plan (the Plan) for the evaluation of all licensed educators ~~certified school district employees in contractual continued service~~. Where cooperative educational programs operate between or among school districts, or are operated by regional superintendents of education ~~Regional Superintendents of Schools~~, pursuant to Sections 3-15.14, 10-22.31 and/or 10-22.31a of the School Code [105 ILCS 5/3-15.14, 10-22.31, and/or 10-22.31a], the Plan shall be developed by the administrative agent who is the fiscal and legal agent for the cooperative program, or the governing board, or the board of control of the entity. In this Section all of these ~~such~~ entities are included in the term "school district".

- a) The Plan shall conform to the requirements of Article 24A of the School Code [105 ILCS 5/Art. 24A] and, upon the school district's implementation date of a performance evaluation system incorporating data and indicators of student growth as set forth in Section 24A-2.5 of the School Code [105 ILCS 5/24A-2.5], meet the requirements of 23 Ill. Adm. Code 50 (Evaluation of Certified Employees under Articles 24A and 34 of the School Code). The ,and school district shall involve teachers in the development of the Plan or, where applicable, develop the Plan in cooperation with the exclusive bargaining representatives. Development of the Plan under a performance evaluation system shall conform to the requirements of Section 24A-4 of the School Code [105 ILCS 5/24A-4].
- b) On or before July 1 of the calendar year in which a school district is required to implement a performance evaluation system incorporating data and indicators of student growth for teachers or principals and assistant principals, a school district shall execute and make available to submit to the State Board of Education, upon request, a signed assurance specific to its principal evaluation plan and one specific to its teacher evaluation plan as to whether the Plan:
- 1) incorporates the State Performance Evaluation Model for Teachers or the State Performance Evaluation Model for Principals, as applicable; or

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- 2) incorporates a locally developed principal evaluation plan or teacher evaluation plan that aligns to the provisions of Article 24A of School Code and 23 Ill. Adm. Code 50.

~~c)b)~~ Consulting Teachers

- 1) The school official responsible for selecting a consulting teacher when required under Section 24A-5(j) of the School Code must undertake a diligent effort to identify a consulting teacher, which effort must include, but should not be limited to:
 - A) contacting qualified teachers within the district;
 - B) requesting the regional superintendent of schools to supply a roster of qualified consulting teachers; and
 - C) requesting the exclusive bargaining agent for the district to supply a roster of qualified consulting teachers.
- 2) If the school official cannot identify a qualified consulting teacher after completing the effort described in subsection ~~(c)(1)~~ ~~(b)(1)~~ of this Section, the employing school district's regional office of education shall supply a qualified consulting teacher.
- 3) If the consulting teacher becomes unavailable during the course of a remediation plan, a new consulting teacher shall be selected in the same manner as the initial consulting teacher. The remediation plan shall be amended as necessary upon consultation with the new consulting teacher for the balance of the remediation period. The consulting teacher shall be informed, through conferences with the evaluator and the teacher under remediation, of the results of the periodic evaluations conducted pursuant to Section 24A-5(k) of the School Code in order to continue to provide assistance to the teacher under a remediation plan.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.330 Toxic ~~Hazardous~~ Materials Training

Each district shall maintain an inservice training plan for working with toxic hazardous materials (as defined in Section 3 of the Toxic Substances Disclosure to Employees Act [820 ILCS 255/3] 56 Ill. Adm. Code 205) that meets the requirements of Section 16 of the Act ~~consisting of the~~

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~~“Right to Know” training offered by the Illinois Department of Labor (Toxic Substances Section).~~ Each district shall ensure that all new staff members whose assignments bring them into recurring contact, i.e., daily, weekly, or monthly, with toxic hazardous materials who have not received education and training ~~attended such a program~~ within the past 12 months receive the approved course of training prior to working with toxic hazardous materials (see Section 16 of the Act). Examples may include science teachers, maintenance workers, and cafeteria employees. Each district shall keep on file a list of the job titles in the district whose incumbents are subject to the requirements of this Section and the names of employees who have attended a training program, including the location, presenters, and date of the program.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section 1.410 Determination of the Instructional Program

Subject to the requirements listed in this Subpart D below, the instructional program of a school district shall be determined by the board of education with involvement of parents, students, the professional staff, and the local community. The basic curriculum shall include organized experiences which provide each student ample opportunity to achieve the goals set forth in Section 1.420 of this Part ~~for which the school system exists~~ and which meet the minimum program defined by the ~~The~~ School Code [105 ILCS 5] and the State Board of Education. It is recommended that activities, including student internships and observations of government in action, be a part of the instructional program where appropriate.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.420 Basic Standards

- a) Class schedules shall be maintained in the administrative office in each attendance center of a school district.
- b) Every school district shall have an organized plan for recording pupil progress and/or awarding credit, including credit for courses completed by correspondence, on line, or from other external sources, that can be disseminated to other schools within the State.
- c) Every school district shall:
 - 1) Provide curricula and staff inservice training to help eliminate unconstitutional and unlawful discrimination in ~~our~~ schools and society.

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School districts shall utilize the resources of the community in achieving the stated objective of elimination of discrimination and to enrich the instructional program.

- 2) Include in its instructional program concepts designed to improve students' understanding of and their relationships with individuals and groups of different ages, sexes, races, national origins, religions, and socio-economic backgrounds.
- d) Boards shall adopt and implement a policy for the distribution of teaching assignments, including study hall and extra class duties and responsibilities.
- e) Every school system shall conduct supervisory and inservice programs for its professional staff. The staff shall be involved in planning, conducting, and evaluating supervisory and inservice programs.
- f) Sections 10-19, 18-8.05, 18-12, and 18-12.5 of the School Code [105 ILCS 5/10-19, 18-8.05, 18-12, and 18-12.5] establish certain requirements regarding the school year and the school day. School districts shall observe these requirements when preparing their calendars and when calculating average daily attendance for the purpose of claiming general State financial aid.
- 1) Section 18-8.05(F)(2)(c) of the School Code provides that, with the approval of the State Superintendent of Education, four or more clock-hours of instruction may be counted as a day of attendance when the regional superintendent certifies that, due to a condition beyond the control of the district, the district has been forced to use multiple sessions. The State Superintendent's approval will be granted when the district demonstrates that, due to a condition beyond the control of the district, its facilities are inadequate to house a program offering five clock-hours daily to all students.
 - A) The district superintendent's request to the State Superintendent shall be accompanied by an assurance that the local school board has approved the plan for multiple sessions, including the date of the meeting at which this occurred, and evidence of the approval of the responsible regional superintendent.
 - B) Each request shall include a description of the circumstances that resulted in the need for multiple sessions; information on the buildings and grades affected; the intended beginning and ending

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dates for the multiple sessions; a plan for remedying the situation leading to the request; and a daily schedule showing that each student will be in class for at least four clock-hours.

- C) Approval for multiple sessions shall be granted for the school year to which the request pertains. Each request for renewed approval shall conform to the requirements of subsections (f)(1)(A) and (B) of this Section.
 - D) Students who are in attendance for at least 150 minutes of school work but fewer than 240 minutes may be counted for a half day of attendance. Students in attendance for fewer than 150 minutes of school work shall not be counted for purposes of calculating average daily attendance.
- 2) Section 18-8.05(F)(2)(h) of the School Code allows for a determination under rules of the State Board regarding the necessity for a second year's attendance at kindergarten for certain students so they may be included in a district's calculation of average daily attendance. Districts may count these ~~such~~ students when they determine through an assessment of their individual educational development that a second year of kindergarten is warranted.
- 3) A school district shall be considered to have conducted a legal school day, which is eligible to be counted for General State Aid, when the following conditions are met during a work stoppage.
- A) Fifty percent or more of the district's students are in attendance, based on the average daily attendance during the most recent full month of attendance prior to the work stoppage.
 - B) Educational programs are available at all grade levels in the district, in accordance with the minimum standards set forth in this Part.
 - C) All teachers hold educator licenses ~~certificates~~ that are registered with the regional superintendent of schools ~~Regional Superintendent~~ for their county of employment. Other than substitute teachers, licensure ~~certification~~ appropriate to the grade level and subject areas of instruction is held by all teachers.

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- 4) Sections 18-12 and 18-12.5 of the School Code set forth requirements for a school district to claim General State Aid in certain circumstances when one or more, but not all, of the district's school buildings are closed either for a full or partial day. A school district shall certify the reasons for the closure in an electronic format specified by the State Superintendent within 30 days from the date of the incident. In addition, the certification submitted for reasons of a public health emergency under Section 18-12.5 of the School Code shall be accompanied by a signed statement from the local health department to the State Superintendent that includes:
 - A) the name of the building that is being recommended for closure;
 - B) the specific public health emergency that warrants the closure; and
 - C) the anticipated building closure dates recommended by the health department.
- 5) Attendance for General State Aid Purposes
 - A) For purposes of determining average daily attendance on the district's General State Aid claim, students in full-day kindergarten and first grade may be counted for a full day of attendance only when they are in attendance for four or more clock hours of school work; provided, however, that students in attendance for more than two clock hours of school work but less than four clock hours may be counted for a half day of attendance. Students in attendance for fewer than two hours of school work shall not be counted for purposes of calculating average daily attendance.
 - B) For purposes of determining average daily attendance on the district's General State Aid claim, students enrolled full time in grades 2 through 12 may be counted for a full day of attendance only when they are in attendance for five or more clock hours of school work; provided, however, that students in attendance for more than two and one-half clock hours of school work but less than five clock hours may be counted for a half day of attendance. Students in attendance for fewer than two and one-half hours of school work shall not be counted for purposes of calculating average daily attendance.

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- C) For purposes of determining average daily attendance for General State Aid received under Sections 18-12 and 18-12.5 of the School Code, "immediately preceding school day" shall include school days in the previous school year in instances in which the building closure occurs before three or more days of instruction have been provided in the school year for which attendance is being counted.
- D) For the purposes of determining average daily attendance for General State Aid under Section 10-29 of the School Code [105 ILCS 5/10-29], a school district operating a remote educational program shall document the clock hours of instruction for each student, and make available to the State Superintendent of Education or his or her designee upon request, a written or online record of instructional time for each student enrolled in the program that provides sufficient evidence of the student's active participation in the program (e.g., log in and log off process, electronic monitoring, adult supervision, two-way interaction between teacher and student, video cam). "Clock hours of instruction" shall be calculated in accordance with Section 18-8.05(F)(2)(j) of the School Code [105 ILCS 5/18-8.05(F)(2)(j)].
- g) Each school board shall annually prepare a calendar for the school term, specifying the opening and closing dates and providing a minimum term of at least 185 days to ensure 176 days of actual pupil attendance, computable under Section 18-8.05 of the School Code (see Section 10-19 of the School Code).
- h) Local boards of education shall establish and maintain kindergartens for the instruction of children (see Sections 10-20.19a and 10-22.18 of the School Code [105 ILCS 5/10-20.19a and 10-22.18]).
 - 1) School districts may establish a kindergarten of either half-day or full-day duration. If the district establishes a full-day kindergarten, it must also provide a half-day kindergarten for those students whose parents or guardians request a half-day program.
 - 2) If a school district that establishes a full-day kindergarten also has 20 or more students whose parents request a half-day program, the district must schedule half-day classes, separate and apart from full-day classes, for those children. If there are fewer than 20 children whose parents request a half-day program, those students may be enrolled in either the morning or

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afternoon session of a full-day program provided that the following conditions are met.

- A) Distinctive curriculum plans for the half-day and full-day kindergarten programs must be developed by the school district, made available to parents to assist the parents in selecting the appropriate program for their child, and maintained in district files.
 - B) A common core of developmental, readiness and academic activities must be made available to all kindergarten students in the district regardless of the amount of time they attend school.
 - C) All support services (e.g., health counseling and transportation) provided by the district must be equally available to full-day and half-day students.
- 3) Each school district offering a kindergarten program, whether full-day or half-day, shall administer the Illinois Kindergarten Individual Development Survey (KIDS) annually, beginning in the 2015-16 school year. A school district is not obligated to administer KIDS in any school year in which the State does not provide funding sufficient for the cost of the test administration and establishment of a professional development system for teachers and administrators.
- A) A school district may be asked to participate in ~~a pilot of the KIDS in the 2012-13 school year~~ or a limited statewide implementation of the KIDS in the 2013-14 school year and/or the 2014-15 school year, provided that the cost of participating in the pilot is paid by the State. Selection of school districts will be made to ensure a representative sample and will be based upon factors such as demographics, economics and geographic location. The State Superintendent of Education shall notify each school district selected to participate in the limited statewide implementation ~~pilot no later than July 1, 2012, and not later than July 1, 2013 or July 1, 2014, respectively, for the limited statewide implementation.~~
 - B) Within 15 calendar days after receiving the notification required under subsection (h)(3)(A) of this Section, a school district may petition the State Superintendent to be excused from participating in the ~~pilot or~~ limited statewide implementation. The written petition shall state the reasons why the school district believes it

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lacks the capacity to administer the KIDS. The State Superintendent shall notify the school district of his or her acceptance or rejection of the petition no later than 15 days after it is received.

i) Career Education

- 1) The educational system shall provide students with opportunities to prepare themselves for entry into the world of work.
- 2) Every district shall initiate a Career Awareness and Exploration Program that should enable students to make more meaningful and informed career decisions. This program should be available at all grade levels.

j) Co-Curricular Activities

- 1) Programs for extra classroom activities shall provide opportunities for all students.
- 2) The desires of the student body in the area of co-curricular activities shall be of critical importance. At all times, activities of this nature shall be carefully supervised by a school-approved sponsor.

k) Consumer Education and Protection

- 1) A program in consumer education shall include at least the topics required by Section 27-12.1 of the School Code [105 ILCS 5/27-12.1].
- 2) The superintendent of each unit or high school district shall maintain evidence showing that each student has received adequate instruction in consumer education prior to the completion of grade 12. Consumer education may be included in course content of other courses, or it may be taught as a separate required course.
- 3) The minimal time allocation shall not be less than nine weeks or the equivalent for grades 9-12 ~~and shall include installment purchasing, budgeting, comparison of prices and an understanding of the roles of consumers interacting with agriculture, business, trade unions, and government in formulating and achieving the goals of the mixed free enterprise system.~~

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- 4) Teachers instructing in consumer education courses shall hold educator licensure certification ~~certification~~ valid for the grade levels taught and have completed at least three semester hours in consumer education courses.

l) Conservation of Natural Resources

Each district shall provide instruction on *current problems and needs in the conservation of natural resources, including, but not limited to, air pollution, water pollution, waste reduction and recycling, the effect of excessive use of pesticides, preservation of wilderness areas, forest management, protection of wildlife, and humane care of domestic animals* (Section 27-13.1 of the School Code [105 ILCS 5/27-13.1]).

- m) Every school district has the responsibility to prepare students for full citizenship. To this end each school district should encourage student discussion and communication in areas of local, State, national and international concern.

n) Health Education

- 1) Each school system shall provide a program in compliance with the Critical Health Problems and Comprehensive Health Education Act [105 ILCS 110].

A) There is no specific time requirement for grades K-6; however, health education shall be a part of the formal regular instructional program at each grade level.

B) The minimal time allocation shall not be less than one semester or equivalent during the middle or junior high experience.

C) The minimal time allocation shall not be less than one semester or equivalent during the secondary school experience.

D) If health education is offered in conjunction with another course on a “block of time” basis in a middle school, a junior high school, or a high school, instruction may be offered in any combination of the grade levels in the school, provided that the total time devoted to health education is the equivalent of one full semester’s work.

- 2) Nothing in this Section shall be construed as requiring or preventing the establishment of classes or courses in comprehensive sex education or

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family life education as authorized by Sections 27-9.1 and 27-9.2 of the School Code [105 ILCS 5/27-9.1 and 27-9.2].

o) Library Media Programs

Each school district shall provide a program of library media services for the students in each of its schools. Each district's program shall meet the requirements of this subsection (o).

1) General

The program shall include an organized collection of resources that circulate to students and staff in order to supplement classroom instruction, foster reading for pleasure, enhance information literacy, and support research, as appropriate to students of all abilities in the grade levels served. No later than the beginning of the 2014-15 school year, a district that relies solely upon the collection of a local public library shall maintain evidence that students receive instruction, direction, or assistance in locating and using resources that are applicable to these purposes from an individual who is qualified under Section 1.755 of this Part and who is acting on behalf of the school district.

2) Financial Resources

Each district's annual budget shall include an identifiable allocation for resources and supplies for the program, except that a unit district serving fewer than 400 students or an elementary or high school district serving fewer than 200 students may demonstrate that it is meeting its students' needs through alternate means that the district has determined are adequate in light of local circumstances.

3) Facilities

If there is no single location within a particular attendance center that is specifically devoted to a library media center, such as where classroom collections have been established instead, the district shall ensure that equitable access to library media resources is made available to students in all the grade levels served. If students' only access to library media resources is achieved by visiting a location outside their attendance center, the district shall maintain records demonstrating that all students' regular schedules include time for this purpose.

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4) Staff

Nothing in this subsection (o)(4) shall be construed as prohibiting districts or schools from sharing the services of individuals qualified under Section 1.755 of this Part, and nothing in this subsection (o) shall be construed as permitting an individual who is not qualified as a library information specialist to assume that role. ~~No later than the beginning of the 2009-10 school year, each~~ Each district shall assign responsibility for overall direction of its program of library media services to an employee who holds a professional educator license endorsed for a teaching or an administrative field ~~an elementary, a secondary, a special K-12, a special preschool age 21, an early childhood, or an administrative certificate~~. Except as otherwise provided in subsection (o)(4)(A) of this Section, the individual to whom this responsibility is assigned shall meet the requirements of Section 1.755 of this Part, and the individual to whom this responsibility is assigned shall not provide the services described in Section 1.755 of this Part unless he or she meets the requirements of that Section.

- A) In the event that no employee of the district holds any of the qualifications enumerated in Section 1.755 of this Part, the individual to whom direction of the program is assigned shall be required to participate annually in professional development consisting of:
- i) undergraduate or graduate coursework in library science offered by a regionally accredited institution of higher education; or
 - ii) one or more workshops, seminars, conferences, institutes, symposia, or other similar training events that are offered by the Illinois State Library, a regional library system, or another professional librarians' organization; or
 - iii) one or more "library academies" if these are made available by or at the direction of the State Superintendent of Education.
- B) A district that is otherwise unable to fulfill the requirements of this subsection (o)(4) shall ensure that the overall direction of the

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library media program (e.g., selection and organization of materials, provision of instruction in information and technology literacy, structuring the work of library paraprofessionals) is accomplished with the advice of an individual who is qualified pursuant to Section 1.755 of this Part.

p) Physical Education

- 1) Appropriate activity related to physical education shall be required of all students each day unless otherwise permitted by Section 27-6 of the School Code [105 ILCS 5/27-6]. The time schedule shall compare favorably with other courses in the curriculum. Safety education as it relates to the physical education program should be incorporated.
- 2) There shall be a definite school policy regarding credit earned each semester in physical education with provisions for allowable variables in special cases.
- 3) If a district determines that it is difficult to implement a program of physical education that involves all students daily, the administration should consult one of the program service personnel from the State Board of Education for assistance in the development of an acceptable program.
- 4) *The physical education and training course offered in grades 5 through 10 may include health education* (Section 27-5 of the School Code [105 ILCS 5/27-5]).
- 5) *Special activities in physical education shall be provided for pupils whose physical or emotional condition, as determined by a person licensed under the Medical Practice Act of 1987 [225 ILCS 60], prevents their participation in the courses provided for normal children* (Section 27-6 of the School Code).
- 6) Pursuant to Section 27-6 of the School Code, a student who presents an appropriate excuse from his or her parent or guardian or from a person licensed under the Medical Practice Act of 1987 shall be excused from participation in physical education.
 - A) Each school board shall honor excuses signed by persons licensed under the Medical Practice Act of 1987 and shall establish a policy defining the types of parental excuses it will deem “appropriate”

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for this purpose, which shall include, but need not be limited to, reliance upon religious prohibitions.

B) A board shall, ~~however,~~ have no authority to honor parental excuses based upon students' participation in athletic training, activities, or competitions conducted outside the auspices of the school district, except as otherwise authorized under Section 27-6(b) of the School Code.

C) For each type of excuse that will be considered "appropriate", the school board shall identify in its policy any evidence or support it will require. For example, a board may require a signed statement from a member of the clergy corroborating the religious basis of a request.

7) In addition, pursuant to Section 27-6(b) of the School Code, each school board that chooses to excuse pupils enrolled in grades 9 through 12 from engaging in physical education courses under that subsection shall establish a policy to excuse pupils on an individual basis and shall have the policy on file in the local district office. The district shall maintain records showing that, in disposing of each request to be excused from physical education, the district applied the criteria set forth in Section 27-6 to the student's individual circumstances.

q) School Support ~~Pupil~~ Personnel Services

To assure provision of School Support ~~Pupil~~ Personnel Services, the local district shall conduct a comprehensive needs assessment to determine the scope of the needs in the areas of:

- 1) Guidance and Counseling Needs;
- 2) Psychological Needs;
- 3) Social Work Needs;
- 4) Health Needs.

r) Social Sciences and History

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Each school system shall provide history and social sciences courses that do the following:

- 1) analyze the principles of representative government, the Constitutions of both the United States and the State of Illinois, the proper use of the flag, and how these concepts have related and currently do relate in actual practice in the ~~our~~ world (see Section 27-21 of the School Code [105 ILCS 5/27-21]);
 - 2) *include in the teaching of United States history the role and contributions of ethnic groups in the history of this country and the State* (Section 27-21 of the School Code);
 - 3) *include in the teaching of United States history the role of labor unions and their interaction with government in achieving the goals of a mixed free-enterprise system* (Section 27-21 of the School Code);
 - 4) *include the study of that period in world history known as the Holocaust* (Section 27-20.3 of the School Code [105 ILCS 5/27-20.3]);
 - 5) *include the study of the events of Black history, including the individual contributions of African-Americans and their collective socio-economic struggles* (Section 27-20.4 of the School Code [105 ILCS 5/27-20.4]);
 - 6) *include the study of the events of women's history in America, including individual contributions and women's struggles for the right to vote and for equal treatment* (Section 27-20.5 of the School Code [105 ILCS 5/27-20.5]); and
 - 7) *include the study of the events related to the forceful removal and illegal deportation of Mexican-American U.S. citizens during the Great Depression* (Section 27-21 of the School Code).
- s) Protective eye devices shall be provided to and worn by all students, teachers, and visitors when participating in or observing dangerous career and technical education courses ~~vocational arts~~ and chemical-physical courses of laboratories as specified in Section 1 of the Eye Protection in School Act [105 ILCS 115/1]. The eye protective devices shall meet the nationally accepted standards set forth in "American National Standard Practice for Occupational and Educational Personal Eye and Face Protection Devices", ANSI/ISEA Z87.1-2010 ~~ANSI Z87.1-2010~~, issued by the American National Standards Institute, Inc., 1899 L Street, NW, 11th

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Floor, Washington, D.C. 20036. No later ~~editions~~ additions or amendments to these standards are incorporated by this Part.

- t) Each school district shall provide instruction as required by Sections 27-3.5, 27-13.2, 27-13.3, 27-23.3, 27-23.4 and 27-23.8 of the School Code [105 ILCS 5/27-3.5, 27-13.2, 27-13.3, 27-23.3, 27-23.4, and 27-23.8].

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.470 Adult and Continuing Education

- a) Local school districts, in accordance with Section 10-20.12 of ~~the~~ The School Code [105 ILCS 5/10-20.12], shall provide for the educational needs of adults younger than ~~under~~ 21 years of age who wish to re-enter high school to acquire a high school diploma (subject to the limitations of 105 ILCS 5/26-2) or an equivalency certificate. Local boards of education may permit other adults to re-enter high school under this provision.
- b) Local school districts may establish special classes for the instruction:
- 1) of persons of age 21 years or older ~~over~~, and
 - 2) of persons younger ~~less~~ than age 21 and not otherwise in attendance in public school, for the purpose of providing adults in the community and youth whose schooling has been interrupted with educational programs appropriate to the needs of these individuals. If a program is approved by the State Board of Education, a school may issue credit for a course on the basis of qualitative attainment rather than on the time element. (See Section 10-22.20 of ~~the~~ The School Code [105 ILCS 5/10-22.20].)
- c) Awarding of Credit
- 1) Local school districts, as provided in a definite policy of the boards of education, may offer credit through proficiency testing, correspondence courses, military experiences, life experiences and other nonformal educational endeavors.
 - 2) Secondary schools may obtain credit recommendations for service experience by submitting the form, "Request for Evaluation of Service School Training" to the American Council on Education ~~Commission on~~

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~~Accreditation of Service Experiences~~, 1 DuPont Circle NW, Washington, D.C. 20036.

AGENCY NOTE: The State Board of Education recommends that a high school grant credit toward a diploma for the successful completion of the following service educational experiences:

United States Armed Forces Institute courses;

United States Armed Forces Institute subject examinations;

High School courses offered through USAFI by cooperating colleges and universities, credit upon transfer from the school offering the course;

Marine Corps Institute courses;

Service School training;

High school credit toward a diploma for basic or recruit training is not recommended.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART E: SUPPORT SERVICES

Section 1.515 Training of School Bus Driver Instructors

Initial and refresher training is required of all school bus drivers by Section 6-106.1 of the Illinois Vehicle Code [625 ILCS 5/6-106.1]. Pursuant to Section 3-14.23 of the School Code [105 ILCS 5/3-14.23], regional superintendents of schools are responsible for conducting training programs for school bus drivers. These programs shall be established by the State Board of Education and approved by the Secretary of State pursuant to the Secretary's rules titled School Bus Driver Permit (92 Ill. Adm. Code 1035).

- a) 92 Ill. Adm. Code 1035.30 of the Secretary's rules requires the certification of bus driver instructors by the State Board of Education. The following standards shall apply to this certification.
 - 1) The person must be at least 21 years of age.

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- 2) The person must hold or have held an Illinois School Bus Driver's Permit, hold a current professional educator license ~~teaching certificate~~ endorsed for driver education, or have the approval of the regional superintendent as having had other direct involvement in school bus transportation.
 - 3) The person must provide a current, valid card as evidence of having completed a course in first aid from the American Red Cross, the American Heart Association, or another national organization that is recognized by the Illinois Department of Public Health.
 - 4) The person must have assisted a certified instructor in conducting an initial school bus driver training course and a refresher course; the person must also have taught each of these types of courses under the observation of a certified instructor and have received a satisfactory evaluation of overall teaching performance.
 - 5) Certification of bus driver instructors shall be renewed annually. Renewal shall be sought by the regional superintendent of the region where services will be provided, with the permission of the individuals in question and using a form supplied by the State Superintendent of Education. Renewal of certification shall be based on the criteria set forth in subsections (a)(1) through (a)(4) of this Section.
- b) The State Superintendent shall notify each regional superintendent of the certification status of all affected instructors in his or her region and of any deficiencies preventing the certification of any individual. The regional superintendent shall be responsible for notifying instructors of their status.
 - c) The regional superintendent shall be responsible for notifying the employers of all bus drivers who complete initial or refresher training courses.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.520 Home and Hospital Instruction ~~School Food Services (Repealed)~~

The provisions of this Section apply to any student who has not been identified as eligible for special education services, in accordance with 23 Ill. Adm. Code 226 (Special Education), and who receive services at home or in a hospital or other setting because he or she is unable to attend school elsewhere due to a medical condition, and for which the resident school district is seeking reimbursement under Section 14-13.01(a) of the School Code [105 ILCS 5/14-13.01(a)].

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Requirements pertaining to home and hospital instruction for students with disabilities shall be as set forth in 23 Ill. Adm. Code 226.300 (Continuum of Placement Options).

- a) When a student has a medical condition that will cause an absence for two or more consecutive weeks (i.e., 10 school days) of school or ongoing intermittent absences, as defined in Section 14-13.01(a) of the School Code, the school district for that child shall consider the need for home or hospital services. The provision of home or hospital services shall be based upon a written statement from a physician licensed to practice medicine in all its branches that specifies:
 - 1) the child's medical condition;
 - 2) the impact on the child's ability to participate in education (the child's physical and mental level of tolerance for receiving educational services); and
 - 3) the anticipated duration or nature of the child's absence from school.
- b) The amount of instructional or related service time provided through the home or hospital program shall be determined in relation to the child's educational needs and physical and mental health needs. The amount of instructional time shall not be less than five hours per week unless the physician has certified in writing that the child should not receive as many as five hours of instruction in a school week. In the event that the child's illness or a teacher's absence reduces the number of hours in a given week to which the child is entitled, the school district shall work with the child's teachers and the child's parents to provide the number of hours missed, as medically advisable for the child.
- c) A child whose home or hospital instruction is being provided via telephone or other technological device shall receive not less than two hours per week of direct instructional services.
- d) Instructional time shall be scheduled only on days when school is regularly in session, unless otherwise agreed to by all parties.
- e) For the purpose of determining average daily attendance, school districts shall calculate days of attendance for hospitalized or homebound students in accordance with the provisions of 105 ILCS 5/18-8.05(F)(2)(e).
- f) Home or hospital instructors shall meet the requirements of 23 Ill. Adm. Code 1.610 (Personnel Required to be Qualified), except that the use of an individual

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who holds only a substitute teaching license is permissible provided that the individual provides instruction under the supervision of an individual who holds a professional educator license endorsed in a teaching field and is the teacher in whose class the student is enrolled. A school district using the services of a substitute teacher for home or hospital instruction pursuant to this subsection (f), however, is not eligible for reimbursement under Section 14-13.01 of the School Code.

- g) A school district is not obligated to provide home and hospital instruction when the referral for the services is presented when two weeks or fewer remains in the school year.
- h) Homebound instruction shall be provided for students who are pregnant according to the provisions set forth in Section 10-22.6a of the School Code.

(Source: Old Section Repealed at 29 Ill. Reg. 15789, effective October 3, 2005; new Section added at 37 Ill. Reg. _____, effective _____)

Section 1.530 Health Services

- a) Each school shall maintain records for each student that reflect compliance with the examinations and immunizations prescribed by Section 27-8.1 of the School Code and the applicable rules and regulations of the Illinois Department of Public Health at 77 Ill. Adm. Code 665 (Child Health Examination Code). The information relative to examinations and immunizations shall be placed in the student permanent record in accordance with 23 Ill. Adm. Code 375 (Student Records).
 - 1) School districts shall, by November 15 of each school year, report to the State Superintendent of Education the number of students who have received the necessary health examinations and immunizations, the number of students who are not exempt and have not received the necessary health examinations and immunizations, and the number of students exempt from the health examination and immunization requirements for religious or medical reasons, in the manner prescribed by the State Superintendent.
 - 2) Any school district that, for two years in a row and in any combination, either fails to deliver its report to the State Superintendent of Education by November 15 or delivers a report that does not comply with the percentage requirements of Section 27-8.1 of the School Code shall be issued a

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Notice of Non-Compliance. Unless, within seven school days after the mailing of the notice, the district presents written evidence to the State Superintendent that it has delivered the report required by Section 27-8.1 and the report complies with the percentage requirements of that Section, the State Superintendent shall reduce by 10 percent each subsequent payment to the district of General State Aid funds under Section 18-8.05 of the School Code, provided that all amounts withheld shall be restored to the district after compliance is documented. The reduction in the district's General State Aid payments shall commence on January 1 and shall occur semi-monthly thereafter, provided that all amounts withheld shall be restored to the district after compliance is documented.

- b) Students participating in interscholastic athletics shall have an annual physical examination. A district shall include as part of any agreement, contract, code, or other written instrument that the district requires a student athlete and his or her parents or guardian to sign before participating in practice or interscholastic competition information relative to the school board's adopted concussion and head injury policy. [See 105 ILCS 5/10-20.53 and 34-18.45.]
- c) Each district shall adopt an emergency procedure to be followed in cases of injury to or sudden illness of ~~to~~ students and/or staff.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART F: STAFF LICENSURE ~~CERTIFICATION~~ REQUIREMENTS

Section 1.610 Personnel Required to be Qualified

All professional employees of public schools and school districts shall be properly licensed ~~certified~~ as required by Section 21B-15 ~~24-4~~ of the School Code [105 ILCS 5/21B-15 ~~24-4~~].

- a) No one shall teach or supervise in a public school unless that individual holds an educator license appropriate ~~a certificate of qualification~~ for the position to which that individual has been assigned, ~~or unless the requirements of 23 Ill. Adm. Code 25.464 have been met.~~ (See Appendix A ~~Appendices A and B~~ of this Part.) Schools' and districts' compliance with these requirements shall be a factor in their recognition status, as discussed in Section 1.20 of this Part.
- b)a) No one shall be licensed ~~certified~~ to teach or supervise in the public schools of the State of Illinois who is not of good character, as defined in Section 21B-15 of the School Code, ~~good health, a citizen of the United States or legally present and~~

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authorized for employment and at least 20 19 years of age (Section 21-1 of the School Code [105 ILCS 5/21-1]).

- b) ~~A person not a citizen of the United States but who meets the other requirements of subsection (a) of this Section may be issued a certificate valid for teaching or supervising in all grades of the common schools. An applicant for a certificate who is not a citizen of the United States must sign and file with the State Board of Education a letter of intent indicating that, either within 10 years after the date that the letter is filed or at the earliest opportunity after the person becomes eligible to apply for U.S. citizenship, the person will apply for U.S. citizenship. (Section 21-1 of the School Code)~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.630 Paraprofessionals; Other Unlicensed ~~Nonecertificated~~ Personnel

- a) Pursuant to Sections 10-22.34 and 34-18 of the School Code [105 ILCS 5/10-22.34 and 34-18], school boards may employ nonteaching personnel or use volunteer personnel for nonteaching duties not requiring instructional judgment or evaluation of pupils.
- b) ~~Paraprofessionals; Teacher Aides~~
- 1) School boards may further utilize volunteer ~~nonecertificated~~ personnel or employ ~~nonecertificated~~ personnel who do hold an educator license with stipulations endorsed for paraprofessional educator to serve as paraprofessionals (or “teacher aides”) to assist in the instruction of pupils, so long as each ~~nonecertificated~~ individual is under the immediate supervision of a teacher who holds a valid professional educator license endorsed for the teaching field of assignment ~~certificate~~ and is directly engaged in teaching subject matter or conducting activities (see Sections 10-22.34 and 34-18 of the School Code). To “assist in the instruction of pupils”, i.e., to serve as a paraprofessional, means to support teachers through interactions with students that will help them master curricular content, such as by tutoring; or to assist with classroom management, such as by organizing instructional materials.
- 2) ~~Employment as a paraprofessional requires a statement of approval issued by the State Board of Education, in consultation with the State Teacher Certification Board, except that a paraprofessional first employed on or before June 30, 2005, in a program that serves students with disabilities~~

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~~shall be subject to this requirement as of July 1, 2007, and except that an individual who holds any certificate indicative of completion of at least a bachelor's degree, or who holds a provisional vocational certificate, may serve as a paraprofessional without a statement of approval.~~

- 2) Beginning July 1, 2013, an individual employed as a paraprofessional shall meet the requirements set forth in 23 Ill. Adm. Code 25.510 (Paraprofessionals) except in the following circumstances.
 - A) Any individual whose paraprofessional approval was continued after June 30, 2013, in accordance with the provisions of 23 Ill. Adm. Code 25.15 (Types of Licenses; Exchange), may continue to serve as a paraprofessional subject to any limitations of his or her approval.
 - B) An individual who holds an educator license indicative of completion of a bachelor's degree may serve as a paraprofessional without obtaining an educator license with stipulations endorsed for paraprofessional educator.
 - C) An individual who holds an educator license with stipulations endorsed for career and technical educator may serve as a paraprofessional without obtaining an additional endorsement for paraprofessional educator.
- 3) Each paraprofessional shall be under the direct supervision and control of a fully licensed ~~certificated~~ teacher when assisting with instruction, whether this occurs in classrooms, laboratories, shops, playgrounds, libraries, or other educational settings where instructional judgment requires the supervision of a fully licensed ~~certificated~~ teacher. The fully licensed ~~certificated~~ teacher shall be responsible for planning the activities to be conducted by the paraprofessional and for evaluating the pupils with whom the paraprofessional works. The fully licensed ~~certificated~~ teacher shall be continuously aware of the paraprofessional's activities, i.e., the teacher shall be responsible for controlling the paraprofessional's activities and shall be able to modify them at any time.
- 4) Paraprofessionals shall not be utilized as substitutes for or replacement of fully licensed ~~certificated~~ teachers, and they shall not have equivalent responsibilities. Fully licensed ~~Certificated~~ teachers shall exercise professional judgment when assigning duties to paraprofessionals and

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shall retain the responsibility for determining students' scholastic activities.

- 5) Each school district shall:
 - A) submit a list of all paraprofessionals it employs to the State Superintendent of Education with its annual application for recognition;
 - B) maintain a file for each paraprofessional that describes his or her functions and includes his or her statement of approval, if applicable, or verification of his or her holding an educator license with stipulations endorsed for paraprofessional educator and evidence that he or she has met the relevant requirements of 23 Ill. Adm. Code 25.510; and
 - C) be responsible for ensuring that no individual is employed as a paraprofessional without an educator license with stipulations endorsed for paraprofessional educator a statement of approval, except as permitted under subsection (b)(2) of this Section, and that paraprofessionals whose paraprofessional approval was continued are assigned only to tasks for which their approval is valid.
- c) Other Unlicensed Personnel
 - 1) School boards may designate unlicensed ~~noncertificated~~ persons of good character, as defined in Section 21B-15 of the School Code, to serve as supervisors, chaperones or sponsors, either on a voluntary or on a compensated basis, for school activities not connected with the academic program of the schools (see Section 10-22.34a of the School Code [105 ILCS 5/10-22.34a]).
- d) ~~School boards may utilize noncertificated persons, under the direction of a certified teacher, for providing specialized instruction related to a course assigned to the certified teacher on a regular basis, not otherwise readily available in the immediate school environment, in the fields for which they are particularly qualified or skilled (see Section 10-22.34b of the School Code [105 ILCS 5/10-22.34b]).~~

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- 2)e) ~~Unlicensed Noncertificated~~ personnel in special education programs under contract to the local board of education, other than paraprofessionals, shall be governed by 23 Ill. Adm. Code 226 (Special Education). Also, beginning July 1, 2006, educational interpreters for persons who are deaf or hard of hearing shall be approved pursuant to 23 Ill. Adm. 25.550 (Approval of Educational Interpreters).
- 3)f) In accordance with Section 10-22.34(d) of the School Code [105 ILCS 5/10-22.34(d)], school districts may utilize unlicensed ~~noncertificated~~ persons who are completing their clinical experiences and/or student teaching.
- A)h) A candidate participating in clinical experiences shall not be required to hold an educator license with stipulations endorsed for a statement of approval as a paraprofessional if:
- i)A) the candidate is engaging in the clinical experience as part of an approved Illinois teacher preparation program in which he or she is enrolled;
 - ii)B) when the candidate assists in instruction, he or she is under the immediate supervision of a teacher who holds a valid professional educator license ~~certificate~~ and is directly engaged in teaching the subject matter or conducting other learning activities; and
 - iii)C) the cooperating teacher constantly evaluates the candidate's activities and is able to control or modify them.
- B)2) ~~Unlicensed Noncertificated~~ personnel enrolled in a student teaching course at a college or university are not required to be under the constant supervision of a teacher, provided that their activity has the prior approval of the representative of the higher education institution, that teaching plans have been previously discussed with and approved by the supervising teacher, and the teaching is performed in accordance with the requirements of 23 Ill. Adm. Code 25.620 (Student Teaching) (see Section 10-22.34(d) of the School Code).
- C)g) In accordance with Section 10-22.34b of the School Code [105 ILCS 5/10-22.34b], school districts may, with the prior approval of the responsible regional superintendent of schools, utilize unlicensed ~~noncertified~~ persons *to provide specialized instruction not otherwise readily available in the immediate school environment in the fields for which they are particularly qualified by reason of*

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specialized knowledge or skill. The regional superintendent shall approve an assignment of this type when:

- i)4) the licensed ~~certified~~ teacher holding a professional educator license endorsed in a teaching field under whose direction the instruction will be provided has specified in writing the material to be covered and the amount of time to be allotted for the specialized instruction;
- ii)2) the district superintendent has identified in writing the selected individual's professional competence or outstanding proficiency in the area of specialization in which instruction is to be provided;
- iii)3) the district superintendent has affirmed in writing that a district representative has determined the environment where instruction will be provided, if away from the school, to be safe and appropriate to the age of the students involved; and
- iv)4) the district superintendent has described the precise function to be served by the specialized instruction and any compensation to be paid to the selected individual.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

SUBPART G: STAFF QUALIFICATIONS

Section 1.760 Standards for School Support ~~Pupil~~ Personnel Services

- a) School psychologists, social workers in schools, ~~and school guidance counselors,~~ speech-language pathologist (nonteaching) and school nurses, except as provided in subsection (c) of this Section, shall hold a professional educator license endorsed for school support personnel in their respective area ~~Type 10 or Type 73 Certificate with the appropriate endorsement.~~
- b) Registered Professional Nurse means any nurse who is licensed to practice professional nursing in Illinois in accord with the Nurse Practice Act [225 ILCS 65] ~~The Illinois Nursing Act (Ill. Rev. Stat. 1985, ch. 111, par. 3401 et seq.)~~ and whose license is active and in good standing as determined by the Illinois Department of Financial and Professional Regulation ~~Registration and Education.~~
- c) School Nurse means any registered professional nurse who holds a professional educator license endorsed for school support services ~~Type 73 School Service~~

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~~Personnel Certificate with an endorsement~~ in school nursing, or any ~~noncertificated~~ registered professional nurse who ~~does not hold the professional educator license but~~ was employed in the school district of current employment before July 1, 1976. School districts may employ noncertificated registered professional nurses to perform professional nursing services [105 ILCS 5/10-22.23].

- d) School boards that employ school nurses shall be responsible for verifying that each ~~such~~ person holds a valid nursing license and professional educator license certificate except as provided in subsection (c) of this Section.
- e) School boards that employ one or more school nurses for the purpose of providing professional nursing services shall develop and keep on file a written job description defining the duties of their said school nurses ~~nurse(s)~~.
- f) Any job description prepared pursuant to subsection (e) of this Section will be accepted by the State Board of Education as complying with Section 10-22.23 of the The School Code (Ill. Rev. Stat. 1985, ch. 122, par. 10-22.23) if it contains at least:
 - 1) the duty to provide registered professional nursing practice services as defined in Section 50-10 of the Nurse Practice The Illinois Nursing Act (Ill. Rev. Stat. 1985, ch. 111, par. 3405 (4)(1)); and
 - 2) at least one or more additional duties as the school board shall select from subsection (g) of this Section.
- g) Additional duties of the school nurse shall include one or more of the following:
 - 1) assessment of health care needs through screening for deficits in vision, hearing, growth and development, immunization status, and other physical defects (e.g., orthopedic, malnutrition, asthma, metabolic disorders, blood pressure, obesity scoliosis, hernia);
 - 2) identifying student health problems, making referrals for their diagnosis, treatment and remediation, and providing follow-up for each referral;
 - 3) recommending modification of the school programs for a student who requires a change because of a health deficit and developing health care plans when students need special physical health care procedures to be provided at school;

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- 4) establishing a communicable disease prevention and control program, including blood-borne pathogen control programs, in collaboration with State and local health departments and federal and State occupational safety and health agencies;
- 5) assessing the health status of students and providing health counseling (e.g. on diet, exercise) for students, parents and school staff;
- 6) processing physicians' orders, administering and monitoring medication and treatment given in school (subject to local policy regarding the administration of medication at school);
- 7) providing crisis intervention for students and/or staff in the advent of sudden illness or injury;
- 8) establishing an accident prevention program in collaboration with the district's administration;
- 9) acting as liaison between the home, school, community health agencies and the private medical sector;
- 10) participating in the identification, evaluation and placement of students into special education programs; (e.g., as a referring agent, a consultant to parents, teachers, ~~etc.~~, and/or as a member of a multidisciplinary team pursuant to the provisions of 23 Ill. Adm. Code 226 (Special Education));
- 11) collecting and analyzing health-related data (e.g. immunization records, medical records, incidence of specific diseases); ~~and making recommendations based upon these data; and reporting the data to state agencies as may be required;~~
- 12) maintaining accurate school health records and ensuring the confidentiality of their contents in accordance ~~accord~~ with the Illinois School Student Records Act [105 ILCS 10] (~~Ill. Rev. Stat. 1985, ch. 122, par. 50-1 et seq.~~), and 23 Ill. Adm. Code 375 (Student Records), and the Family Educational Rights and Privacy Act (20 USC 1232g);
- 13) carrying out other specified duties ~~that which~~ the school nurse is qualified to perform, provided that the school nurse shall not provide instruction to students ~~be assigned teaching duties~~ unless the nurse holds the appropriate

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teaching endorsement certificate; however, this subsection (g)(13) does not preclude a school nurse from providing limited classroom instruction as may be requested by the licensed teacher on specific health or illness topics (e.g., asthma, HIV prevention, puberty);-

- 14) coordinating and managing student health through care management, including delegating nursing tasks included in the individual student health plan (e.g., screening tests, diabetes monitoring) to licensed and unlicensed persons, in accordance with the Nurse Practice Act; and
- 15) providing instruction to or practicum experience for nursing students enrolled in community health/public health/pediatrics courses through a written agreement between the nursing education program and the school district.

- h) The duty to provide registered professional nursing practices ~~services~~ as defined in Section 50-10 of the Nurse Practice Act ~~"The Illinois Nursing Act"~~ shall not be included among the functions assigned to any school district personnel not covered by the job description required for school nurses.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.762 Supervision of Speech-Language Pathology Assistants

- a) Pursuant to Section 14-6.03 of the School Code [105 ILCS 5/14-6.03], school districts and cooperative entities may employ licensed speech-language pathology assistants ("SLPAs"), ~~as well as speech-language pathology paraprofessionals who are approved by the State Board of Education ("paraprofessionals").~~ These individuals are required by that Section to serve under the supervision of experienced speech-language pathologists, who are further required by Section 3.5(b) of the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110/3.5(b)] to be licensed under that Act. Therefore, a school district or cooperative entity shall not assign a speech-language pathologist with a professional educator license issued ~~certified~~ under Article 21B 24 ~~21B 24~~ of the School Code [105 ILCS 5/Art. 21B 24] but not licensed under the Illinois Speech-Language Pathology and Audiology Practice Act to supervise any SLPA ~~or paraprofessional~~.
- b) Except as provided in subsection (d) of this Section, a speech-language pathologist who supervises one or more SLPAs shall provide evidence of having completed training of at least ten hours' duration that was provided by an

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organization approved by the Illinois Department of Financial and Professional Regulation pursuant to the Department's rules titled "The Illinois Speech-Language Pathology and Audiology Practice Act" (68 Ill. Adm. Code 1465) and that addressed all the following topics:

- 1) Establishing and maintaining effective working relationships;
 - 2) Ethical, legal, regulatory, and reimbursement aspects of the profession;
 - 3) Strategies for direct and indirect supervision (supervisory process and practices, effective use of assistants);
 - 4) Evaluating the performance of assistants;
 - 5) The scope of assistants' responsibility; and
 - 6) Instructing and assisting SLPAs with:
 - A) the execution of goals and objectives, data collection, and student outcomes;;
 - B) standards and strategies for oral and written communication;;
 - C) techniques, materials, and equipment utilized in the profession; and
 - D) the maintenance of records.
- c) In order to be eligible to supervise SLPAs, a speech-language pathologist shall provide to the employing district or cooperative a copy of a signed certificate of completion of the training furnished by the provider. The employing district or cooperative shall maintain this written evidence on file.
- d) ~~The requirements of subsections (b) and (c) of this Section shall not apply to speech-language pathologists who supervise paraprofessionals only.~~ A speech-language pathologist who supervises one or more SLPAs shall be exempt from the requirements of subsections (b) and (c) of this Section provided that he or she presents to the employing district or cooperative entity, and the employer maintains, written evidence demonstrating that the speech-language pathologist had acquired at least one full school year's experience in supervising

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paraprofessional speech-language pathology staff serving individuals of school age prior to January 1, 2003.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.770 Standards for Special Education Personnel

Individuals who provide special education services shall meet the requirements set forth in Subpart I of 23 Ill. Adm. Code 226, Special Education, and Subpart B of 23 Ill. Adm. Code 25, Educator Licensure.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.780 Standards for Teachers in Bilingual Education Programs

- a) No individual shall be assigned as a bilingual education teacher in prekindergarten, kindergarten or any of grades ~~Grades~~ 1-12 unless he or she:
 - 1) holds a valid professional educator license endorsed ~~certificate that is valid~~ for the grade levels of the students to be served and an endorsement ~~or statement of approval~~ for bilingual education that is specific to the language of instruction, issued pursuant to Section 1.781 of this Part; or
 - 2) holds a valid educator license with stipulations endorsed for transitional bilingual educator ~~certificate~~ specific to the language of instruction, issued pursuant to 23 Ill. Adm. Code 25.90; or
 - 3) holds a valid educator license with stipulations endorsed for visiting international educator and ~~Visiting International Teaching Certificate that is valid for~~ the grade levels of the students to be served and meets the requirements set forth at 23 Ill. Adm. Code 25.92(i); or
 - 4) was employed in a State-approved bilingual education program prior to September 1, 1985 and continues to hold a valid professional educator license endorsed ~~certificate that is valid~~ for the grade level or levels of the students to be served.
- b) No individual shall be assigned as a teacher of English as a Second Language (ESL) in prekindergarten, kindergarten or any of grades ~~Grades~~ 1-6 unless he or she:

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- 1) holds a valid professional educator license endorsed certificate ~~that is valid~~ for the grade levels of the students to be served and an endorsement ~~or statement of approval~~ for ESL or English as a New Language (ENL), issued pursuant to Section 1.782 of this Part; or
 - 2) holds a valid professional educator license endorsed certificate ~~that is valid~~ for the grade levels of the students to be served and an endorsement ~~or statement of approval~~ for bilingual education or ENL with a language designation; or
 - 3) holds a valid educator license with stipulations endorsed for a transitional bilingual educator certificate issued pursuant to 23 Ill. Adm. Code 25.90; or
 - 4) holds a valid educator license with stipulations endorsed for visiting international educator and a Visiting International Teaching Certificate ~~that is valid~~ for the grade levels of the students to be served and meets the requirements set forth at 23 Ill. Adm. Code 25.92(i); or
 - 5) was employed in an approved bilingual education program prior to September 1, 1985, and continues to hold a valid professional educator license endorsed certificate ~~that is valid~~ for the grade level or levels of the students to be served.
- c) No individual shall be assigned as a teacher of English as a Second Language in any of grades ~~Grades~~ 7-12 unless he or she:
- 1) holds a valid professional educator license endorsed certificate ~~that is valid~~ for the grade levels of the students to be served and an endorsement ~~or statement of approval~~ for ESL or ENL, issued pursuant to Section 1.782 of this Section; or
 - 2) holds a valid educator license with stipulations endorsed for visiting international educator and a Visiting International Teaching Certificate ~~that is valid~~ for the grade levels of the students to be served and meets the requirements set forth at 23 Ill. Adm. Code 25.92(i).
- d) Additional requirements for teachers in grades 5 through 8 serving students with home languages other than English shall be as set forth in Section 1.720 of this Part.

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- e) Additional requirements for teachers in State-supported early childhood programs serving students with home languages other than English shall be as set forth in 23 Ill. Adm. Code 228.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.781 Requirements for Bilingual Education Teachers in Prekindergarten, Kindergarten and any of Grades 1-12

- a) Bilingual education teachers employed in an approved bilingual education program prior to September 1, 1985 are not subject to the requirements set forth below, provided they continue to hold a certificate issued prior to that date and valid for their current teaching role and have exchanged that certificate for the appropriate educator license (see 23 Ill. Adm. 25.15, Types of Licenses; Exchange).
- b) On September 1, 1985 and thereafter, bilingual education teachers in State-approved bilingual education programs must:
 - 1) Possess a valid educator license with stipulations endorsed for transitional bilingual educator ~~a Transitional Bilingual Certificate~~ issued in accordance with 23 Ill. Adm. Code 25.90; or
 - 2) Possess a valid professional educator license endorsed for bilingual education ~~Illinois teacher certificate and either an endorsement or a statement of approval issued by the State Board of Education~~ when evidence is presented demonstrating that the following requirements have been met:
 - A) Verification of reading, writing, grammar skills, and speaking proficiency in the non-English language for which the endorsement or approval is sought (either graduating from an institution where the non-English language was the medium of instruction or through passage of the test of language proficiency in that language); and
 - B) 18 semester hours distributed among the following areas and including 100 clock hours of clinical experience or 3 months teaching experience in a bilingual education program:
 - i) Foundations of bilingual education,

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- ii) Assessment of the bilingual student,
 - iii) Methods and materials for teaching ~~limited~~ English learners (ELs) ~~proficient (LEP) students~~ in bilingual programs,
 - iv) Methods and materials for teaching English as a Second Language, and
 - v) Cross-cultural studies for teaching ELs ~~LEP students~~.
- 3) Hold a valid educator license with stipulations endorsed for visiting international educator and a Visiting International Teaching Certificate ~~that is valid~~ for the grade levels of the students to be served and meets the requirements set forth at 23 Ill. Adm. Code 25.92(i).

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.782 Requirements for Teachers of English as a Second Language in Prekindergarten, Kindergarten and any of Grades 1-12

- a) Bilingual teachers ~~currently presently~~ teaching English as a Second Language and employed in an approved bilingual education program prior to September 1, 1985 are not subject to the requirements set forth below, provided they continue to hold a certificate issued prior to that date and valid for their current teaching role and have exchanged that certificate for the appropriate educator license (see see 23 Ill. Adm. 25.15, Types of Licenses; Exchange).
- b) On September 1, 1985 and thereafter, teachers of English as a Second Language in State-approved bilingual education programs must:
 - 1) Possess a valid professional educator license endorsed for special K-12 certificate endorsed and for teaching English as a Second Language, issued by the State Board of Education in accordance with 23 Ill. Adm. Code 25 (Certification); or
 - 2) Possess a valid professional educator license endorsed for English as a Second Language ~~Illinois teaching certificate and either an endorsement or a statement of approval issued by the State Board of Education~~ when evidence is presented of having completed 18 semester hours distributed among the following areas and including 100 clock hours of clinical

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experience or 3 months experience teaching English as a Second Language:

- A) Linguistics (including English and non-English phonology and syntax);
 - B) Theoretical foundations of teaching English as a Second Language;
 - C) Assessment of the bilingual student;
 - D) Methods and materials for teaching English as a Second Language; and
 - E) Cross-cultural studies for teaching LEP students; or
- 3) Hold an educator license with stipulations endorsed for visiting international educator ~~a Visiting International Teaching Certificate~~ that is valid for the grade levels of the students to be served and meets the requirements set forth at 23 Ill. Adm. Code 25.92(i).

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.783 Requirements for Administrators of Bilingual Education Programs

Beginning July 1, 2014, no individual shall be assigned to administer a bilingual education program with 200 or more students unless he or she is licensed ~~certified~~ in accordance with Section 1.705(m) of this Part and meets the requirements of either subsection (a) or (b) of this Section, as applicable. Individuals assigned to administer a bilingual education program with fewer than 200 students shall meet the requirements of 23 Ill. Adm. Code 228.35(d)(2) or (3), as applicable.

- a) Transitional Bilingual Education
 - 1) A person designated to administer a transitional bilingual education program shall:
 - A) hold the bilingual education ~~approval~~ or endorsement issued pursuant to Section 1.781 of this Part; or
 - B) hold the English as a new language endorsement issued pursuant to Section 1.782 of this Part, with a language designation; or

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- C) present evidence of having completed 18 semester hours distributed among the following:
 - i) Foundations of bilingual education,
 - ii) Assessment of the bilingual student,
 - iii) Methods and materials for teaching ELs ~~limited-English proficient (LEP) students~~ in bilingual programs,
 - iv) Methods and materials for teaching English as a Second Language, and
 - v) Cross-cultural studies for teaching ELs ~~LEP students~~.
- 2) Either linguistics (including English and non-English phonology and syntax) or bilingualism and reading shall be required in instances in which the distribution of coursework among each of the five areas in subsection (a)(1)(C) of this Section does not total 18 semester hours.
- b) Transitional Program of Instruction

A person designated to administer a transitional program of instruction shall:

 - 1) hold the bilingual education approval ~~approval or endorsement~~ issued pursuant to Section 1.781 of this Part; or
 - 2) hold the English as a second language approval ~~approval or endorsement~~ issued pursuant to Section 1.782 of this Part; or
 - 3) hold the English as a new language endorsement issued pursuant to Section 1.782 of this Part; or
 - 4) present evidence of having completed the coursework enumerated in subsection (a)(1)(C) of this Section, subject to the provision of subsection (a)(2).

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1.790 Substitute Teacher

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- a) ~~A person may only substituting for any member of the professional staff should have the qualifications required of the staff member for whom that individual is substituting.~~
- 1) To serve as a substitute teacher, a person shall hold a valid substitute teaching license issued pursuant to certificate as specified in Section 21B-20(3) 21-9 of the School Code [105 ILCS 5/21B-20(3) 21-9]. Any individual who holds a valid and active Illinois educator license indicative of completion of at least a bachelor's degree may serve as a substitute teacher without having to also hold the substitute teaching license.
- b)2) A teacher holding a substitute teaching license ~~teacher certificate~~ may teach only in the place of a licensed ~~certified~~ teacher who is under contract with the employing board. (See Section 21B-20(3) of the School Code.)
- c) In accordance with Section 21B-20(3) of the School Code, there is no limit on the number of days that a substitute teacher may teach except that:
- 1) A person who holds only a substitute teaching license may teach for no longer than a period not to exceed 90 paid school days for any one licensed teacher who is under contract with the school district or 450 paid hours in any one school district in any one school term. Where such teaching is partly on a daily and partly on an hourly basis, a school day shall be considered as five hours (Section 21-9 of the School Code).
- 2) A person who holds a professional educator license endorsed for a teaching field may teach for no longer than 120 paid school days for any one licensed teacher who is under contract with the school district.
- d) A school district may employ a substitute teacher to fill a position when there is no licensed teacher under contract with the school district only in an emergency situation, as defined in Section 21B-20(3) of the School Code. Any substitute teacher hired under this subsection (d) shall work no more than 30 calendar days per each vacant position.
- b) ~~Substitute teachers who hold a substitute certificate or a certificate for grades other than the class being taught may teach only when a teacher certified for the grade is not available (Section 21-9 of the School Code).~~

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(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1. APPENDIX D State Goals for Learning

The State Goals for Learning are broad statements of what students in kindergarten through grade 12 should know and be able to do as a result of their public education. The Illinois Learning Standards provide more specific definition of the essential knowledge and skills desired of Illinois students. The State Assessment and the Illinois Kindergarten Individual Development Survey are designed to measure students' mastery of the Illinois Learning Standards, so that a clear connection will emerge between students' learning and the goals and standards of the State of Illinois.

ENGLISH LANGUAGE ARTS AND LITERACY IN HISTORY/SOCIAL STUDIES, SCIENCE, AND TECHNICAL SUBJECTS

There are no State Goals for Learning in this area. The applicable standards shall be the "Common Core State Standards for English Language Arts and Literacy in History/Social Studies, Science, and Technical Subjects" (2010) published by the Common Core State Standards Initiative, National Governors Association, Hall of the States, 444 North Capitol Street, Ste. 267, Washington, D.C. 20001-1512 and posted at <http://www.corestandards.org/the-standards> ~~<http://www.corestandards.org/the-standards/english-language-arts-standards>~~. No later amendments to or editions of these standards are incorporated by this Section.

MATHEMATICS

There are no State Goals for Learning in this area. The applicable standards shall be the "Common Core State Standards for Mathematics" (2010) published by the Common Core State Standards Initiative, National Governors Association, Hall of the States, 444 North Capitol Street, Suite 267, Washington, DC 20001-1512 and posted at <http://www.corestandards.org/the-standards> ~~<http://www.corestandards.org/the-standards/mathematics>~~. No later amendments to or editions of these standards are incorporated by this Section.

SCIENCE

The science goals and standards set forth below shall be applicable through the 2015-16 school year. Beginning in the 2016-17 school year, there are no State Goals for Learning in this area and the applicable standards shall be the "Next Generation Science Standards" (2013) published by Achieve, Inc., 1400 16th Street NW, Suite 510, Washington, DC 20036 and posted at <http://www.nextgenscience.org/>. No later amendments to or editions of these standards are incorporated by this Section.

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State Goal 11: Understand the processes of scientific inquiry and technological design to investigate questions, conduct experiments and solve problems.

Standards:

Know and apply the concepts, principles and processes of scientific inquiry.

Know and apply the concepts, principles and processes of technological design.

State Goal 12: Understand the fundamental concepts, principles and interconnections of the life, physical and earth/space sciences.

Standards:

Know and apply concepts that explain how living things function, adapt and change.

Know and apply concepts that describe how living things interact with each other and with their environment.

Know and apply concepts that describe properties of matter and energy and the interactions between them.

Know and apply concepts that describe force and motion and the principles that explain them.

Know and apply concepts that describe the features and processes of the Earth and its resources.

Know and apply concepts that explain the composition and structure of the universe and Earth's place in it.

State Goal 13: Understand the relationships among science, technology and society in historical and contemporary contexts.

Standards:

Know and apply the accepted practices of science.

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Know and apply concepts that describe the interaction between science, technology and society.

SOCIAL SCIENCE

State Goal 14: Understand political systems, with an emphasis on the United States.

Standards:

Understand and explain basic principles of the United States government.

Understand the structures and functions of the political systems of Illinois, the United States and other nations. (NOTE: Not applicable to kindergarten.)

Understand election processes and responsibilities of citizens.

Understand the roles and influences of individuals and interest groups in the political systems of Illinois, the United States and other nations.

Understand United States foreign policy as it relates to other nations and international issues. (NOTE: Not applicable to kindergarten.)

Understand the development of United States political ideas and traditions. (NOTE: Not applicable to kindergarten.)

State Goal 15: Understand economic systems, with an emphasis on the United States.

Standards:

Understand how different economic systems operate in the exchange, production, distribution and consumption of goods and services.

Understand that scarcity necessitates choices by consumers.

Understand that scarcity necessitates choices by producers. (NOTE: Not applicable to kindergarten.)

Understand trade as an exchange of goods or services.

Understand the impact of government policies and decisions on production and consumption in the economy. (NOTE: Not applicable to kindergarten.)

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State Goal 16: Understand events, trends, individuals and movements shaping the history of Illinois, the United States and other nations.

Standards:

Apply the skills of historical analysis and interpretation.

Understand the development of significant political events.

Understand the development of economic systems. (NOTE: Not applicable to kindergarten.)

Understand Illinois, United States and world social history. (NOTE: Not applicable to kindergarten.)

Understand Illinois, United States and world environmental history. (NOTE: Not applicable to kindergarten.)

State Goal 17: Understand world geography and the effects of geography on society, with an emphasis on the United States.

Standards:

Locate, describe and explain places, regions and features on the Earth.

Analyze and explain characteristics and interactions of the Earth's physical systems. (NOTE: Not applicable to kindergarten.)

Understand relationships between geographic factors and society.

Understand the historical significance of geography.

State Goal 18: Understand social systems, with an emphasis on the United States.

Standards:

Compare characteristics of culture as reflected in language, literature, the arts, traditions and institutions.

Understand the roles and interactions of individuals and groups in society.

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Understand how social systems form and develop over time. (NOTE: Not applicable to kindergarten.)

PHYSICAL DEVELOPMENT AND HEALTH

State Goal 19: Acquire movement and motor skills and understand concepts necessary ~~needed~~ to engage in moderate to vigorous health-enhancing physical activity.

Standards:

Demonstrate physical competency in a variety of motor skills and individual and team sports, creative movement patterns and leisure and work-related activities.

Analyze various movement concepts and applications.

Demonstrate knowledge of rules, safety and strategies during physical activity.

State Goal 20: Achieve and maintain a health-enhancing level of physical fitness based upon continual self-assessment.

Standards:

Know and apply the principles and components of health-related and skill-related fitness as applied to learning and performance of physical activities.

Assess individual fitness levels.

Set goals based on fitness data and develop, implement and monitor an individual fitness improvement plan.

State Goal 21: Develop ~~team-building~~ skills necessary to become a successful member of a team by working with others through physical activity.

Standards:

Demonstrate personal ~~individual~~ responsibility during group physical activities.

Demonstrate cooperative skills during structured group physical activity.

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State Goal 22: Understand principles of health promotion and the prevention and treatment of illness and injury.

Standards:

Explain the basic principles of health promotion, illness prevention and safety, including how to access valid information, products and services.

Describe and explain the factors that influence health among individuals, groups and communities.

Explain how the environment can affect health.

Describe how to advocate for the health of individuals, families and communities.

State Goal 23: Understand human body systems and factors that influence growth and development.

Standards:

Describe and explain the structure and functions of the human body systems and how they interrelate.

Explain the effects of health-related actions on the body systems.

Describe factors that affect growth and development.

Describe and explain the structures and functions of the brain and how they are affected by different types of physical activity and levels of fitness.

State Goal 24: Promote and enhance health and well-being through the use of effective communication and decision-making skills.

Standards:

Demonstrate procedures for communicating in positive ways, resolving differences and preventing conflict.

Apply decision-making skills related to the protection and promotion of individual, family and community health.

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Demonstrate skills essential to enhancing health and avoiding dangerous situations.

FINE ARTS

State Goal 25: Know the language of the arts.

Standards:

Understand the sensory elements, organizational principles and expressive qualities of the arts.

Understand the similarities, distinctions and connections in and among the arts.

State Goal 26: Through creating and performing, understand how works of art are produced.

Standards:

Understand processes, traditional tools and modern technologies used in the arts.

Apply skills and knowledge necessary to create and perform in one or more of the arts.

State Goal 27: Understand the role of the arts in civilizations, past and present.

Standards:

Analyze how the arts function in history, society and everyday life. (NOTE: Not applicable to kindergarten.)

Understand how the arts shape and reflect history, society and everyday life. (NOTE: Not applicable to kindergarten.)

(Source: Amended at 37 Ill. Reg. _____, effective _____)

ILLINOIS STATE BOARD OF EDUCATION MEETING
September 18-19, 2013

TO: Illinois State Board of Education

FROM: Christopher A. Koch, Ed.D., State Superintendent of Education 
Susie Morrison, Deputy Superintendent/Chief Education Officer 
Nicki Bazer, General Counsel 

Agenda Topic: Action Item: Amendments for Adoption -- Part 226 (Special Education)

Materials: Recommended Rules

Staff Contacts: Beth Hanselman, Assistant Superintendent

Purpose of Agenda Item

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

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

The proposed changes address Strategic Goal 1, in that they help ensure that students with disabilities receive a free and appropriate public education in the least restrictive environment with the appropriate supplementary aids and services.

Expected Outcome of Agenda Item

The Board will be asked to adopt amendments to Part 226.

Background Information

Both Sections 226.730 and 226.731, which address class size for self-contained special education classrooms and class composition in general education classrooms, are being proposed for repeal. These requirements exceed those that are found in the federal Individuals with Disabilities Act (IDEA) and its implementing regulations and have resulted in several unintended consequences. The elimination of state requirements specific to special education class size and general education class composition will best ensure that each student with disabilities is placed in the least restrictive environment (LRE), as directed by his or her Individualized Education Program (IEP), and has access to the broad array of coursework available to his or her nondisabled peers, particularly in the middle grades and high school.

Staff believe that school districts, through the IEP process, should determine locally the accommodations and modifications necessary to place students with disabilities to ensure LRE. The LRE mandate requires that the general education classroom, with whatever modifications and supports are necessary, be the first placement option considered for every student with a disability. It is the responsibility of the IEP team to make a determination of placement that provides the identified academic and other services that are necessary for the student to be successful. Additionally, a student's placement in a self-contained special education classroom should not be restricted based on the child's disability or the percentage of time that the student receives special education services, as determined by the State. Instead, school districts, rather than the State Board, should determine the personnel needed to effectively respond to the needs expressed in each student's IEP.

Currently, Section 226.730(b) sets forth the maximum class sizes for self-contained special education classrooms based on the percentage of time that each student with a disability receives special education services during the school day. In addition, Section 226.730(a) defines "general education classroom" as one in which at least 70 percent of the students do not have IEPs (70/30 ratio), utilizes a general curriculum, is taught by an instructor holding an endorsement for "general education" and is not designated as a general remedial classroom. Staff believe that these special education class size limitations and general education class composition restrictions can diminish the ability of school districts to make decisions based on the needs of each student with a disability. Other concerns specific to the current rules are summarized below.

- The special education class size and general education class composition limitations do not consider the intensity or frequency of the services required for particular students since they pertain to all students with IEPs placed in a single classroom (except those who receive speech services outside of the general education classroom and who do not require modifications to the content of the general education curriculum).
- The special education class size and general education class composition limitations diminish administrative flexibility at the local level in implementing many education reform efforts, such as personalized learning or co-teaching strategies (i.e., use of both a general education teacher and a special education teacher).
- School districts have reported an increase in the size of some of its general education classes in order to conform to the 70/30 ratio, particularly in smaller districts or for certain types of coursework offered in departmentalized settings, such as career and technical education.
- By focusing on special education class sizes or the composition of the general education classroom, the current rule may pressure school districts to meet the class size numbers or class composition ratio rather than recognize the individual needs of children.

The proposed rules were published March 8, 2013, in the Illinois Register to elicit public comment; 5,523 comments were received. Additionally, 88 individuals provided testimony at three public hearings held in May in Elgin, Springfield and Carbondale, and through a webinar hosted by State Board staff. A summary and analysis of the public comment is attached.

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

Policy Implications: Two separate policy issues arise out of this rulemaking. First, the proposed elimination of class size restrictions on self-contained special education classrooms marks the first time since the enactment of IDEA's predecessor law, *Education for All Handicapped Children's Act of 1975*, that the State Board of Education has not established maximum class sizes based upon a child's disability or his or her service level. Authorizing school districts to determine class sizes locally provides them with the freedom, but also the responsibility, to ensure that the academic environment and services provided are appropriate, align with the student's IEP and will enable him or her to meet the goals established for his or her learning.

Second, the agency promulgated the 70/30 ratio in response to the 1999 consent decree issued in the *Corey H.* matter and the court-appointed monitor's implementation plan developed in response to that decree. These decisions required the State Board to establish districtwide targets for City of Chicago School District 299 (CPS) relative to the district's achievement of LRE. The resulting rule, while not specific to CPS, extended the agency's policy regarding

these targets to all districts in the state by setting a specific student ratio of 70/30 to define a "general education classroom".

The *Corey H.* litigation has discouraged State Board staff from deviating from the current definition while the State Board remained subject to court's consent decree. The court dismissed the agency from the lawsuit in October 2012. As such, agency staff believe that restrictions on placement decisions set forth in rule can now be eliminated, and school districts, through the IEP process, should determine locally the accommodations and modifications necessary to place students with disabilities in the least restrictive environment. (NOTE: An exception to the maximum general education class ratio rule was later granted to CPS, reducing the ratio of general education students to students with disabilities by 10 percent in some circumstances. The proposed elimination of the 70/30 ratio, if promulgated, will not affect CPS, which will remain under the court monitor's ratio until it is released from the *Corey H.* matter.)

Rules specific to class sizes in self-contained special education classrooms relied on disability category until the 2009-10 school year (see Section 226.731), when they were replaced by the percentage of time a student receives special education services during the school day (see Section 226.730). The agency proposed modifications to the definition of "general classroom" in 2006 and received fierce opposition from both teachers and parents who complained about inadequately prepared staff and reduction in services. As a result, the 70/30 ratio remained unchanged. Today, the pool of qualified general education educators continues to broaden due to educator licensure and continuing professional development requirements specific to students with disabilities. Also, Section 14-2 of the School Code, enacted in 2011, emphasizes that any school district's decision to place a student with disabilities in a general education classroom cannot "interfere with the provision" of FAPE. Both of these circumstances may help to mitigate some of the negative feedback that the agency received in 2006.

In conclusion, the regulatory mandates imposed in Part 226 specific to special education class size and general education class composition create artificial "safeguards" that do not ensure equality and inclusion for all students. For this reason, staff believe that students with disabilities, along with the districts that service them, should not be hindered by class size or class composition restrictions that set up a conflict with the idea of higher standards and transparent accountability. Instead, students with disabilities should have full access to the general education curriculum (since students with disabilities are general education students) and provided with a FAPE in the least restrictive environment.

Staff, nonetheless, are sensitive to the concerns raised in the public comment and will continue to use focused monitoring to ensure FAPE in the LRE, particularly in those school districts that have been identified as low-performing. Additionally, staff intends to revise its LRE guidance document to help districts make informed and compliant decisions regarding resource allocation, student needs, grouping of students in various age spans and consideration of the severity of disabilities, to name a few (also see the attached summary and analysis).

Budget Implications: None.

Legislative Action: None.

Communication: Please see "Next Steps" below.

Pros and Cons of Various Actions

Removing the special education class size and general education class composition limitations will provide needed flexibility for school districts to determine student placement and class configurations based on the specific needs of students with disabilities, as articulated in their

IEPs, while ensuring that the provision of a free appropriate public education (FAPE) for individual students is not compromised. These students' access to broader course offerings may be enhanced, particularly in certain curricular areas or departmentalized settings. The size of some classes also may be reduced, which will benefit students with disabilities, as well as general education students.

As was the case in 2006, teachers and parents both of students with disabilities and general education students expressed fears that the absence of any limit on special education class sizes and general education class composition could negatively affect students with disabilities, as well as their nondisabled peers in general education classrooms, and strain the ability of teachers to provide high-quality instruction and adequately meet the requirements of students' IEPs.

Superintendent's Recommendation

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

The State Board of Education hereby adopts the proposed rulemakings for:

Special Education (23 Illinois Administrative Code 226)

Further, the Board authorizes the State Superintendent of Education to make such technical and nonsubstantive changes as the State Superintendent may deem necessary in response to suggestions or objections of the Joint Committee on Administrative Rules.

Next Steps

Notice of the adopted rules will be submitted to the Joint Committee on Administrative Rules to initiate JCAR's review. When that process is complete, the rules will be filed with the Secretary of State and disseminated as appropriate.

Summary and Analysis of Public Comment

23 Ill. Adm. Code 226 (Special Education)

The State Board of Education received an unprecedented number (5,523) of comments on this rulemaking. An overwhelming majority of the commenters expressed concerns about the elimination of both the composition ratio for the general education classroom (i.e., 70/30 rule) and the class size parameters for self-contained special education classrooms. All of the proponents of the rulemaking supported the elimination of the general education class composition ratio. While most also indicated that school districts, through the Individualized Education Program (IEP) process, should determine the size of self-contained special education classrooms, a number also asked that further consideration be given to modifying the current limits set forth in the rule before any final action is taken to repeal the rules. The central points that the opponents and proponents raised in their submissions are summarized below.

Comments

Opposed to the Proposed Revision

Individuals who submitted letters and emails in opposition to the repeal of rules governing class size for special education classrooms and class composition ratios in general education classrooms passionately expressed their belief that the proposed repealer will result in "devastating", "detrimental" and "catastrophic" consequences for Illinois' educational environment. Using strong modifiers to describe the repealer, the commenters said they were "appalled" and "upset and bewildered" as to why the State Board would even consider eliminating these restrictions. The proposal, they said, was "disingenuous and ill-conceived" and would cause "significant harm" and "tremendous hardship" for students, parents and teachers. Others called it a "foolish idea", one that is "shocking and irresponsible", as well as "outrageous, unprofessional and unethical" and, if adopted, would prove to be a "big mistake". As one commenter summed up: "Special education students will become another fatality of poor leadership and legislative lunacy".

In making the argument that special education class size and general education class composition limits should be retained, many of the commenters provided detailed descriptions of the challenges they face daily in general education and special education classrooms. Parents also shared anecdotes about the success that their children have had under the current limits and their concerns that the students will regress or fail to make progress if some controls are not placed on school districts. Others indicated that they did not trust school districts to make determinations of special education class size and general education class composition based on the needs of individual students without some parameters set by the state.

Given the large volume of letters and emails, each individual remark cannot be reproduced adequately in this summary. The pleas presented were often impassioned and emotional, but described unique circumstances that, in many cases, should not be generalized across the state. Some overall themes did emerge from the comments, however, and the summary is organized around those.

General. Overall, many of the commenters questioned the agency's rationale for proposing the repeal of the special education class size and general education class composition rules. Some stated their belief that the agency proposed the repealer as a way for school districts to address budget shortfalls rather than in an effort to ensure that each student with disabilities is placed in

the least restrictive environment (LRE). It is evident in most of the remarks that the commenters do not trust school districts to provide services based on the needs of individual students. Nearly all the comments mentioned that without special education class size and general education class composition limits, school districts would trim their budgets by increasing self-contained special education class sizes and the proportion of students with disabilities in general education classes. The rule's repeal will "place the financial burden of the state on the backs of our neediest students", one person said. Current special education class sizes, another person opined, are a "reasonable compromise between providing services to students and being able to afford to do so" and should be retained.

Some commenters indicated that the special education class sizes or general education class composition at their schools already exceed the size for self-contained special education classrooms or violates the 70/30 rule. One group reported that its members face "pressure" during IEP meetings "where district resource scarcity comes into play as students' needs are laid out". Other commenters echoed the feeling of one person, who indicated that teachers and parents "cannot count on school districts to make appropriate decisions on their own". Simply put by another commenter: "Districts will overload classes; you can bet on it". Another person countered that school districts will exercise the authority to increase special education class size or the proportion of students with disabilities in a general education classroom not because of "malicious intent but because they do not understand the needs of students".

One interest group predicted that school districts with strong parent advocacy will "abide by sensible class sizes" in the absence of any mandated restrictions. Those districts that do not have savvy parents, however, "will not provide manageable class sizes based on the child's needs". A School Code-mandated committee representing English language learners with disabilities pointed out that students whose parents do not speak English may be particularly vulnerable. Another person reported that some school districts are "filling general education classrooms to capacity (30 percent students with disabilities)" in classes in which a high number of at-risk students also are assigned. Teachers are unable to address the needs of either group of students adequately, particularly when no co-teacher or paraprofessional is available. A number of commenters cautioned that without special education class size and general education class composition limits, requests for due process hearings, and potentially instances of lawsuits, could increase.

Several of the comments stated that the elimination of the rules will "revert (education) back to the 1960s and 1970s when (students with disabilities) were ill-served and did not receive the proper amount of minutes and support" and, as a result, students were being "warehoused". Others cited research (although none specific to special education) that shows that small class sizes positively affect the learning environment, as measured by variables such as more time on tasks, better grades and more time with the teacher. Several commenters questioned the research upon which the agency relied to propose the repealer.

One commenter called the rule's elimination another "obstacle" in the path of general and special education teachers. Another person said the lack of special education class size and general education class composition mandates "would add frustration to an already unfunded and never monitored system". A number of individuals urged agency staff and members of the State Board to "visit a classroom before eliminating the rule". One person even suggested that State Board members and staff "teach" in order to experience first-hand the challenges presented in many Illinois classrooms.

Effect on Students. Nearly every commenter noted that neither general education students nor students with disabilities will receive the individualized attention that they need to learn and progress academically if special education class size and general education class composition limits are repealed. In a general education setting, the classroom teacher "differentiates" instructional lessons based on the needs of the students, they explained. If the number of students with disabilities is increased in these classrooms, then the teachers' attention will be paid to students with disabilities at the expense of those without. Several people noted that this consequence is "particularly bad for classrooms with low achievers", in addition to students with disabilities, as these academically at-risk students would "fall through the cracks". Conversely, another predicted that teachers will slow the pace of general education instruction so that students with disabilities "can keep up", which would be detrimental to all students in the classroom. Further, the need to maintain reasonable special education class sizes and general education class composition ratio is particularly important as school districts move to implement the Common Core State Standards, many of the commenters pointed out.

Additionally, in either the general education classroom setting or in a self-contained special education classroom, the greater the number of students with disabilities, the less likely that a teacher would be able to provide the services, accommodations and other modifications specified in students' IEPs. Without individual attention in the general education classroom, students with disabilities can become "disruptive", several commenters said, due to their frustration when help is not readily available. Other students may become "anxious in larger classes" and "act out". Class time also is disrupted as students with disabilities are "coming and going" and specialists are brought into the classroom to assist these students, some individuals mentioned. In either setting, students with disabilities "need a great deal more help with work: individual guidance and explanation; frequent repetition; accommodations to quizzes, tests and assignments; and frequent behavioral corrections and guidance" that becomes difficult to provide as special education class sizes and the number of students with disabilities in the general education classroom increase, a commenter emphasized. Teachers or teaching assistants also must attend to students' physical needs (diapering, shifting a student's position in a wheelchair), which further erodes the attention each individual student receives in classrooms with a greater number of students, another person said.

Commenters said that without special education class size limits, students' test scores will drop and some students with disabilities will leave school without graduating. With larger class sizes, it will become more challenging to ensure that all students are "college and career ready", a person noted. Another commenter implored the agency not to "throw students under the bus" by increasing special education class sizes and allowing for a greater ratio of students with disabilities in general education classrooms. General education classrooms will become "disproportionately special education students", many of the commenters insisted. In such cases, one person remarked, "to call these (classrooms) general education settings is dishonest and contrary to the ideas of access and inclusion".

Finally, the counsel for plaintiffs in the *Corey H.* litigation stated that the special education class size and general education class composition restrictions are "objective measures that ISBE needs in order to carry out its duty under state and federal law to monitor districts for compliance with IDEA's protections for students with disabilities". Without the special education class size and general education class composition limits, the attorneys argued that the agency would have to conduct "expensive and spotty site visits" to ensure that school districts are not "overloading students in unnecessarily segregated classes".

Effect on Teachers. The commenters noted that the role of teachers in both general education and self-contained special education classrooms includes more than just instruction. Teachers who provide services for students with disabilities are responsible for attending meetings specific to each child, gathering data about and completing paperwork to chart each student's progress, and ensuring that each of the goals of the student's IEP is met – demands on a teacher's time that will be exacerbated as his or her "caseload" increases. This in turn will lead to greater "burn out", commenters said, forcing good teachers to leave the profession or others not to consider becoming teachers at all. "Teachers are leaving the profession because they feel they cannot help students achieve their goals", a commenter explained.

Removing the class composition restriction also removes a teacher's ability to provide meaningful input about the make-up of the classroom, a commenter said. She noted that while class size, generally, is a "mandatory subject of bargaining in Illinois, the student composition of a class has not been determined to be so". Another commenter called class size provisions for special education classrooms a "critical front-end protection for students and teachers", ensuring that students receive a free and appropriate education (FAPE) and teachers are not unduly overburdened. As one teacher asked: "How can the special educator gather data, work one to one, provide individualized service, monitor emotionally disturbed students, watch the child who has uncontrolled epileptic seizures, chat with a student diagnosed with Asperger's syndrome because he has no friends, and, of course, teach?" The writers noted that meeting the complex mix of students' behavioral, emotional, academic and cognitive needs can be overwhelming at any given time. Increasing special education class sizes will "reduce special education teachers to triage staff who will just be able to 'band-aid' but not teach", one person said.

Additionally, general education teachers said that the class or two that they are required to complete specific to students with disabilities do not adequately prepare them to "meet the needs of a large number of special education students, while at the same time meeting the needs of gifted and average students". One individual said that general education teachers are not "trained to the extent necessary to provide individualized instruction in a large classroom of students needing one-on-one attention". A general education teacher shared that she is "alone in the classroom" for 80 percent of the day with students who have learning disabilities, physical disabilities, cognitive disabilities, who are autistic, have behavioral issues or other health problems. Increasing the number of students would mean "more needs would have to be met with fewer supports", the teacher said. Another explained that it is a challenge for her to keep her three special education students "focused and on task while also making sure they don't get behind the students without special needs". Elimination of the class composition restrictions will result in "complete chaos", she predicted. In the event that class composition restrictions are repealed, the commenters stressed that teachers need "training and support and additional classroom personnel in order to provide differentiated instruction effectively". General education teachers will need professional development about addressing the needs of special education students, as well, one person noted.

A number of teachers also expressed concerns about performance evaluations and elimination of class composition restrictions. Both the evaluation of teacher practice and student growth may be adversely affected in general education classrooms that have large numbers of students with varying disabilities and abilities. Some commenters cautioned that school districts may make student placement decisions to unfairly target weaker teachers or to reward teachers considered to be "favorites". The possibility of this occurring is particularly disconcerting, they said, since evaluation results are now used to award tenure, make reductions-in-force and remove or sanction a teacher's license.

Classroom Assistance. Currently, the rule governing the size of self-contained special education classes allows for the maximum number of students to increase anywhere from two to five students beyond the limit if a paraprofessional is assigned to the classroom. Commenters noted the importance of the classroom teacher having this additional assistance in order to provide sufficient "behavioral and academic supports for special education students to be successful". Rather than providing this assistance, commenters fear that school districts will cease assigning aides if the rules are repealed. Another said that increasing the class size would be acceptable when a co-teacher is assigned. Class size, therefore, should be limited "in proportion to the assistance provided in the classroom", someone concluded. One mother cited the importance of both small class sizes and the assistance of an aide in the elementary grades that she believes enabled her son eventually to attend college and work part time.

Safety Concerns. A number of commenters touched on potential hazards that could result from increasing special education class sizes and eliminating class composition ratios for both self-contained special education and the general education classroom. Some commenters reported that students may become disruptive or frustrated, throwing objects, biting or hitting the teacher or other students. Larger classes, one person said, result in "unsafe, unsuccessful environments" that are "unmanageable". In special classes, like science labs, shop class, art courses and home economics rooms, students may hurt themselves if sufficient oversight is not provided, others stated. When class sizes are small and a sufficient number of aides are provided, problems can be mitigated.

Several commenters also mentioned space issues as being a safety concern. They said that their rooms are small and would be unable to accommodate additional students and adults, if an aide is required under a child's IEP. This is especially true for "high-needs" students with disabilities, who may be in wheelchairs, have "standers" or mats, or require Braille or large-print readers, another person observed.

Proposed Remedies. Several commenters presented compromises to repeal of the rule, as listed below.

- Eliminate the 70/30 ratio for "special classes" but retain it for core academic areas.
- Establish a graduated scale to place students with disabilities in general education classrooms to ensure that these students are "not overrepresented" in any given classroom.
- Require that each school district set the ratio of students with IEPs to students without IEPs and define and publish that definition, which must include the ratio, qualifications of teachers, general education classroom sizes, curriculum and other pertinent information.
- Provide monetary incentives to school districts to keep class sizes low.
- Encourage greater use of the current process for school districts to use to request deviations from the 70/30 rule.
- For general education classrooms of a certain size, require that a special education teacher be assigned.
- Take more time to study the issue and review options with stakeholders before modifying current requirements.
- Clarify the 70/30 rule or provide additional freedom to school districts about how they might provide instruction for students with disabilities; no further explanation was included.
- For students who spend 80 percent or more of their time in a general education classroom, adjust the class composition ratio to 50 percent students with disabilities and 50 percent

general education students. For students who are in general education classrooms for less than 40 percent of their day, require smaller classes and regular interventions.

Support for the Proposed Repealer

Supporters of the proposed repealer were unanimous in their desire to see the 70/30 rule eliminated, presenting cogent arguments that the mandated class composition ratios do not serve the best interest of students with disabilities. Many provided examples of how students with disabilities were prevented from enrolling in a particular class once the 30 percent limit had been reached. This type of situation appeared to occur more often in certain courses, such as career and technical education classes or arts courses. Meeting the 70/30 rule is a "balancing game and scheduling difficulty", one person explained. Scheduling becomes challenging in smaller districts, which may only offer one section of a course, a commenter said. Schools also may need to move students mid-term if a student with disabilities moves into the district, the size of a class changes due to other reasons or a student later is determined eligible for special education services after the start of the school year. The 70/30 rule is "an arbitrary ratio", one commenter contended, that does not "facilitate a student with disabilities' opportunity to be with nondisabled peers". Further, a commenter expressed the belief that the 70/30 rule "reinforces the old separate but equal mentality that special educators fought against for many years".

By eliminating the 70/30 rule, a commenter emphasized that school districts are not asking for permission "to cram 30 special education students in a classroom with one teacher". The person stressed that he understood the concern of having an "excessive number of students who are developmentally delayed or read at a lower level" in classrooms with students with disabilities. He and many others assured skeptics that school districts will work in consultation with teachers, parents and school support personnel to "do what is best for kids". A superintendent who served as a special education teacher and is the parent of a student with disabilities described the 70/30 rule as a "no tolerance rule. It eliminates the district's ability to make the right decision or meet the unique needs of students". If a student's rights are being violated, then "another vehicle is needed to control" for these abuses, the superintendent said.

Several of the supporters described situations in which a student with disabilities, who did not need support in a particular subject area such as math, nonetheless was counted towards the 30 percent total when placed in that class. The 70/30 rule also does not take into account the intensity of the special education services a student receives (i.e., minutes per week of services) or the student's particular disability. In some instances, when no "slots" are available and another teacher cannot be hired, students with disabilities receive instruction in a special education classroom contrary to their IEPs, one person said. Rather than being based only on numbers, scheduling students with disabilities in appropriate classes should "benefit the overall learning and teaching environment", another commenter stated. It is incumbent upon the IEP team to "make placement decisions and identify the accommodations to allow the student to be successful in that placement," a commenter explained, "and the administration should provide necessary supports to staff to ensure that success".

School districts need the flexibility to consider "the number and type of students to be within a classroom (...) based on the make-up of the children in the class and their individual needs", a commenter pointed out. The appropriate class composition, based on student needs, may vary from year to year, one individual observed. Another said relief from the 70/30 rule will result in the provision of a "variety of classroom approaches that enhance the least restrictive environment and allow for flexible grouping of students based on instructional needs". Another commenter revealed that previous support of the 70/30 rule has changed. "Inclusive

programming allows for differentiated instruction and equal educational experiences for all students", the commenter said. "Special needs students perform at higher levels when exposed to the same programming as regular education students".

Removing the 70/30 rule also expands a school district's "obligation to consider placement in the general education classroom by promoting co-teaching and widening the continuum of services," explained a commenter, who has worked in states without class composition restrictions. Strict adherence to the 70/30 rule results in schools increasing general education class sizes or not placing students with disabilities in the LRE, many of the commenters said. One person asserted that "many of the IEP teams, including parents and students, have been forced to make inappropriate educational decisions", which work to "thwart" the development of effective transition plans. Another noted that 70/30 was not "well-received from the start" and conflicts with "IDEA for placement in the general education classroom, if that is the LRE". To sum up, one educator called 70/30 "cookie cutter decision-making that contradicts what is supposed to be individualized educational planning".

Not all of the commenters submitting letters or emails of support, however, agreed with the elimination of the class size limits for self-contained special education classrooms. Several opposed the repeal in its entirety. Others said they would support a re-examination of the limits or their elimination only if guidelines are put in place to ensure local practice complies with the requirement of FAPE in the LRE. Local guidelines, a few commenters said, should address consideration of the student's "individual academic and behavior needs within the full context of the educational services and settings available, provide the type and intensity of support services recommended by the IEP and ensure educational environments reflect a safe learning environment that is appropriately staffed and equipped with resources to address individual needs". One person urged the state to adopt "strong guidance". Another noted that the rules are a "major reason districts have been in compliance with IDEA", urging the agency to work with stakeholders in developing guidelines should the rules be repealed.

It also is important to keep in mind that "very little research" exists with evidence showing that limited special education class sizes will " 'guarantee' effective programming", a superintendent of a large special education cooperative said. She noted that the special education community in recent years has "moved away from strict categorical groupings" when making placement decisions and now examines educational settings, works to align services and assigns appropriate student-to-adult ratios. She suggested that more and more, other states are eliminating "prescriptive class sizes", adding it is important Illinois adopt "regulations and practices (that) reiterate that special education is a continuum of services and supports for students with disabilities, rather than perpetuate special education as a place". State guidance, she said, needs to emphasize and support requirements under federal and state special education laws to:

- Ensure FAPE in the LRE;
- Address students' individualized academic and behavioral needs within a range of education settings;
- Provide the types and intensity of supports and services recommended in a student's IEP to address individual needs; and
- Establish safe learning environments with sufficient staff and other resources intended to address individualized needs.

Some of the commenters also mentioned budget constraints as a reason for eliminating the special education class size and general education class composition restrictions, stating that

resources are being spread "too thinly and watering down services for children". One person called the mandates "costly and difficult to institute", while a representative of higher education said the restrictions are "bankrupting schools" and causing the elimination of other elective courses. The special education class size limits and general education class composition restrictions also necessitate that additional staff be hired, several commenters said. Overall, the reduction in class size for self-contained special education classes, one person found, affected her district "financially without a resulting improvement in the quality of the education provided or student achievement". A commenter added, however, that special education class size and general education class composition decisions should not be based solely on budget constraints nor should they be based on "creating artificial class sizes to protect union jobs".

Analysis

The agency received 5,158 comments opposing the proposed repeal of special education class size and general education class composition limits, of which about a quarter were submitted by individuals in Chicago. Opponents represented teachers, school support personnel, parents and others with an interest in educating students with disabilities. Those supporting the repeal (365 letters), on the other hand, were predominantly school administrators, such as special education directors, district superintendents, and building principals. Both sides presented compelling arguments that appear to leave little room for compromise between the two factions: opponents want the special education class size and general education class composition restrictions retained and the majority of supporters want the special education class size and general education class composition restrictions removed. (NOTE: Of the 365 supporters, 74 addressed only the 70/30 rule or opposed the removal of or asked that modifications be made to the special education class size limits).

As one commenter noted, states increasingly are moving away from mandating class size for self-contained special education classrooms and composition limits for the general education classroom. An informal survey of all 50 states conducted by staff showed that only 18 states, including Illinois, had in place some type of restrictions on class size for self-contained special education classes. In addition, six states besides Illinois restricted the number of students with disabilities who could be placed into the general education classroom. Illinois's 70/30 limit appears to be the most stringent, while West Virginia limits to 30 percent the proportion of students with disabilities in academic subject areas only. Two states (Indiana and Mississippi) rely on a simple majority of general education students to define a general education classroom. The remaining three states of New Jersey, New York and Oklahoma limit the number of students with disabilities to be placed in the general education classroom from eight to 10 students (NJ), 12 students (NY) and 10 students (OK), respectively. Two of these three states (New Jersey and New York) also require that in a general education classroom where students with disabilities are placed, a co-teacher must be assigned in addition to the general education teacher.

Arguments for retaining the 70/30 rule are based on the belief that students – both those with IEPs and those without – will achieve at higher levels if the number of students with disabilities in a general education classroom is limited. Comparison of 2010-11 data from the 10 states that reported the highest number of students with disabilities receiving high school diplomas found that 80 percent of those states did not regulate general education class composition. Further, states with no restrictions had a greater percentage of students with disabilities spending 80 percent or more of the instructional day in a general education classroom, which was 10 percent higher than the percentage in Illinois. Additionally, the number of cases requiring dispute resolution by a hearing officer was lower in states without regulations versus

states that restricted general education class composition. No appreciable difference was found in achievement data for math and reading among those states with restrictions and those without. In reviewing data from compliance monitoring visits of 80 districts in Illinois from school years 2006 through 2010, districts that had an increase in placing students in the general education classroom for 80 percent or more of the day reported a greater achievement increase for both students with IEPs and those without, particularly in the early grades. These data suggest that removing the 70/30 restrictions is not likely to adversely affect achievement.

According to federal regulations implementing IDEA found at 34 CFR 300.115 (continuum of alternative placements), "each public agency must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services." The current Illinois regulations concerning special education class size and general education class composition, however, limit the ability of school districts to offer a wider continuum of special education placement options. Opponents of the rulemaking offer no data that support advantages of placing a student with disabilities into a special education classroom with a limited number of students nor into a general education classroom in which no more than 30 percent of the students have IEPs. The very essence of the federal law breaks down these barriers by allowing districts to tailor programs to meet individual needs. For example, a general education classroom, whether composed of a 70/30, 60/40, or even 50/50 split between general education and special education students, might be a less restrictive environment for all students within this particular classroom, since most general education students benefit from strategies and interventions utilized for students with disabilities.

For these reasons, staff agree with proponents of the rulemaking who contend that the 70/30 ratio unduly hampers their ability to place students in the least restrictive environment. Schools and IEP teams have an obligation to implement a student's IEP with fidelity, including providing all of the supports necessary for the student to achieve in the general education classroom, should that placement be identified as the least restrictive one. Both sides of the rule debate agreed that students with disabilities learn best when modeling what they observe from their nondisabled peers. These students are entitled to take general education coursework, commensurate with their ability level, so that they are prepared to enter college or begin a career. Many times classes, such as career and technical education coursework, contribute appreciably to the potential for a student with disabilities to succeed after high school and make an appropriate transition.

Several commenters also championed the agency's general education class composition deviation process as a workable solution for districts that want to waive the 70/30 rule. They cited the small number of requests that the agency has received as evidence that few school districts are experiencing significant problems with the limits placed on the general education classroom. For instance, in school year 2012-13, 36 school districts requested deviations for 221 classrooms, of which the agency approved 216 deviations. While staff acknowledge that few districts have taken advantage of this flexibility, they believe the process itself can be seen as a disincentive for school districts to use. The flexibility allowed under the process is granted only on a case-by-case basis for specific classrooms enumerated in the request and only granted for the duration of the school year in which the request is made. Further, any changes in the number of students with disabilities within a classroom beyond the number stated in the approved request must be reviewed by agency staff before additional placements are made. The process, while streamlined several years ago in concert with teacher unions and others, is time-consuming and laborious to complete.

It would be disingenuous for agency staff to ignore their actions seven years ago when they recommended, and the Board agreed, not to proceed with a rulemaking to more moderately modify the 70/30 rule after receiving numerous comments of concern from parents and teachers, which were similar to those raised by the opponents to this rulemaking. Nonetheless, Illinois data reveal that the state is ranked low in its provision of least restrictive environment among states nationwide, chiefly due to the limits imposed by the 70/30 rule. The court monitor for the *Corey H.* case commented on general education class composition in October 1999 in his review of the agency's proposed rules developed in response to the reauthorization of IDEA. He noted that the agency, as a condition of funding under IDEA, is obligated to establish policies and procedures to ensure that students with disabilities are educated in the LRE. The monitor further noted that three factors are considered for the general education classroom; that is, a majority of the students are without disabilities, the general curriculum is utilized and the classroom is not designated as remedial. In eliminating the 70/30 rule, the agency is providing school districts with local flexibility to interpret how these three factors work together with the student population of the school and a student's LRE needs.

As one commenter noted, there is little research-based evidence showing that strict adherence to special education class size limits or general education class composition ratios ensures that each student with disabilities achieves his or her highest potential nor do restrictions make school districts more accountable for fully and properly providing the supports and accommodations identified in students' IEPs. Other factors, such as the age of students, the nature and severity of their disabilities and their needs for individualized instruction and services, will dictate to a large extent both the size of the class in which a student is placed and its configuration. Additional considerations when determining the number of students who can be served effectively in a given special education class include other claims on the assigned teacher's time and attention, such as paperwork and IEP meetings. School districts and IEP teams must be cognizant of these factors and how they influence the provision of services for students with disabilities when making special education class size and general education class composition decisions.

It is imperative that school personnel, in concert with teachers and school support personnel, carefully assess the specific characteristics of the local setting (e.g., needs of students with IEPs, including accommodations and modifications; staff supports and professional development opportunities with regards to supporting the needs of students with disabilities; other resources necessary for successful LRE placements) before making placement determinations. Even absent special education class size and general education class composition rules, school districts must adopt a plan specifying limits on the work load of its special educators so that all services required under students' IEPs, as well as all needed ancillary and support services, can be provided at the requisite level of intensity (see Section 226.735 of rules governing Special Education). The plan must be developed with any employees who would be affected and their exclusive collective bargaining representatives, if any. School districts must analyze the activities of their special educators and develop a plan that addresses individualized instruction, consultative services and other collaboration among staff members, attendance at IEP meetings and other staff conferences, and other paperwork and reporting for which staff have responsibility. While these plans do not specifically address special education class size and general education class composition, they do help to focus the attention of administrators, teachers and other personnel on the academic and additional services that are necessary for students to be successful, as well as the staff required to faithfully deliver the instructional and support services identified.

School districts should adhere to the premise that the needs of each student are paramount when making placement decisions and work with the IEP team to ensure any accommodations and modifications identified are appropriate and will contribute to the student's achieving at the best of his or her capabilities. Safeguards, such as the complaint process, dispute resolution and due process hearings, are available for parents to use in cases when placements violate FAPE or do not ensure the LRE. School districts are likely to avoid the threat of costly litigation and are urged to work with teachers, parents and other members of the IEP team to provide an appropriate education for each student with disabilities.

If the special education class size and general education class composition rules are repealed, school districts will still be subject to the requirements of IDEA and its implementing regulations, as well as additional requirements set forth in Article 14 of the School Code and Part 226. Agency monitoring will continue to be used to assess the placement determination practices of school districts and how those practices are justified according to IDEA and align to the needs of students in the educational setting. Currently, State Board special education staff conduct focus monitoring that includes a determination of the percentage of students with disabilities, ages 6 to 21, who are served inside the general education classroom for 80 percent or more of the school day. A component of the comprehensive on-site visits conducted by State Board teams is classroom observations. The observations of both general and special education classrooms are intended to verify several components:

1. class size;
2. class composition (70/30);
3. the teaching model being used (single teacher, co-taught, paraprofessional utilization); and
4. overall instruction and classroom management (e.g., best practices, delivery, seating, behavior management, use of special education accommodations/modifications).

The verification of special education class sizes and the composition of general education classrooms through focus monitoring and classroom observations is an accurate and thorough analysis of whether FAPE is being provided in the LRE. The focus monitoring process could be the sole comprehensive approach in monitoring special education class size and general education composition in Illinois. Further, without the regulations upon which school districts have long relied, it will be incumbent upon the agency to review and strengthen, as necessary, its current LRE guidelines for best practices and student placement. More specific guidance will be developed, in concert with representatives of teaching and administrative personnel, to help districts make informed and compliant decisions regarding resource allocation, student needs, grouping of students in various age spans and consideration of the severity of disabilities, to name a few.

Recommendation

No changes are recommended in response to these comments.

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STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 226

SPECIAL EDUCATION

SUBPART A: GENERAL

Section

226.10	Purpose
226.50	Requirements for a Free Appropriate Public Education (FAPE)
226.60	Charter Schools
226.75	Definitions

SUBPART B: IDENTIFICATION OF ELIGIBLE CHILDREN

Section

226.100	Child Find Responsibility
226.110	Evaluation Procedures
226.120	Reevaluations
226.130	Additional Procedures for Students Suspected of or Having a Specific Learning Disability
226.135	Additional Procedures for Students Suspected of or Having Disability
226.140	Modes of Communication and Cultural Identification
226.150	Evaluation to be Nondiscriminatory
226.160	Determination of Eligibility (Repealed)
226.170	Criteria for Determining the Existence of a Specific Learning Disability (Repealed)
226.180	Independent Educational Evaluation
226.190	Reevaluation (Repealed)

SUBPART C: THE INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Section

226.200	General Requirements
226.210	IEP Team
226.220	Development, Review, and Revision of the IEP
226.230	Content of the IEP
226.240	Determination of Placement

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226.250 Child Aged Three Through Five
226.260 Child Reaching Age Three

SUBPART D: PLACEMENT

Section
226.300 Continuum of Placement Options
226.310 Related Services
226.320 Service to Students Living in Residential Care Facilities
226.330 Placement by School District in State-Operated or Nonpublic Special Education Facilities
226.340 Nonpublic Placements by Parents Where FAPE is at Issue
226.350 Service to Parentally-Placed Private School Students
226.360 Placement by School Districts in Remote Educational Programs

SUBPART E: DISCIPLINE

Section
226.400 Disciplinary Actions
226.410 Manifestation Determination Review (Repealed)
226.420 Appeals (Repealed)
226.430 Protection for Children Not Yet Eligible for Special Education (Repealed)
226.440 Referral to and Action by Law Enforcement and Judicial Authorities (Repealed)

SUBPART F: PROCEDURAL SAFEGUARDS

Section
226.500 Language of Notifications
226.510 Notification of Parents' Rights
226.520 Notification of District's Proposal
226.530 Parents' Participation
226.540 Consent
226.550 Surrogate Parents
226.560 Mediation
226.570 State Complaint Procedures

SUBPART G: DUE PROCESS

Section
226.600 Calculation of Timelines
226.605 Request for Hearing; Basis (Repealed)

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226.610	Information to Parents Concerning Right to Hearing
226.615	Procedure for Request
226.620	Denial of Hearing Request (Repealed)
226.625	Rights of the Parties Related to Hearings
226.630	Qualifications, Training, and Service of Impartial Due Process Hearing Officers
226.635	Appointment, Recusal, and Substitution of Impartial Due Process Hearing Officers
226.640	Scheduling the Hearing and Pre-Hearing Conference
226.645	Conducting the Pre-Hearing Conference
226.650	Child's Status During Due Process Hearing (Repealed)
226.655	Expedited Due Process Hearing
226.660	Powers and Duties of Hearing Officer
226.665	Record of Proceedings
226.670	Decision of Hearing Officer; Clarification
226.675	Monitoring and Enforcement of Decisions; Notice of Ineligibility for Funding
226.680	Reporting of Decisions (Repealed)
226.690	Transfer of Parental Rights

SUBPART H: ADMINISTRATIVE REQUIREMENTS

Section	
226.700	General
226.710	Policies and Procedures
226.720	Facilities and Classes
226.730	Class Size for 2009-10 and Beyond (<u>Repealed</u>)
226.731	Class Size Provisions for 2007-08 and 2008-09 (<u>Repealed</u>)
226.735	Work Load for Special Educators
226.740	Records; Confidentiality
226.750	Additional Services
226.760	Evaluation of Special Education
226.770	Fiscal Provisions
226.780	Procedures for Withdrawal Hearings before the Regional Board of School Trustees

SUBPART I: PERSONNEL

Section	
226.800	Personnel Required to be Qualified
226.810	Special Education Teaching Approval
226.820	Authorization for Assignment

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226.830	List of Independent Evaluators
226.840	Qualifications of Evaluators
226.850	List of Qualified Workers
226.860	List of Noncertified Employees

AUTHORITY: Implementing Article 14 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/Art.14 and 2-3.6].

SOURCE: Adopted August 12, 1976; rules repealed and new emergency rules adopted at 2 Ill. Reg. 37, p. 29, effective September 1, 1978, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 5, p. 932, effective February 1, 1979; emergency amendment at 4 Ill. Reg. 38, p. 328, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 8021, effective July 22, 1981; amended at 6 Ill. Reg. 558, effective December 23, 1981; emergency amendment at 7 Ill. Reg. 6511, effective May 6, 1983, for a maximum of 150 days; emergency amendment at 7 Ill. Reg. 8949, effective July 15, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 6669; amended at 8 Ill. Reg. 7617, effective May 17, 1984; emergency amendment at 10 Ill. Reg. 3292, effective January 27, 1986, for a maximum of 150 days; emergency expired June 24, 1986; amended at 10 Ill. Reg. 18743, effective October 22, 1986; amended at 10 Ill. Reg. 19411, effective October 31, 1986; amended at 13 Ill. Reg. 15388, effective September 14, 1989; emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990, for a maximum of 150 days; emergency expired November 23, 1990; amended at 15 Ill. Reg. 40, effective December 24, 1990; amended at 16 Ill. Reg. 12868, effective August 10, 1992; emergency amendment at 17 Ill. Reg. 13622, effective August 3, 1993, for a maximum of 150 days; emergency expired December 31, 1993; amended at 18 Ill. Reg. 1930, effective January 24, 1994; amended at 18 Ill. Reg. 4685, effective March 11, 1994; amended at 18 Ill. Reg. 16318, effective October 25, 1994; amended at 19 Ill. Reg. 7207, effective May 10, 1995; amended at 20 Ill. Reg. 10908, effective August 5, 1996; amended at 21 Ill. Reg. 7655, effective July 1, 1997; Part repealed, new Part adopted at 24 Ill. Reg. 13884, effective August 25, 2000; amended at 27 Ill. Reg. 8126, effective April 28, 2003; amended at 31 Ill. Reg. 9915, effective June 28, 2007; amended at 32 Ill. Reg. 4828, effective March 21, 2008; amended at 34 Ill. Reg. 17433, effective October 28, 2010; amended at 35 Ill. Reg. 8836, effective May 26, 2011; peremptory amendment, pursuant to PA 97-461, at 35 Ill. Reg. 14836, effective August 22, 2011; amended at 36 Ill. Reg. 12648, effective July 18, 2012; amended at 36 Ill. Reg. 12870, effective July 24, 2012; amended at 37 Ill. Reg. _____, effective _____.

Section 226.730 Class Size for 2009-10 and Beyond (Repealed)

- a) ~~When a student's IEP calls for services in a general education classroom, the student must be served in a class that is composed of students of whom at least 70~~

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~~percent are without IEPs, that utilizes the general curriculum, that is taught by an instructor certified for general education, and that is not designated as a general remedial classroom. For purposes of this subsection (a), a student who receives speech services outside of the general education classroom and who does not require modifications to the content of the general education curriculum shall be included in the calculation of the percentage of students without IEPs. (See 105 ILCS 5/14-2.)~~

- b) ~~Class size means the total number of students an educator serves during any special education class. As used in this subsection (b), "class" means any circumstance in which only students with IEPs are served and at least one special education teacher is assigned and provides instruction and/or therapy exclusively to students with IEPs. In the formation of special education classes, consideration shall be given to the age of the students, the nature and severity of their disabilities, the educational needs of the students, and the degree of intervention necessary, subject to the limitations of this subsection (b).~~
- 1) ~~Except as provided in subsection (b)(5) of this Section, classes in which all the students receive special education services for 20 percent of the school day or less shall have at least one qualified teacher for each 15 students in attendance during any given class. However, the district may increase the class size by a maximum of two students when a paraprofessional is provided for the entire class.~~
 - 2) ~~Except as provided in subsection (b)(5) of this Section, each class in which any student receives special education services for more than 20 percent of the school day but no more than 60 percent of the school day shall have at least one qualified teacher for each ten students in attendance during that class. However, the district may increase the class size by a maximum of five students when a paraprofessional is provided for the entire class.~~
 - 3) ~~Except as provided in subsection (b)(5) of this Section, each class in which any student receives special education services for more than 60 percent of the school day shall have at least one qualified teacher for each eight students in attendance during that class. However, the district may increase the class size by a maximum of five students when a paraprofessional is provided for the entire class.~~

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- 4) ~~Each class for children ages three through five shall have at least one qualified teacher for each five students in attendance during that class. However, the district may increase the class size by a maximum of five students when a paraprofessional is provided for the entire class.~~
- 5) ~~For any school year in which the amount of State reimbursement for teachers identified in Section 14-13.01 of the School Code [105 ILCS 5/14-13.01] exceeds the amount in effect on January 1, 2007 by at least 100 percent and no corresponding reduction has been made in other State sources of support for special education:~~
 - A) ~~The maximum class size stated in subsection (b)(1) of this Section shall be 13 rather than 15;~~
 - B) ~~The maximum class size stated in subsection (b)(2) of this Section shall be eight rather than 10; and~~
 - C) ~~The maximum class size stated in subsection (b)(3) of this Section shall be six rather than eight.~~
- 6) ~~The provisions of subsections (b)(1) through (5) of this Section notwithstanding, class size shall be limited according to the needs of the students for individualized instruction and services.~~
- e) ~~The maximum class sizes set forth in subsection (b) of this Section shall, if necessary, be further restricted at the local level to account for the activities and services in which the affected educators participate in order to provide students with IEPs the free, appropriate public education in the least restrictive environment to which they are entitled.~~

(Source: Repealed at 37 Ill. Reg. _____, effective _____)

Section 226.731 Class Size Provisions for 2007-08 and 2008-09 (Repealed)

- a) ~~When a student's IEP calls for services in a general education classroom, the student must be served in a class that is composed of students of whom at least 70 percent are without IEPs, that utilizes the general curriculum, that is taught by an instructor certified for regular (general) education, and that is not designated as a general remedial classroom.~~

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- b) ~~A student shall be considered to require “instructional” classes when he or she receives special education instruction for 50 percent of the school day or more. Classes for such students shall be subject to the limitations of this subsection (b).~~
- 1) ~~Early childhood instructional classes shall have a maximum ratio of one qualified teacher to five students in attendance at any given time; total enrollment shall be limited according to the needs of the students for individualized programming.~~
- 2) ~~Instructional classes for students who have either a severe/profound disability or multiple disabilities shall have a maximum enrollment of five students.~~
- 3) ~~Instructional classes for children whose primary disability is a severe visual, auditory, physical, speech or language impairment, autism, traumatic brain injury, or an emotional disability or behavioral disorder shall have a maximum enrollment of eight students.~~
- 4) ~~Instructional classes for children whose primary disability is a specific learning disability or that serve children who have different disabilities shall have a maximum enrollment of ten students. Instructional programs that group students who have different disabilities shall be formulated only under the following circumstances:~~
- A) ~~The students are grouped in relation to a common educational need; or~~
- B) ~~The program can be completely individualized and the teacher is qualified to plan and provide an appropriate educational program for each student in the group.~~
- 5) ~~Instructional classes designed for children whose primary disability is moderate visual or auditory impairment shall have a maximum enrollment of 12 students.~~
- 6) ~~Instructional classes for children whose primary disability is mild/moderate cognitive disability shall have a maximum enrollment of 12 students at the primary level and 15 students at the intermediate, middle, junior high, and secondary levels.~~

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- 7) ~~A school district may increase the enrollment in an instructional class by a maximum of two students in response to unique circumstances that occur during the school year. Such additions may be made only when the educational needs of all students who would be enrolled in the expanded program can be adequately and appropriately met. Alternatively, the district may increase the enrollment in an instructional class by a maximum of five students when a full-time, noncertified assistant is provided.~~
- e) ~~A student shall be considered to require "resource" classes when he or she receives special education instruction for less than 50 percent of the school day. Classes for such students shall be subject to the limitations of this subsection (c).~~
 - 1) ~~Enrollment shall be limited to the number of students who can effectively and appropriately receive assistance, up to a maximum of 20 students.~~
 - 2) ~~The teacher shall participate in determining the appropriate enrollment.~~
- d) ~~The caseload/class size for any service provider includes each student who receives direct or indirect service, such as consultation services, as delineated in an IEP.~~

(Source: Repealed at 37 Ill. Reg. _____, effective _____)

ILLINOIS STATE BOARD OF EDUCATION MEETING
September 18-19, 2013

TO: Illinois State Board of Education

FROM: Christopher Koch, Ed.D., State Superintendent of Education 
Peter Godard, Chief Performance Officer 

Agenda Topic: Contract Exceeding \$1 Million: Request to award the contract for the Survey of Learning Conditions

Staff Contact(s): Peter Godard, Chief Performance Officer

Purpose of Agenda Item

The Center for Performance requests the Board to authorize the State Superintendent to award a contract to develop and administer a statewide survey of learning conditions as required by Section 2-3.153 of the School Code [105 ILCS 5/2-3.153] and Section 24A-20 (a) (6) of the School Code [105 ILCS 5/24A-20 (a) (6)].

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

The following action will support the following Board goals:

GOAL 1: Every student will demonstrate academic achievement and be prepared for success after high school.

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

Expected Outcome(s) of Agenda Item

It is expected that the Board will authorize the State Superintendent to execute the contract subject to staff recommendations.

Background Information

Surveys on school climate and learning conditions are designed to measure intangible, yet essential, aspects of a school's learning and teaching environment. They address these factors by asking specific stakeholders about their perceptions of issues such as trust between students and teachers; school-parent communication; the physical and emotional safety of the facility; the level of support that teachers feel is available and present in the working environment; and how instructional staff is included in learning and decision-making processes.

Because information regarding school climate and learning conditions can be so powerful for educators, parents, and legislators, twenty-five states currently include information on school safety in their state school report cards, and six include extensive learning environment information. In Illinois, the following were impetuses for adopting instruments and systems to measure climate/conditions:

A. **Public Act 96-0861.** Referred to as the Performance Evaluation Reform Act (PERA) of 2010, the Act requires ISBE to develop and implement "[o]ne or more instruments to provide feedback to principals on the instructional environment within a school" [105 ILCS 5/24A-20 (a) (6)]. The

survey developed and administered through this contract will be used to fulfill that statutory requirement.

B. Public Act 97-008. Often referred to under its pre-passage name, Senate Bill 7, this Act was passed in 2011 and transforms the way teacher evaluations will be used in the State. Illinois has been hailed as a national leader for the collaborative nature of the stakeholder negotiations around the bill. Part of the Act also requires ISBE to “select for statewide administration an instrument to provide feedback from, at a minimum, students in grades 6 through 12 and teachers on the instructional environment within a school after giving consideration to the recommendations of the Performance Evaluation Advisory Council” [105 ILCS 5/2-3.153]. The survey developed and administered through this contract is expected to fulfill the requirements cited in this legislation.

C. P-20 Council. The State’s P-20 Education Council’s Data and Accountability Subcommittee convened a Report Card Working Group to make recommendations to the legislature for updating and improving the State’s school report card. Some of these recommendations were reflected in Public Act 97-0671, which revised the statutory requirements for school and district report cards. In addition to several other factors, report cards must also include “2 or more indicators from any school climate survey developed by the State” [105 ILCS 5/10-17a (2) (E)]. The climate survey developed and administered through this contract will make that data collection and reporting possible.

In 2012, the Illinois State Board of Education selected a vendor for its first survey of learning conditions through competitive bid. The University of Chicago conducted the Illinois 5Essentials survey under the contract that resulted from that procurement in February, March and April of this school year. In all, 71% of Illinois students and 77% of Illinois teachers participated in the Illinois 5Essentials survey, and as a result 93% of Illinois districts and 87% of Illinois schools received an embargoed report in June. 10% of parents also participated in an optional parent survey component of the 5Essentials. A small number of school districts (67) did not participate in the 5Essentials survey this year. These districts will be required to participate next year as 105 ILCS 5/2-3.153 requires administration at least biannually.

Results from the 2012-13 survey administration were released to principals and superintendents in late June. Upon review of the survey data, a number of principals and superintendents contacted staff and our contractor, the University of Chicago, with concerns they had about the scoring and reporting of the 5Essentials data. The concerns communicated were summarized by staff and a plan for additional analysis and changes to the reporting methodology was developed with the contractor. The table below details the issues identified and the resolution that has been developed. Throughout the process, the contractor supported the agency through help desk support, analysis and development of new reporting features.

Issue	Resolution
CPS Benchmarks Principals and superintendents expressed concerns that the data initially released in June used the 2011 results for the Chicago Public Schools as a benchmark for performance. This benchmark was used because the 5Essentials survey was validated using Chicago data and because these results were very similar to the	Our contractor created a new benchmark for the survey using 2012-13 statewide results. This will be used as a baseline going forward.

distribution of results across Illinois in the 2012-13 administration.	
<p>Items not applicable outside Chicago</p> <p>Principals and superintendents identified a few items that used words or concepts not applicable to all schools across Illinois.</p>	<p>An item related to teacher involvement in hiring decisions not applicable to all schools was removed from the results and excluded from the teacher influence measure.</p> <p>The parent involvement in school measure was removed from the survey because it contained an item about attendance at report card pickup day not applicable to all schools.</p> <p>A few items that used the word 'neighborhood' will be rewritten next year to eliminate any issues with these items for rural schools.</p> <p>Response categories for the English and math instruction measures will be rewritten next year to eliminate any issues with confusion about the response category 'nearly every day' for schools with block scheduling.</p>
<p>Discrepancies between the percent of positive responses on an item and the color code associated with that item</p> <p>Principals and superintendents expressed concerns about some items where they fell at the bottom end of the performance distribution (with a red color code) while a large percentage of respondents gave a positive response to the item.</p>	<p>Color codes and ratings were removed from all item level responses.</p>
<p>Concerns that item level results did not match measure level results</p> <p>Principals and superintendents expressed concerns that their results on a set of questions did not appear to add up to the overall score on a measure based on those items.</p>	<p>Our contractor conducted an analysis to identify any measures where primarily positive responses yielded a measure rating at the bottom end of the performance distribution. A few measures were identified with this characteristic. However, this discrepancy can be explained by the difference between respondents who rated the items in the third highest response category (often 'agree') and those who rated the items in the top response category (often 'strongly agree').</p> <p>Through their thorough analysis, our vendor identified no issues with the integrity of the scoring. To further emphasize the statistical difference between the response categories, our vendor is considering using a different</p>

	naming convention for these categories.
Survey Security Principals and superintendents expressed concerns about the security in place to ensure respondents only answered the survey one time.	Our vendor conducted a number of different analyses to ensure that the security concerns some principals and superintendents raised prior to administration did not impact the validity of the results. In only six school districts did the data validity checks cause us to invalidate the results. We also communicated a process for requesting investigation of suspected cheating or misuse, but no school district took the opportunity to report these suspicions to us or our vendor.
Reporting Layout Principals expressed concern about the stop light color coding of their results and the use of the terms 'weak' and 'strong' in our reporting categories.	We have developed several alternatives for reporting results on the 5Essentials reports and the State School Report Card that take these concerns into account. These options use a gradient color scheme in place of the stoplight colors. They also replace the terms 'weak' and 'strong' with 'below average' and 'above average'. These options will be shared with a group of stakeholders on September 20 to assist us in our decision making.

We plan to release the 5Essentials data publicly in mid-October. We also plan to feature the data on the new State School Report Card due for release on October 31.

Through this first year of implementation, staff have learned that substantial technical support for the field is required in order to ensure successful implementation. As a result, staff received board authorization in March to rebid with a wider scope of services than that allowed under the 2011 procurement. The scope of services in the contract for which authorization is requested here includes adequate resources for full support of implementation into the future.

Financial Background

The Illinois State Board of Education approved the issuance of a request for sealed proposal (RFSP) on March 20, 2013, to contract with a vendor to develop and implement a survey of learning conditions. On June 4, 2013, ISBE issued the RFSP and received one bid from UChicago Impact. The proposal was evaluated in accordance with the RFSP requirements. Accordingly, the Center for Performance seeks to enter into a contract with UChicago Impact.

The anticipated amount for the initial term is \$390,000 for the term of November 1, 2013, through June 30, 2014, with four (optional) one-year renewals for a maximum of \$1,790,000 over a period of five years. This contract will be funded partly with Race to the Top funds and partly with General Revenue funds.

Shown below is a summary of the funding for the proposed contract:

	Current Contract State Funding	Current Contract Federal Funding		Requested Additional State Funding	Requested Additional Federal Funding	Total Contract per Fiscal Year
FY14				\$271,563	\$118,437	\$390,000
FY15				\$272,181	\$77,819	\$350,000
FY16				\$350,000		\$350,000
FY17				\$350,000		\$350,000
FY18				\$350,000		\$350,000
Total				\$1,593,744	\$196,256	\$1,790,000

Business Enterprise Program (BEP)

The request for sealed proposal (RFSP) had a 20% Business Enterprise Program (BEP) goal. UChicago Impact identified a BEP vendor to meet a 5% BEP goal, but was unable to identify a method for meeting the 20% goal fully. The BEP goal will be addressed during contract negotiations.

Effectiveness

The vendor will be evaluated according to the timeliness and quality of services provided as well as the following performance metrics:

- % Students Completing the Student Survey
- % Teachers Completing the Teacher Survey
- % Parents Completing the Parent Survey
- % Districts with survey results
- % Schools with survey results
- % Schools Accessing their Reports during the embargo period
- # Public views of 5Essentials data
- # Help desk tickets regarding survey security
- # Help desk tickets regarding quality of survey, items or scoring

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

Policy: Several recently enacted state laws require, or refer to instruments that gauge instructional environment/school climate, including Public Acts 96-0861, 97-008 and 97-0671. Board approval of this contract will allow the agency to fulfill these statutory requirements.

Budget: Funding for the Survey of Learning Conditions has been identified through General Revenue Funds and federal Race to the Top funds. In addition, staff continue to seek clarity from the U.S. Department of Education on the flexibility of other funding sources for this type of work.

Legislative Action: None

Communication: The contractor will work with agency staff to develop and implement a communications plan for increased awareness and participation of the survey.

Superintendent's Recommendation

I recommend that the following motion be adopted:

The State Board hereby authorizes the superintendent to enter into a contract with UChicago Impact which was the successful bidder under the RFSP for the Survey of Learning Conditions. The cost of the initial term of the contract is \$390,000 which will extend from November 1, 2013, or upon execution, whichever is later, until June 30, 2014 with four possible one-year renewals.

Next Steps

Upon approval, the notice to award contract will be posted on the Illinois Procurement Bulletin website. When all the posting requirements have been met the State Superintendent will enter into a contract with the successful bidder in accordance with Board approval.

ILLINOIS STATE BOARD OF EDUCATION MEETING
September 18-19, 2013

TO: Illinois State Board of Education

FROM: Christopher Koch, Ed.D., State Superintendent of Education 
Nicki Bazer, General Counsel 

Agenda Topic: Approval of Intergovernmental Agreement exceeding \$1 million with Hazel Crest School District 152.5

Materials: Letter from Representative Will Davis

Staff Contact(s): Nicki Bazer

Purpose of Agenda Item

To have the Board authorize the State Superintendent to enter into an Intergovernmental Agreement with Hazel Crest School District 152.5 ("the District") in an amount not to exceed \$1,200,000. The funds necessary for this agreement were transferred from the General Revenue fund to our Emergency Assistance Fund by the General Assembly for the purposes of transfer to the District.

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

This agenda item relates to all of the goals in the Board's Strategic Plan. Without sufficient funds, the District will find it very difficult to achieve any of the 3 goals.

Expected Outcome(s) of Agenda Item

It is expected the Board will authorize the State Superintendent to enter into an Intergovernmental Agreement with the District.

Background Information

Hazel Crest District 152.5 is an elementary district located in south Cook County. It has an enrollment of 1,040 students and there are 5 schools in the District.

Financial Oversight:

In December 2002, ISBE installed a School Finance Authority in the District. The District was in financial Watch status at the time and the SFA was placed in the District at the request of the District.

Over the course of the ten years following its installation, the SFA was able to successfully direct the District toward financial stability. Currently, the District is in financial Recognition status (the highest status) and has been able to maintain that status since the SFA was dissolved in December 2012.

Prior to the SFA's creation, the District had entered into a 5 year contractual lease agreement with Innovative Modular Solutions (IMS) to provide 4 mobile classroom units for the District. The lease required payment for the 4 mobile units, and contained penalty provisions for early cancellation. From 2004-2006, the SFA, acting pursuant to provisions in Section 1F of the School Code, terminated all of the leases with IMS but did not authorize the District to pay the early cancellation fees.

IMS sued the District and the SFA in 2006. At issue in the case was the power of the SFA: “To make, cancel, modify and execute contracts, leases, subleases, and all other instruments or agreements necessary or convenient for the exercise of the powers and functions granted by this Article” 105 ILCS 5/1F-25. IMS claimed that the SFA was without authority to cancel the leases unilaterally and outside the terms of the contract, that if the SFA had such authority the statute is unconstitutional, and that the District had breached the contract. IMS did not seek damages against the SFA but rather only sought damages against the District. The case was appealed to the Illinois Supreme Court, with IMS arguing that the Appellate Court erred when it held that it was legally impossible for the District to continue paying on the leases. The Illinois Supreme Court issued its opinion on February 2, 2012, holding that the SFA did not have authority to unilaterally cancel the contracts in question but rather that the cancellation must be consistent with the terms of the contracts. The case was remanded to determine damages. The Court denied the SFA’s petition for rehearing but modified its opinion on March 26, 2012. The parties have agreed to settle the case for \$1 million dollars.

During the 2013 legislative session, the General Assembly transferred \$1.5 million from the General Revenue fund to ISBE’s Emergency Assistance Fund to pay for the damages and attorneys’ fees incurred by the District as a result of the cancellation of these lease agreements and the ensuing litigation. The letter from Representative Will Davis, Chairman of the House Elementary and Secondary Education Appropriations Committee, attached to this memorandum, specifies the intentions of the General Assembly.

Financial Background

ISBE will enter into an Intergovernmental Agreement in FY14 with the District to pay for the settlement agreement with IMS and to pay the District attorneys’ fees. Funding in the amount not to exceed 1,200,000 is provided through the Emergency Assistance Fund.

The financial background of this contract 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
FY14	\$	\$		\$ 1,200,000	\$	\$ 1,200,000
Total	\$	\$				\$ 1,200,000

Business Enterprise Program (BEP)

This intergovernmental agreement will be a requested exemption from the BEP goal in the FY2014 BEP Compliance Plan submitted to the BEP council.

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

Policy Implications: Because the actions of the SFA led to liability on the part of the District, these funds are to ensure that the liability gets paid and that the District continues to be on firm financial footing going forward.

Budget Implications: Many districts are experiencing severe financial constraints with reduced state revenue and there are many districts that could utilize emergency funds right now. However, Hazel Crest is facing this economic impact due to the actions of the SFA panel.

Legislative Action: No further legislative action is required.

Communication: Communication to Hazel Crest on the approval of the funds.

Pros and Cons of Various Actions

Pros: Hazel Crest will be able to pay its portion of the settlement and its attorneys' fees, allowing them to resolve this outstanding litigation, pay off the liability and move forward on sound financial ground. In addition, this action will honor the intentions of the General Assembly in approving this appropriation.

Cons: If the Board does not take action, the District will experience severe financial difficulty.

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 Hazel Crest School District 152.5 in an amount not to exceed \$1,200,000.

Next Steps

Upon Board authorization, Agency staff will enter into an Intergovernmental Agreement with Hazel Crest School District 152.5.

ILLINOIS HOUSE OF REPRESENTATIVES



WILLIAM Q. DAVIS
STATE REPRESENTATIVE
30TH DISTRICT

- SPRINGFIELD OFFICE:
ROOM 254-W
STRATTON BUILDING
SPRINGFIELD, ILLINOIS 62706
217/782-8197
FAX: 217/782-3220
- DISTRICT OFFICE:
1912 W. 174TH STREET
EAST HAZEL CREST, ILLINOIS 60429
708/799-7300
FAX: 708/799-7377

COMMITTEES:

CHAIRMAN

- APPROPRIATIONS - ELEMENTARY & SECONDARY EDUCATION
- SPECIAL COMMITTEE ON HEALTH & HEALTHCARE DISPARITIES

MEMBER

- APPROPRIATIONS - HIGHER EDUCATION
- INTERNATIONAL TRADE & COMMERCE
- LABOR
- MASS TRANSIT
- COMMITTEE OF THE WHOLE

August 29, 2013

Dr. Christopher Koch
State Superintendent
State Board of Education
100 N. 1st Street
Springfield, IL 62777

Dear Dr. Koch:

Please be advised of the General Assembly's intent to fund the settlement amount of attorneys' fees for Hazel Crest School District 152-5 from the lump sum from the General Revenue Fund to the School District Emergency Financial Assistance Fund in the ISBE budget, P.A. 98-0034, Article 1, Section 25.

As you know, the members of the House Appropriations-Elementary & Secondary Education Committee went through the lengthy process of budgeting for results and made this funding request a priority.

Thank you for your cooperation and support in this matter.

Sincerely,

A handwritten signature in black ink that reads "William Q. Davis".

WILLIAM DAVIS

Chair

House Appropriations-Elementary & Secondary Education Committee

WD:GB:cm

cc: Nicole Wills
Jessica Basham

ILLINOIS STATE BOARD OF EDUCATION MEETING
September 18-19, 2013

TO: Illinois State Board of Education

FROM: Christopher Koch, Ed.D., State Superintendent of Education 
Robert Wolfe, Chief Financial Officer 

Agenda Topic: Targeted Initiative Program Engaging and Educating Youth – Request to Award

Materials: Letter from Representative Davis
ISBE Legislative Grant Procedures

Staff Contact(s): Robert Wolfe, Chief Financial Officer

Purpose of Agenda Item

The Division of Budget and Fiscal Management requests the Board to consider these legislative grants for funding. Total awards over a one-year period will not exceed \$350,000.

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

None

Expected Outcome(s) of Agenda Item

The Board may conditionally approve funding for some or all of these initiatives, with final funding based on completion and approval of the grant application and the applicant's following agency procedures for legislative grants.

Background Information

In September 2008, the Agency modified its procedures for reviewing, processing and approving member initiative grants as part of continuing efforts to improve accountability for these grants (see attachment for Grant Procedures). The Agency has processed many legislative and special initiative grants since that time.

These particular grants were approved by the General Assembly as part of their "budgeting for results" procedures in determining final FY 2014 final appropriations. The grant recipients were identified in a correspondence from the Chair of the House Appropriations-Elementary & Secondary Education Committee (see attached letter).

Financial Background

Funds to support the legislative grants were specifically appropriated from the General Revenue Fund in P.A. 98-0034. Seven entities were identified for grant funding totaling \$350,000 in FY 2014. Two of the entities have received grant funding through ISBE in prior years: Austin Childcare Providers Network and Oak Park Elementary School District 97. A review of prior year grant files did not reveal any issues of non-compliance for these two entities.

Grantee	Amount	Use of Funds
Lighthouse Youth Center	\$250,000	To support tutoring programs
Spencer Elementary School	10,000	To enhance and support the parenting center
Austin Childcare Providers Network	20,000	To enhance and support the after school program
Wiley Resource Center, NFP	25,000	To support the Youth and Law Project
Back 2 School Throw Down	25,000	For back-to-school events and year-round resources in the Austin neighborhood
North Lawndale Eagles	10,000	For equipment and an awards ceremony for the youth football team
Oak Park ESD 97	10,000	To support the multicultural program
TOTAL	\$350,000	

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

Policy Implications: The Board would consider these grants under the policy for legislative and special initiatives that was established in September 2008. The policy was revised at that time as part of Agency efforts to improve accountability for member initiative grants.

Budget Implications: The grants are funded through an appropriation from the General Revenue Fund.

Legislative Action: None.

Communication: Grantees will be notified of any action taken by the Board.

Pros and Cons of Various Actions

Pros: Prior to receiving final approval for funding, the applicants must still fill out the grant application and follow the outlined procedures.

Cons: The Board is not involved in the selection of legislative or special initiative grants.

Superintendent's Recommendation

I recommend that the following motion be adopted:

The State Board hereby authorizes the Agency staff to issue grant applications to the organizations named below for legislative initiative grants not to exceed the amounts indicated:

Lighthouse Youth Center	\$250,000
Spencer Elementary School	\$ 10,000
Austin Childcare Providers Network	\$ 20,000
Wiley Resource Center, NFP	\$ 25,000
Back 2 School Throw Down	\$ 25,000
North Lawndale Eagles	\$ 10,000
Oak Park Elementary School District 97	\$ 10,000
Total	\$350,000

Next Steps

Agency staff will work with the grantees under the legislative and special initiative grant process for the purpose of processing the grant awards.

ILLINOIS HOUSE OF REPRESENTATIVES

- SPRINGFIELD OFFICE:
ROOM 254-W
STRATTON BUILDING
SPRINGFIELD, ILLINOIS 62706
217/782-8197
FAX: 217/782-3220
- DISTRICT OFFICE:
1912 W. 174TH STREET
EAST HAZEL CREST, ILLINOIS 60429
708/799-7300
FAX: 708/799-7377



WILLIAM Q. DAVIS
STATE REPRESENTATIVE
30TH DISTRICT

COMMITTEES:

CHAIRMAN

- APPROPRIATIONS - ELEMENTARY & SECONDARY EDUCATION
- SPECIAL COMMITTEE ON HEALTH & HEALTHCARE DISPARITIES

MEMBER

- APPROPRIATIONS - HIGHER EDUCATION
- INTERNATIONAL TRADE & COMMERCE
- LABOR
- MASS TRANSIT
- COMMITTEE OF THE WHOLE

September 5, 2013

Dr. Christopher Koch, *State Superintendent*
State Board of Education
100 N. 1st Street
Springfield, IL 62777

Dear Dr. Koch:

Please be advised of the General Assembly's intent to fund the following listed programs out of the GRF lump sum appropriations for grants associated with Targeted Initiatives of \$350,000 in the ISBE budget:

\$250,000	Lighthouse Youth Center
\$10,000	Spencer Elementary School
\$20,000	Austin Childcare Providers Network
\$25,000	Wiley Resource Center, NFP
\$25,000	Back 2 School Throw Down
\$10,000	North Lawndale Eagles
\$10,000	Oak Park ESD97 multicultural education program
\$350,000	Total

As you know, the members of the House Appropriations-Elementary & Secondary Education Committee went through the lengthy process of budgeting for results and selected the above programs for their merit and performance in engaging and educating our youth.

Thank you for your cooperation and support in this matter.

Sincerely,

WILLIAM DAVIS
Chair
House Appropriations-Elementary & Secondary Education Committee

WD:GB:cm



cc: Nicole Wills
Jessica Basham

**ILLINOIS STATE BOARD OF EDUCATION
LEGISLATIVE GRANT PROCEDURES OUTLINE**

- Prospective grantee identified by legislator
- Grant Authorization Form(s) prepared for and reviewed by Expenditure Review Committee; once approved, forwarded to the Board for action
- Subject to conditional approval by Board, prospective grantee is sent initial letter, accompanied by grant application, Taxpayer Identification Number certifications, and grant agreement documents.
- The Board will receive copies of the applications, including the program plan, of each prospective grantee, giving it an opportunity to express concerns or seek any additional information before voting as to whether or not to approve the grant. The Agency will notify applicants in writing as to when their program will be voted on by the Board so that a representative of the organization can attend the Board meeting.
- Prior to the receipt of any grant funding, an authorized representative of the prospective grantee would need to physically attend a training related to the purpose of the grant, the grant documents to be signed, and the proper completion of required reporting (expenditure reports, etc.).
- Grant documents continue to include the Program-Specific Terms of the Grant as well as the Standard Certifications and Assurances.
- The Agency will temporarily reassign one of its employees to monitor member initiatives, reviewing the adequacy of the program offered and whether there is compliance with the terms of the grant agreement. Should the Agency discover problems upon any monitoring visits, it will have the right to stop any disbursements to the grantee until such time as those problems are resolved.
- At the completion of the program, per the Program-Specific Terms of the Grant, the entity will have agreed-upon procedures performed by an independent Certified Public Accountant licensed in the State of Illinois.

ILLINOIS STATE BOARD OF EDUCATION MEETING
September 18-19, 2013

TO: Illinois State Board of Education

FROM: Christopher A. Koch, Ed.D., State Superintendent of Education 
Nicki Bazer, General Counsel 

Agenda Topic: Waiver Report to the General Assembly

Materials: Waiver Report

Staff Contact: Winnie Tuthill

Purpose of Agenda Item

The purpose of the agenda item is to inform the Board about requests for waivers and modifications received since the last report in February 2013 and to secure approval of the Fall 2013 Waiver Report for submission to the General Assembly before October 1, as required by law.

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

The waiver report is linked to Goal 1 in that applicants may request waivers and modifications of the School Code or of agency rules in order to improve student performance.

Expected Outcomes of Agenda Item

The Board will be asked to authorize submission of the Fall 2013 Waiver Report to the General Assembly.

Background Information

The Fall 2013 Waiver Report is the thirty-seventh report to be submitted to the General Assembly pursuant to Section 2-3.25g of the School Code. This report contains 59 requests that seek to waive mandates of School Code provisions upon which the General Assembly must act. These requests address nonresident tuition (26 requests); daily physical education (13 requests), fees for driver education programs (eight requests); school improvement (six requests); limitation of administrative costs (three requests); and one request each for use of other practice driving methods in lieu of the required six hours of behind-the-wheel instruction in a dual control car on public roadways; parent-teacher conferences; and state graduation requirements.

Since the Spring 2013 waiver report, the State Superintendent has approved four requests that waive State Board rules pertaining to driver's education and one request for a waiver of rules governing school food service programs. (Note: Unlike requests for waivers of School Code provisions—which must go to the General Assembly, requests for waivers of State Board rules can be granted by the State Superintendent).

Analysis and Policy Implications

The section includes a discussion of waiver requests for driver's education and for daily physical education.

Driver's Education – Behind-the-Wheel Instruction. One district (Aurora East 131) has requested a renewal of its waiver from Section 27-24.3 of the School Code that requires the

provision of six hours of behind-the-wheel instruction in a dual controlled car on public roadways. Aurora East asks to use three hours of practice driving in a computerized simulator in lieu of three of the required six hours of behind-the-wheel instruction.

Physical Education. The report contains 15 waiver requests from school districts seeking relief from the mandate to provide physical education on a daily basis. Of these 15 petitions, seven affect students in kindergarten through grade 8; five affect high school students only; and one affects students in both elementary and high school grades. Eleven of the 13 requests are renewals.

The waiver law was amended in 2008 (P.A. 95-223) to limit all future physical education waivers to an initial, 2-year request with the possibility of no more than two renewals, each for a period of two years, after which time the petitioning district could no longer seek a waiver for daily physical education. Of the 13 waiver requests submitted in this report, five districts are requesting the final of the two renewals possible to them under the waiver law. If the renewal requests are approved, when these waivers expire in the spring of 2016 the districts will no longer be eligible to reapply and will need to offer daily physical education to all students in accordance with Section 27-6 of the School Code (105 ILCS 5/27-6). The five districts are:

- County of Winnebago (South Beloit) CUSD 320 – 100-5776;
- Mercer County SD 404 – 100-5783;
- Mt. Prospect SD 57 – 100-5785;
- Calumet PSD 132 – 100-5807; and
- Rock Falls THSD 301 – 100-5810.

Superintendent's Recommendation

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

The State Board of Education hereby forwards the 59 waiver requests summarized in the Fall 2013 Waiver Report to the General Assembly without comment.

Next Steps

Staff will submit the Fall 2013 Waiver Report as presented to the General Assembly before October 1.

M E M O R A N D U M

TO: The Honorable John J. Cullerton, Senate President
The Honorable Christine Radogno, Senate Minority Leader
The Honorable Michael J. Madigan, Speaker of the House
The Honorable Tom Cross, House Minority Leader

FROM: Christopher A. Koch, Ed.D.
State Superintendent of Education

DATE: September 1, 2013

RE: Waivers of School Code Mandates: Fall 2013 Waiver Summary Report

As required by Section 2-3.25g of the School Code (105 ILCS 5/2-3.25g), the following report provides summaries of requests for waivers of School Code mandates being transmitted to the Illinois General Assembly for its consideration. The report concludes with a database listing all of the requests received, organized by Senate and House districts, including those requests for waivers and modifications acted on by the State Superintendent of Education in accordance with Section 1A-4 of the School Code (105 ILCS 5/1A-4) and applications that have been returned to school districts or other eligible applicants.

If you have any questions or comments, please contact Nicki Bazer, General Counsel, at (217) 782-8535.

cc: The Honorable Pat Quinn, Governor
Tim Mapes, Clerk of the House
Tim Anderson, Secretary of the Senate
Legislative Research Unit
State Government Report Center

Executive Summary

The following report outlines waivers of School Code mandates that school districts, regional offices of education, or special education or vocational education cooperatives have requested since the last report, which was transmitted in March 2013. Pursuant to Section 2-3.25g of the School Code (105 ILCS 5/2-3.25g), these requests must be sent to the General Assembly for its consideration before October 1, 2013.

The report is organized by subject area and by school district, regional office, or special education or vocational education cooperative. The General Assembly may disapprove the report in whole or in part within 60 calendar days after each chamber next convenes once the report is filed. This is done by a joint resolution. If either chamber fails to reject a waiver request, then that request is deemed granted.

Section I summarizes the 59 requests received for waivers of School Code mandates for consideration by the General Assembly, which are presented alphabetically by topic area. The largest number of applications received (26 requests) seeks waivers from the requirements for nonresident tuition. There are 13 requests for daily physical education, eight requests to raise the fee to be charged for driver's education, six requests for school improvement/in-service training, three requests for administrative cost cap limitations, and one request each for the use of other practice driving methods in lieu of the required six hours of behind-the-wheel instruction in a dual-control car on a public roadway; for parent-teacher conferences; and for a waiver from state graduation requirements.

Section 2-3.25g of the School Code (105 ILCS 5/2-3.25g) limits the number of waivers of daily physical education that may be requested by school districts and other eligible applicants to an initial, 2-year request, with the possibility of no more than two additional, 2-year renewal requests. Of the 13 waiver requests for physical education contained in this report, five districts are requesting their second and final renewal.

This document also contains one other section beyond what is required under Section 2-3.25g of the School Code. Section II is a database with listings of modifications or waivers of State Board of Education rules and modifications of School Code mandates upon which the State Superintendent of Education has acted in accordance with Section 1A-4 of the School Code (105 ILCS 5/1A-4). The database also includes listings of requests that have been returned to or withdrawn by the petitioning entities. In addition, the database includes the 59 waiver requests for the General Assembly's consideration and is organized by Senate and House districts.

Complete copies of the waiver requests for the General Assembly's consideration have been made available to legislative staff.

This is the thirty-seventh report submitted pursuant to Section 2-3.25g of the School Code, which requires that the State Board of Education through agency staff compile and submit requests for waivers of School Code mandates to the General Assembly before March 1 and October 1 of each year.

Summary of Applications for Waivers and Modifications
Volume 37 – Fall 2013

Topic	Approved	Denied by SBE	Transmitted to GA	Withdrawn or Returned
Driver Education	4	0	9	0
Legal School Holidays	0	0	0	4
Limitation of Administrative Costs	0	0	3	0
Nonresident Tuition	0	0	26	1
Parent/Teacher Conferences	0	0	1	1
Physical Education	0	0	13	0
School Food Program	1	0	0	0
School Improvement/ Inservice Training	0	0	6	0
State Graduation Requirements	0	0	1	0
Petition Summary	5	0	59	6
TOTAL NUMBER OF APPLICATIONS:		70		

SECTION I

Applications Transmitted to the General Assembly

Driver Education

Fee Limits

Geneva CUSD 304 – Kane (SD 33/HD 65) / Expiration: 2018-19 school year

WM100-5787 (renewal) – Waiver of School Code (Section 27-24.2) request to allow the district to charge a fee not to exceed \$450 of students who participate in driver education courses. If granted, this waiver would take effect in the 2014-2015 school year.

Elmwood Park CUSD 401 – Cook (SD 39/HD 78) / Expiration: 2018-19 school year

WM100-5792 (renewal) – Waiver of School Code (Section 27-24.2) request to allow the district to charge a fee not to exceed \$300 of students who participate in driver education courses. If granted, this waiver would take effect in the 2014-2015 school year.

Hinsdale THSD 86 – DuPage, Cook (SD 24/HD 47) / Expiration: 2018-19 school year

WM100-5797 (renewal) – Waiver of School Code (Section 27-24.2) request to allow the district to charge a fee not to exceed \$350 of students who participate in driver education courses. If granted, this waiver would take effect in the 2014-2015 school year.

Lake Villa CHSD 117 – Lake (SD 32/HD 64) / Expiration: 2018-19 school year

WM100-5803 (renewal) – Waiver of School Code (Section 27-24.2) request to allow the district to charge a fee not to exceed \$300 of students who participate in driver education courses. If granted, this waiver would take effect in the 2014-2015 school year.

Joliet THSD 204 – Will (SD 43/HD 86) / Expiration: 2018-19 school year

WM100-5804 (renewal) – Waiver of School Code (Section 27-24.2) request to allow the district to charge a fee not to exceed \$350 of students who participate in driver education courses. If granted, this waiver would take effect in the 2014-2015 school year.

Mahomet – Seymour CUSD 3 – Champaign (SD 51/HD 101) / Expiration: 2018-19 school year

WM100-5806 (renewal) – Waiver of School Code (Section 27-24.2) request to allow the district to charge a fee not to exceed \$450 of students who participate in driver education courses. If granted, this waiver would take effect in the 2014-2015 school year.

Vernon Hills CHSD 128 – Lake (SD 30/HD 59) / Expiration: 2018-19 school year

WM100-5815 (renewal) – Waiver of School Code (Section 27-24.2) request to allow the district to charge a fee not to exceed \$350 of students who participate in driver education courses. If granted, this waiver would take effect in the 2014-2015 school year.

year.

Olympia CUSD 16 – McLean (SD 44/HD 88) / Expiration: 2018-19 school year
WM100-5821 (renewal) – Waiver of School Code (Section 27-24.2) request to allow the district to charge a fee not to exceed \$300 of students who participate in driver education courses. If granted, this waiver would take effect in the 2014-2015 school year.

Behind-the-Wheel Instruction

Aurora East USD 131 – Kane (SD 42/HD 83) / Expiration: 2017-18 school year
WM100-5799 (renewal) – Waiver of School Code (Section 27-24.3) request to allow the district to use computerized simulators for three hours of practice driving in lieu of three hours of behind-the-wheel instruction in a car with dual operating controls operated on public roadways. The district states that its simulators are able to create situations unlikely to be replicated in practice driving sessions.

Limitation of Administrative Costs

Cahokia USD 187 – St. Clair (SD 57/HD 114) / Expiration: 2012-13 school year
WM100-5765 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The district was awarded a School Improvement Grant (SIG) for FY 2013, entering into an agreement with a Lead Partner to assist in developing a district transformation model. Upon advice of the ISBE SIG grant coordinator, the costs for the Lead Partner agreement were included in the administrative cost functions for the 2012-2013 budget. This new expense caused the district's budgeted administrative costs for FY 2013 to exceed those for FY 2012 by more than the 5 percent limitation.

General George Patton SD 133 – Cook (SD 14/HD 28) / Expiration: 2012-13 school year
WM100-5781 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. During FY 2012, the district deviated from its practice of allocating salaries for the superintendent and the business manager entirely to the Educational Fund, redirecting a portion of each salary to the Tort Fund. Tort Fund expenditures do not appear on districts' administrative costs worksheet. In FY 2013, the district budgeted the salaries of these two administrators wholly within the Educational Fund. The change in accounting for the salaries of the superintendent and business manager from 2011-2012 to 2012-2013 caused the district's budgeted administrative costs for FY 2013 to exceed those for FY 2012 by more than the 5 percent limitation.

Orangeville CUSD 203 – Stephenson (SD 45/HD 89) / Expiration: 2012-13 school year
WM100-5813 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. For FY 2012, the district employed an interim superintendent. The hiring of a full-time superintendent for FY 2013 caused the district's administrative costs to exceed the 5 percent limitation.

Nonresident Tuition

Pinckneyville CCSD 204 – Perry (SD 58/HD 116) / Expiration: 2017-18 school year
WM100-5768 (renewal) – Waiver of School Code (Section 10-20.12a) request to enable the district to allow students maintaining residence in the same household with a nonresident student who is paying tuition to attend Pinckneyville schools to attend school in the district without free of charge. Attendance will be permitted on a year-to-year basis, upon submission of a request to the district and will not be allowed unless there is sufficient room in the grade requested. In addition, this waiver would permit admission of non-resident students from adjacent districts to attend Pinckneyville schools free of charge if a written agreement exists between the two districts, and would also permit tuition-free attendance of foreign exchange students and non-resident pupils of charitable institutions, if advance written agreements permit.

Unity Point CCSD 140 – Jackson (SD 58/HD 115) / Expiration: 2018-19 school year
WM100-5769 (renewal) – Waiver of School Code (Section 10-20.12a) request to enable the district to allow non-resident students whose parents are full-time employees of the district to attend its schools free of charge. If granted, this waiver would take effect in the 2014-2015 school year.

East Alton – Wood River CHSD 14 – Madison (SD 56/HD 111) / Expiration: 2018-19 school year
WM100-5773 (renewal) – Waiver of School Code (Section 10-20.12a) request to enable the district to allow non-resident students whose parents are employees of the district to attend its schools free of charge. If granted, this waiver would take effect in the 2014-2015 school year.

Woodlawn CCSD 4 – Jefferson (SD 58/HD 115) / Expiration: 2018-19 school year
WM100-5774 (renewal) – Waiver of School Code (Section 10-20.12a) request to enable the district to allow non-resident students whose parents are full-time employees of the district to attend its schools free of charge. If granted, this waiver would take effect in the 2014-2015 school year.

Greenfield CUSD 10 – Greene, Macoupin, Morgan, Jersey (SD 50/HD 100) / Expiration: 2017-18 school year
WM100-5778 – Waiver of School Code (Section 10-20.12a) request to enable the district to allow non-resident students whose parents are full-time employees of the district to attend its schools free of charge.

North Clay CUSD 25 – Clay, Effingham (SD 55/HD 109) / Expiration: 2018-19 school year
WM100-5780 (renewal) – Waiver of School Code (Section 10-20.12a) request to enable the district to allow non-resident students whose parents are full-time employees of the district to attend its schools free of charge. If granted, this waiver would take effect in the 2014-2015 school year.

Bushnell – Prairie City CUSD 170 – McDonough (SD 47/HD 93) / Expiration: 2017-18 school year

WM100-5784 (renewal) – Waiver of School Code (Section 10-20.12a) request to enable the district to allow non-resident students whose parents are certified employees of the district to attend its schools free of charge.

Riverdale CUSD 100 – Rock Island (SD 36/HD 71) / **Expiration: 2017-18 school year**
WM100-5786 (renewal) – Waiver of School Code (Section 10-20.12a) request to enable the district to allow non-resident students whose parents are full-time employees of the district to attend its schools free of charge.

Egyptian CUSD 5 – Alexander (SD 59/HD 118) / **Expiration: 2018-19 school year**
WM100-5789 (renewal) – Waiver of School Code (Section 10-20.12a) request to enable the district to allow non-resident students whose parents are full-time employees of the district to attend its schools free of charge. If granted, this waiver would take effect in the 2014-2015 school year.

Waltonville CUSD 1 – Jefferson (SD 58/HD 115) / **Expiration: 2018-19 school year**
WM100-5791 (renewal) – Waiver of School Code (Section 10-20.12a) request to enable the district to allow non-resident students whose parents are full-time employees of the district to attend its schools free of charge. If granted, this waiver would take effect in the 2014-2015 school year.

Giant City CCSD 130 – Jackson (SD 59/HD 118) / **Expiration: 2018-19 school year**
WM100-5793-1 (renewal) – Waiver of School Code (Section 10-20.12a) request to enable the district to allow non-resident students whose parents are full-time employees of the district to attend its schools free of charge. If granted, this waiver would take effect in the 2014-2015 school year.

Scales Mound CUSD 211 – Jo Daviess (SD 45/HD 89) / **Expiration: 2018-19 school year**
WM100-5794 (renewal) – Waiver of School Code (Section 10-20.12a) request to enable the district to allow non-resident students whose parents are full-time employees of the district to attend its schools free of charge. If granted, this waiver would take effect in the 2014-2015 school year.

Edwards County CUSD 1 – Edwards (SD 55/HD 109) / **Expiration: 2018-19 school year**
WM100-5795 (renewal) – Waiver of School Code (Section 10-20.12a) request to enable the district to allow non-resident students whose parents are full-time employees of the district to attend its schools free of charge. If granted, this waiver would take effect in the 2014-2015 school year.

Geff CCSD 14 – Wayne (SD 55/HD 109) / **Expiration: 2018-19 school year**
WM100-5796 (renewal) – Waiver of School Code (Section 10-20.12a) request to enable the district to allow non-resident students whose parents are full-time employees of the district to attend its schools free of charge. If granted, this waiver would take effect in the 2014-2015 school year.

Field CCSD 3 – Jefferson (SD 58/HD 115) / **Expiration: 2018-19 school year**
WM100-5798 (renewal) – Waiver of School Code (Section 10-20.12a) request to

enable the district to allow non-resident students whose parents are full-time employees of the district to attend its schools free of charge. If granted, this waiver would take effect in the 2014-2015 school year.

Rome CCSD 2 – Jefferson (SD 58/HD 115) / Expiration: 2018-19 school year
WM100-5800 (renewal) – Waiver of School Code (Section 10-20.12a) request to enable the district to allow non-resident students whose parents are full-time employees of the district to attend its schools free of charge. If granted, this waiver would take effect in the 2014-2015 school year.

Abingdon – Avon CUSD 276 – Knox (SD 47/HD 93) / Expiration: 2017-18 school year
WM100-5808 – Waiver of School Code (Section 10-20.12a) request to enable the district to allow non-resident students whose parents are full-time certified employees of the district to attend its schools free of charge.

Peoria Heights CUSD 325 – Peoria (SD 46/HD 92) / Expiration: 2018-19 school year
WM100-5809 – Waiver of School Code (Section 10-20.12a) request to enable the district to allow non-resident students whose parents are full-time employees of the district to attend its schools free of charge. If granted, this waiver would take effect in the 2014-2015 school year.

Lick Creek CCSD 16 – Union (SD 59/HD 118) / Expiration: 2018-19 school year
WM100-5814 (renewal) – Waiver of School Code (Section 10-20.12a) request to enable the district to allow non-resident students whose parents are full-time employees of the district to attend its schools free of charge. If granted, this waiver would take effect in the 2014-2015 school year.

Steeleville CUSD 138 – Randolph (SD 58/HD 116) / Expiration: 2017-18 school year
WM100-5819 – Waiver of School Code (Section 10-20.12a) request to enable the district to allow non-resident students whose parents are certified employees of the district to attend its schools free of charge.

Flora CUSD 35 – Clay (SD 55/HD 109) / Expiration: 2018-19 school year
WM100-5822 (renewal) – Waiver of School Code (Section 10-20.12a) request to enable the district to allow non-resident students whose parents are full-time employees of the district to attend its schools free of charge. If granted, this waiver would take effect in the 2014-2015 school year.

East Richland CUSD 1 – Richland (SD 55/HD 109) / Expiration: 2018-19 school year
WM100-5825-1 (renewal) – Waiver of School Code (Section 10-20.12a) request to enable the district to allow non-resident students whose parents are full-time employees of the district to attend its schools free of charge. If granted, this waiver would take effect in the 2014-2015 school year.

Bunker Hill CUSD 8 – Macoupin (SD 48/HD 95) / Expiration: 2018-19 school year
WM100-5826 (renewal) – Waiver of School Code (Section 10-20.12a) request to enable the district to allow non-resident students whose parents are employees of the district to attend its schools free of charge. If granted, this waiver would take effect in the 2014-2015 school year.

Allendale CCSD 17 – Wabash (SD 55/HD 109) / Expiration: 2017-18 school year
WM100-5827 (renewal) – Waiver of School Code (Section 10-20.12a) request to enable the district to allow non-resident students whose parents are full-time employees of the district to attend its schools free of charge.

DeSoto CCSD 86 – Jackson (SD 58/HD 115) / Expiration: 2018-19 school year
WM100-5828 – Waiver of School Code (Section 10-20.12a) request to enable the district to allow non-resident students whose parents are full-time employees of the district to attend its schools free of charge. If granted, this waiver would take effect in the 2014-2015 school year.

Jasper CCSD 17 – Wayne (SD 55/HD 109) / Expiration: 2018-19 school year
WM100-5829 – Waiver of School Code (Section 10-20.12a) request to enable the district to allow non-resident students whose parents are full-time employees of the district to attend its schools free of charge. If granted, this waiver would take effect in the 2014-2015 school year.

Parent-Teacher Conferences

Elgin SD U-46 – Kane (SD 22/HD 43) / Expiration: 2018-19 school year
WM100-5802-1 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district to schedule parent-teacher conferences in the evening following a regular school day. A morning session of at least three clock hours will be scheduled on Friday of the week of conferences, while the evening conferences could be scheduled on any of the remaining four days. The evening and morning sessions will be counted among the 176 days of pupil attendance required by Section 10-19. If granted, this waiver would take effect in the 2014-2015 school year.

Physical Education

County of Winnebago (South Beloit) CUSD 320 – Winnebago (SD 35/HD 69) / Expiration: 2015-16 school year
WM100-5776 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in grades 1 through 6 to participate in physical education two times a week for 30 minutes each session rather than on a daily basis. Students will participate in group activities and/or dance under the supervision of certified teachers. Students in grades 11 and 12 will also be excused from the physical education requirement if they are enrolled in six academic classes. The district states that it is increasingly difficult for students to obtain all the academic course work needed during high school. If granted (effective in 2014-2015), this is the last physical education waiver the district will be permitted to request under the law.

Bloom THSD 206 – Cook (SD 40/HD 80) / Expiration: 2015-16 school year
WM100-5779 (renewal) – Waiver of School Code (Section 27-6) to allow the district to permit students in grades 9 through 12 to take three years of physical education, with the fourth year being an optional class that can be taken as an elective. Seniors would be allowed to take additional classes in math, science, and language arts in place of physical education. The district has changed from a block schedule to a 5-period day in order to increase instructional time and address students' learning gaps. This waiver would result in increased student time spent on academic subjects. If granted, this waiver would take effect in the 2014-2015 school year.

Mercer County SD 404 – Mercer (SD 37/HD 74) / Expiration: 2015-16 school year
WM100-5783 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse students in grades 11 and 12 from the daily physical education requirement for the entire semester in which they participate in an interscholastic athletic activity. Such students would be able to attend additional academic classes or study hall or receive academic support services during the school day. If granted (effective in 2014-2015), this is the last physical education waiver the district will be permitted to request under the law.

Mount Prospect SD 57 – Cook (SD 27/HD 53) – Expiration: 2015-16 school year
WM100-5785 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in kindergarten to participate in physical education twice a week for 30 minutes each session, and students in grades 1 through 5 to participate in physical education three times a week for 30 minutes each session. The request is being made due to inadequate facilities. Students will also receive structured recess activities supervised by a certificated teacher in the classroom for the remaining two days of the week. If granted (effective in 2014-2015), this is the last physical education waiver the district will be permitted to request under the law.

Giant City CUSD 130 – Jackson (SD 59/HD 118) / Expiration: 2014-15 school year
WM100-5793-2 – Waiver of School Code (Section 27-6) request to allow the district to permit students in kindergarten through grade 4 to participate in physical education three times a week for 47 minutes each session and students in grades 5 through 8 to participate in physical education twice a week for 47 minutes each session (in addition to a nine-week course of health and exercise for students in grades 5 through 8, consisting of physical education four days a week and health once a week, with each session lasting 47 minutes. Giant City has adopted the C.A.T.C.H. program (Child and Adolescent Trial for Cardiovascular Health), a school-based study of more than 5,000 students conducted in the 1990's, in order to increase the overall fitness of its students.

Central CUSD 4 – Iroquois (SD 53/HD 106) / Expiration: 2015-16 school year
WM100-5801 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse students in grades 11 and 12 from the daily physical education requirement for daily enrollment in either the Kankakee Area Career Center or a work-study program. In addition, students in grades 9 and 10 would be excused from the daily physical education requirement if they participate in year-long (two or more) interscholastic sports. The district states that students eligible for this waiver would accrue additional college and/or career readiness courses. If approved, this waiver would take effect in the 2014-2015 school year.

Bureau Valley CUSD 340 – Bureau (SD 37/HD 74) – Expiration: 2015-16 school year
WM100-5805 – Waiver of School Code (Section 27-6) request to allow the district to permit students in kindergarten through grade 5 to participate in physical education three times a week for 25 minutes each session. The district requests this waiver in order to achieve the best use of instructional time and in consideration of the various curricular demands affecting elementary teachers. If approved, this waiver would take effect in the 2014-2015 school year.

Calumet PSD 132 – Cook (SD 14/HD 28) / Expiration: 2015-16 school year
WM100-5807 (renewal) – Waiver of School Code (Section 27-6) request to allow the

district to permit students in kindergarten through grade 8 to participate in physical education two times a week for 40 minutes each session due to inadequate facilities. The district's intent is to ensure adequate physical activities exist for its students while recognizing that its facilities are inadequate and cramped. If granted (effective in 2014-2015), this is the last physical education waiver the district will be permitted to request under the law.

Rock Falls THSD 301 – Whiteside, Lee (SD 36/HD 71) / Expiration: 2015-16 school year

WM100-5810 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse students in grades 11 and 12 from the daily physical education requirement for ongoing participation in cheerleading and the dance team. The district states that the number of hours per week of practice and performances for students participating in these activities more than meets the guidelines established for physical fitness activities. If granted (effective in 2014-2015), this is the last physical education waiver the district will be permitted to request under the law.

Lake Villa CCSD 41 – Lake (SD 32/HD 64) / Expiration: 2015-16 school year

WM100-5812-2 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in kindergarten through grade 6 to participate in physical education once a week for 35 minutes. Students will also have daily recess, and teachers will provide structured classroom activities requiring movement and fitness. The district states that the waiver will allow additional classroom time to implement the Common Core Standards. If granted, this waiver would take effect in the 2014-2015 school year.

River Bend CUSD 2 – Whiteside (SD 36/HD 71) / Expiration: 2015-16 school year

WM100-5816 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in kindergarten through grade 5 to participate in physical education for 45 minutes five times over a three-week period (averaging out to 15 minutes daily) and students in grades 6 through 8 to participate twice a week for 48 minutes each session due to inadequate facilities. The elementary students share a gymnasium -- which also serves as the lunchroom -- with the middle school. Students in kindergarten through grade 5 also receive two recess periods each day, and middle school students participate in an extended lunch period that includes intramural activities under the direction of a teacher.

Community High School District 117 – Lake (SD 32/HD 64) / Expiration: 2015-16 school year

WM100-5818 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse students in grades 11 and 12 from the daily physical education requirement for ongoing participation in cheerleading and the dance team (pom-pons squad). The district states that these activities are comparable in character and intensity to the interscholastic athletic activities in which juniors and seniors may participate in place of daily physical education. If granted, this waiver would take effect in the 2014-2015 school year.

O'Fallon CCSD 90 – St. Clair (SD 57/HD 114) / Expiration: 2014-15 school year

WM100-5823 – Waiver of School Code (Section 27-6) request to allow the district to excuse students in kindergarten through grades 5 from the daily physical education requirement. In its place, students will participate in 15-20 minutes of daily physical

activity, designed by a certified physical education teacher, to include walking, plyometrics, agility, body core exercises, team activities, and stretching. The district notes that all activities have been designed in accordance with the Illinois Learning Standards for Physical Development; that all activities will be part of the regular school day; and that all may be done indoors if required. As part of its approach to physical therapy, classroom-appropriate activities have been designed by the district's occupational and physical therapists. The district states that its intent in seeking the waiver is to provide its students with opportunities for regular movement and fitness while meeting the facility and financial challenges it faces. Moreover, the waiver would allow additional time within the school day to implement the Common Core State Standards.

School Improvement/Inservice Training

Johnston City CUSD 1 – Williamson (SD 59/HD 117) / Expiration: 2017-18 school year

WM100-5772 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold one full-day teacher inservice session instead of two half days, and to count the day among the 176 days of actual pupil attendance required by Section 10-19. The district will accumulate sufficient time beyond the five-clock-hour requirement to apply towards this day.

Clinton CUSD 15 – DeWitt (SD 51/HD 101) / Expiration: 2018-19 school year

WM100-5777 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold two full-day teacher inservice sessions instead of four half days, and to count the days among the 176 days of actual pupil attendance required by Section 10-19. The district will accumulate sufficient time beyond the five-clock-hour requirement to apply towards these days. If granted, this waiver would take effect in the 2014-2015 school year.

Hononegah CHSD 207 – Winnebago (SD 35/HD 69) / Expiration: 2017-18 school year

WM100-5788 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold a full-day teacher inservice session instead of two half days, and to count the day among the 176 days of actual pupil attendance required by Section 10-19. The district will accumulate sufficient time beyond the five-clock-hour requirement to apply towards this day.

Aurora West SD 129 – Kane (SD 42/HD 83) / Expiration: 2017-18 school year

WM100-5790 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold three full-day teacher inservice sessions instead of seven half days, and to count the days among the 176 days of actual pupil attendance required by Section 10-19. The district will accumulate sufficient time beyond the five-clock-hour requirement to apply towards these days.

West Chicago ESD 33 – DuPage (SD 25/HD 49) / Expiration: 2018-19 school year

WM100-5811 – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold a full-day teacher inservice session instead of two half days, and to count the day among the 176 days of actual pupil attendance required by Section 10-19. The district will accumulate sufficient time beyond the five-clock-hour requirement to

apply towards this day. If granted, this waiver would take effect in the 2014-2015 school year.

Glen Ellyn SD 41 – DuPage (SD 24/HD 48) / Expiration: 2018-19 school year

WM100-5824 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold four full-day teacher inservice sessions instead of eight half days, and to count the days among the 176 days of pupil attendance required by Section 10-19. The district will accumulate sufficient time beyond the five clock-hour requirement to apply towards these days. If granted, this waiver would take effect in the 2014-2015 school year.

State Graduation Requirements

Elgin SD U-46 – Kane (SD 22/HD 43) / Expiration: 2018-19 school year

WM100-5802-2 (renewal) – Waiver of School Code (Section 27-22.10) request to allow the district to permit students in grades 7 and 8 to take math courses required for high school graduation under Section 27-22 of the School Code at the middle school, provided that such courses are taught by a certified high school teacher. The district states that this waiver would increase curricular opportunities for middle school students without affecting high school students' scheduling choices. If granted, this waiver would take effect in the 2014-2015 school year.

ILLINOIS STATE BOARD OF EDUCATION MEETING
September 18-19, 2013

TO: Illinois State Board of Education

FROM: Christopher Koch, Ed.D., State Superintendent of Education 
Susie Morrison, Deputy Superintendent/Chief Education Officer 

Agenda Topic: Illinois State Educator Preparation and Licensure Board Appointments

Materials: None

Staff Contact(s): Vicki Phillips, Division Administrator, Preparation and Evaluation and Secretary, Illinois State Educator Preparation and Licensure Board

Purpose of Agenda Item

The Division of Preparation and Evaluation requests the Board to authorize the State Superintendent to review and act upon the recommendations for appointment to the Illinois State Educator Preparation and Licensure Board.

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

The Illinois State Educator Preparation Licensure Board has the responsibility to make recommendations to the State Board of Education on matters that directly relate to ensuring that "Every student will be supported by highly prepared and effective teachers and school leaders." The State Educator Preparation Licensure Board reviews educator and school leader programs and educational preparation units for quality and compliance with rule and school code.

Expected Outcome(s) of Agenda Item

The anticipated outcome of this agenda item is the appointment of new members to the Illinois State Educator Preparation and Licensure Board for terms beginning October 4, 2013. Dr. Barbara O'Donnell and Neil James will each serve three-year terms and Dr. D. Antonio Cantù for a term ending June 30, 2014.

Background Information

Section 21-13 of the *School Code* requires that the State Board of Education appoint members to the Illinois State Educator Preparation and Licensure Board. An appointment to the Licensure Board is for a three-year term and members have traditionally served no more than two terms.

Appointments to the Illinois State Educator Preparation and Licensure Board are to represent specified categories of educators as follows:

5	Administrative or faculty members of public or private colleges and universities in Illinois
3	Administrators in the public schools
10	Public school classroom teachers
1	Regional Superintendent of Schools

The law further requires that at least one of the administrators and three classroom teachers shall be employees of a school district subject to the provisions of Article 34.

Recommendations are submitted by professional organizations representing higher education, teachers, administrators, and regional offices of education.

In accordance with the nomination procedures set forth in statute, the State Superintendent has received nominations and conducted interviews. The following recommendations have been made after interviews with the State Superintendent and Secretary of the State Educator Preparation and Licensure Board:

Illinois Institutions of Higher Education: Dr. Barbara O'Donnell (public institutions) and Dr. D. Antonio Cantù (private institutions)

Illinois Federation of Teachers: Neil James

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

Policy Implications: With the approval of these recommendations, the Illinois State Educator Preparation and Licensure Board will have a portion of the open seats appointed and be more closely aligned to the required composition of the board.

Budget Implications: none

Legislative Action: none needed

Communication: Notifications will be sent to the representing associations (IHE and IFT) and each person who was interviewed.

Pros and Cons of Various Actions

Pros: By approving the recommendations, the Illinois State Educator Preparation and Licensure Board will be able to continue in its duties to ensure that students will have highly prepared and effective teachers and school leaders.

Superintendent's Recommendation

I recommend that the following motion be adopted:




The State Board of Education hereby approves the following recommended appointments to the Illinois State Educator Preparation and Licensure Board: Dr. Barbara O'Donnell for public Institutions of Higher Education and Dr. D. Antonio Cantù for private Institutions of Higher Education and Neil James representing the Illinois Federation of Teachers.

Next Steps

Upon Board authorization, Agency staff will notify the nominees and their sponsoring organizations about the action taken by the State Board of Education. In addition, the members of the Illinois State Educator Preparation and Licensure Board will be notified and the State Board of Education and the Illinois State Educator Preparation and Licensure Board websites will be appropriately updated.

ILLINOIS STATE BOARD OF EDUCATION MEETING
September 18-19, 2013

TO: Illinois State Board of Education

FROM: Christopher Koch, Ed.D., State Superintendent of Education 
Matthew Vanover, Director of Public Information/Deputy Superintendent 
Nicki Bazer, General Counsel 

Agenda Topic: Board Committee Structure

Materials: Article VI of the Bylaws of the Illinois State Board of Education

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

Purpose of Agenda Item

Board Services requests the Board to amend the Bylaws to eliminate the following committees: Government Relations, Education Policy Planning and Board Operations. The Finance and Audit Committee will remain a Committee of the Whole.

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

The work of the Board indirectly relates to all of the Board's Goals. The Board will become more efficient with the reduced committees.

Goal 1: Every student will demonstrate academic achievement and be prepared for success after high school.

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 expected the Board will amend the Bylaws in order to eliminate the Government Relations Committee, Education Policy Planning Committee and the Board Operations Committee.

Background Information

Since May 2009, the standing committees of the Board have been committees of the whole, which have rarely met in recent years. Instead of re-electing chairs for each committee, it is being proposed that the Board eliminate these committees.

Currently, the Board is out of compliance with the provision in the Bylaws requiring that the Board Chairperson appoint or reappoint all members and designate the chairpersons of the standing Board Committees. The Bylaws also require that the appointments be made no later than March 1 of odd-numbered years.

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

Policy Implications: None

Budget Implications: None

Legislative Action: None

Communication: If the Bylaws are amended to eliminate the proposed committees, the website will be update to reflect the changes.

Pros and Cons of Various Actions

Pros: By eliminating these committees, the Board will be more efficient and will be in compliance with the Bylaws.

Cons: It could be argued that having standing committees is good practice for the Board.

Chairman's Recommendation

I recommend that the following motion be adopted:

The State Board of Education hereby amends Article VI of the Bylaws to eliminate the Governmental Relations Committee, Board Operations Committee and the Education Policy Planning Committee.

Next Steps

Upon Board authorization, Agency staff will update the Board Bylaws and the Committee Structure on the website.

ARTICLE VI **COMMITTEES**

A. Standing Committees

1. The Board shall maintain and charge as indicated the following standing committees which shall present recommendations to the Board:

Governmental Relations Committee

~~The Government Relations Committee shall develop legislative principles; review legislative proposals on issues which are not under the purview of another Board Committee; monitor the state and federal legislative sessions, the progress of the Board's legislative proposals and the progress of other education-related legislation in the General Assembly; monitor education-related legislation in Congress; recommend Board positions and/or action in relation to all of the above; and perform such other responsibilities as are designated by the Board or the Board Chairperson.~~

~~This Committee's Chairperson shall be authorized to (a) establish, on an *ad hoc* basis and with the concurrence of the Board Chairperson, such subcommittees as he or she determines are necessary for appropriately fulfilling the Committee's responsibilities; and (b) expand, with the concurrence of the Board Chairperson and with the same notice required pursuant to Section VI.D.2 herein, his or her Committee to a Committee of the Whole for a particular meeting, at which all Board members legally present would have the right to vote and have such vote counted towards the Committee's recommendation.~~

Finance and Audit Committee

The Finance and Audit Committee shall develop the State Board of Education's annual budget and monitor its progress in the General Assembly; work to improve the financing of local school districts and other institutions within the purview of the State Board of Education; at least annually, review Board member travel policy and related matters; review agency administrative and operational policies and procedures, including the implementation of policies and procedures relating to contracts; review and approve Requests for Sealed Proposals per policy; provide oversight for the Internal Audit Function; review all external audits of the State Board of Education and the agency response; develop a process for a quarterly review of the State Superintendent's expenses and time allocations and for sharing the results of the review with the entire Board; and perform such other responsibilities as are designated by the Board or the Board Chairperson.

This Committee's Chairperson shall be authorized to (a) establish, on an *ad hoc* basis and with the concurrence of the Board Chairperson, such subcommittees as he or she determines are necessary for appropriately fulfilling the Committee's responsibilities; and (b) expand, with the concurrence of the Board Chairperson and with the same notice required pursuant to Section VI.D.2 herein, his or her Committee to a Committee of the Whole for a particular meeting, at which all Board members legally present would have the right to vote and have such vote counted towards the Committee's recommendation.

Board Operations Committee

~~The Board Operations Committee shall plan and coordinate the operational policies and activities of the Board, including but not limited to the following activities: develop processes for the selection and evaluation of the State Superintendent and the staff~~

~~secretary to the Board; review evaluations of agency senior leadership; review Board operational policies and procedures; plan special Board activities such as recognition and celebration; develop Board meeting calendar, arrange meeting agendas and identify locations; develop procedures for self-evaluation of the Board's operation and impact; and review Board Bylaws and recommended changes.~~

~~This Committee's Chairperson shall be authorized to (a) establish, on an *ad hoc* basis and with the concurrence of the Board Chairperson, such subcommittees as he or she determines are necessary to fulfill the Committee's functions; and (b) expand, with the concurrence of the Board Chairperson and with the same notice required pursuant to Section VI.D.2 herein, his or her Committee to a Committee of the Whole for a particular meeting, at which all Board members legally present would have the right to vote and have such vote counted towards the Committee's recommendation.~~

Education Policy Planning Committee

~~The Education Policy Planning Committee shall be responsible for developing recommendations for strategic actions by the State Board of Education on issues of short- and long-term relevance to Illinois education. The Committee shall provide a forum for Board discussion about the direction of educational policy and its implications for the State of Illinois educational system. The committee will be responsible for identifying issues of future interest to the Board and studying the implications for education and the State Board of Education. The committee will develop policy topics for Board meeting agendas and a long-term policy development calendar. The unique responsibility of this Committee is to ensure that the Board deals with long-range issues and needs as well as current concerns.~~

~~This Committee's Chairperson shall be authorized to (a) establish, on an *ad hoc* basis and with the concurrence of the Board Chairperson, such subcommittees as he or she determines are necessary for appropriately fulfilling the Committee's responsibilities; and (b) expand, with the concurrence of the Board Chairperson and with the same notice required pursuant to Section VI.D.2 herein, his or her Committee to a Committee of the Whole for a particular meeting, at which all Board members legally present would have the right to vote and have such vote counted towards the Committee's recommendation.~~

2. All Standing Committees shall regularly report to the full Board regarding their work and their recommendations for Board action.

B. Membership of Standing Committees

Biennially, the Board Chairperson shall appoint or reappoint all members and designate the chairperson of the standing Board Committees. The appointments shall be made no later than March 1 of odd-numbered years and take effect on March 1 of that same year.

Any vacancies in the membership of these committees which may occur prior to the annual appointment or reappointment of committee membership shall be filled by appointment of the Board Chairperson. Members of standing committees shall serve for two-year terms.

C. Temporary Committees and Advisory Bodies

1. The Board Chairperson may establish temporary committees and advisory bodies through written notice to the other Board members. Membership of temporary committees shall consist solely of Board members. Membership of advisory bodies may include non-members of the Board.

2. The written notice from the Chairperson shall specify the charges to and membership of a temporary committee or advisory body. The Chairperson shall regularly request reports to the Board concerning their activities, and shall dissolve them when their specific charges have been completed. The Chairperson may fill any vacancies in committee or advisory body membership which may occur.

D. Committee and Advisory Body Meetings and Procedures

1. Committee and advisory body meetings will be held in conjunction with regular meetings of the full Board or at the call of either the committee chairperson or one-third of the committee members.
2. At least three days before each committee or advisory body meeting, the members shall be given notice of the time, place, and agenda of the meeting.
3. Except as allowed by law, all committee and advisory body meetings shall be open meetings in accordance with the Open Meetings Act and Section V.C of these Bylaws.
4. Committees and advisory bodies may conduct their business in meetings of two or more members. A majority of members must approve recommendations to the State Board of Education.
5. A record shall be taken of all committee and advisory body meetings in accordance with Section V.G of these Bylaws.
6. All committees and advisory bodies may conduct public hearings relevant to their responsibilities.

ILLINOIS STATE BOARD OF EDUCATION MEETING
September 18-19, 2013

TO: Illinois State Board of Education

FROM: Christopher Koch, Ed.D., State Superintendent of Education 
Matt Vanover, Director of Public Information/Deputy Superintendent 

Agenda Topic: Appointment of Committee Chair to the Finance and Audit Committee

Materials: None

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

Purpose of Agenda Item

The Chairman will appoint a chairperson for the Finance and Audit Committee.

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

The work of the Board directly relates to all of the Board's Goals. In particular, it is essential to have a Finance and Audit Committee chairman in place to focus on and support funding considerations and ensure agency compliance in all goal areas of the strategic plan.

Goal 1: Every student will demonstrate academic achievement and be prepared for success after high school.

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

The Board Chairman will reappoint Jim Baumann as the chairman of the Finance and Audit Committee.

Background Information

Currently, the Board is out of compliance with the provision in the Bylaws requiring that the Board Chairman appoint or reappoint all members and designate the chairpersons of the standing Board Committees. The Bylaws also require that the appointments be made no later than March 1 of odd-numbered years.

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

Policy Implications: None

Budget Implications: None

Legislative Action: None

Communication: The appointments will be updated on the ISBE website.

Pros and Cons of Various Actions

Pros: The appointment will bring the Board into compliance with the Bylaws.

Cons: None

Chairman's Recommendation

I recommend that the following motion be adopted:

As the Chairman of the State Board of Education I hereby reappoint Jim Baumann as the Chairman of the Finance and Audit Committee.

Next Steps

Upon Board authorization, Agency staff will update the ISBE website.

ILLINOIS STATE BOARD OF EDUCATION MEETING
September 18-19, 2013

TO: Illinois State Board of Education

FROM: Christopher Koch, Ed.D., State Superintendent of Education 
Robert Wolfe, Chief Financial Officer 

Agenda Topic: Capital Funding Update: School Construction, Energy Efficiency and School Maintenance Grants

Materials: Schedule of Most Recent School Construction Grant Awards
Schedule of Applicants Remaining to be Entitled for School Construction Grant Awards
Schedule of Eligible Schools for Severely Overcrowded Schools Grant

Staff Contact(s): Deb Vespa

Purpose of Agenda Item

To update the Board regarding the status of the School Construction Program.

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

The School Construction Program relates to Goal Number three of ensuring that "Every school will offer a safe and healthy learning environment for all students".

Expected Outcome(s) of Agenda Item

This is for informational purposes only. There are no anticipated outcomes expected.

Background Information

School Construction Program:

On August 22, 2013, \$307 million was released for the School Construction Grants. A total of \$296 million is needed to fund the remaining 23 districts, listed in attachment A, from the FY03 Application Cycle and Chicago Public School District 299 (CPS). As required by law, CPS will receive an amount equivalent to 20% of the total awarded to the remaining 23 districts. With this award, all entitlements through the FY03 application cycle should be funded. The remaining \$11 million is being held by the Capital Development Board for emergency school construction needs.

Of the \$1.3 billion appropriated in FY10, \$176 million in authority remains unreleased. Once these funds are released, new appropriation and bond authorization will be required before any additional entitlements can be granted. Currently there are 276 applicants remaining to be entitled from the 2004 through 2015 School Construction Application listings (see attachment B).

The Governor's Office has expressed an interest in seeking General Assembly approval to utilize the remaining \$176 million in authority to provide funding for a School District Technology Infrastructure Program.

To date, the School Construction Grant Program has benefited 497 School districts in every region of the state and provided more than \$3.1 billion in state funds for building and renovating local public schools.

Program	Total Appropriation	Prior Funds Released	Current Release of Funds	Remaining Appropriation
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School Construction	\$1.3 billion	\$817 million	\$307 million	\$176 million
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School Maintenance Projects Grant Program:

In addition to the \$307 million dollars released for the School Construction program, \$50 million was released to award to school districts for the School Maintenance Projects Grant Program.

The School Maintenance Project Grant is a dollar for dollar state matching grant program providing up to \$50,000 for the maintenance or upkeep of buildings or structures for educational purposes. Funding from the School Maintenance Grant Program can go toward an array of improvement activities. All school districts, cooperative high schools and area vocational centers are eligible.

The grants were awarded in 2012 for the first time since 2001. The first round was offered from March-May, 2012 and 691 districts were awarded \$39.2 million dollars. Round two was offered from April-May 2013 which awarded \$9.8 million dollars to 213 districts. An amount of \$1 million is required to remain on hand for emergency school maintenance needs.

Program	Total Appropriation	Prior Funds Released	Current Release of Funds	Remaining Appropriation
School Maintenance Grant	\$100 million	\$50 million	\$50 million	\$0

School Energy Efficiency Grant Program:

Twenty million dollars was released to be awarded to schools for the Energy Efficiency Grant Program. The FY10 Capital Bill provided \$50 million for Energy Efficiency Grants to be distributed to schools over the next few years. The first round was offered from October 12, 2010, until January 15, 2011. Grants were awarded in April 2011 and 158 School Districts were awarded \$30 million.

The Energy Efficiency Grant is a dollar for dollar state matching grant program providing up to \$250,000 for energy efficiency projects in schools. The grants can be used for insulation, windows, doors, energy controls, lighting, energy recovery, energy conservation, alternative energy systems, and other projects designed to reduce energy consumption. All school districts, charter schools, vocational centers, public university laboratory schools and special education cooperatives are eligible.

Program	Total Appropriation	Prior Funds Released	Current Release of Funds	Remaining Appropriation
School Energy Efficiency Grant	\$50 million	\$30 million	\$20 million	\$0

Severely Overcrowded Schools Grant:

This is the first time this grant has been released and it is proportionally distributed to school districts that meet the following criteria:

- Their administrative office is located in a city with a population of 85,000 or more
- They have a district-wide low income population of 70% or more
- They cannot be eligible for a Section 18-8.10 Fast Growth Grant
- And no one district can receive more than 75% of the appropriation

Based upon the criteria above, 19 school districts are eligible to receive these grants. Three of the districts are also eligible for the Fast Growth Grant; see the districts with asterisks next to them in attachment C. Since funding has not been appropriated for the Fast Growth Grant,

statute language will need to be revised to allow these three districts to receive the Severely Overcrowded Schools Grant. The Governor's Office has expressed willingness on taking the lead for the statutory changes.

Program	Total Appropriation	Prior Funds Released	Current Release of Funds	Remaining Appropriation
Severely Overcrowded Schools Grant	\$25 million	\$0	\$25 million	\$0

Financial Background

ISBE receives the applications and approves the entitlements for the School Construction Program and School Energy Efficiency Funding. The Capital Development Board (CDB) issues the grant award and disburses the funds.

ISBE receives and approves the application and disburses the funds for the School Maintenance Projects Grant Program

ISBE proportionately disburses the Severely Overcrowded Schools Grant funds to eligible school districts.

Business Enterprise Program (BEP)

School Construction Program Grants are awarded through CDB which requires BEP Goals as part of their Intergovernmental Agreements.

Since the School Maintenance Projects Grant Program Grants are less than \$250,000, BEP Goals are not required.

ISBE requested BEP goals for School Energy Efficiency Grant Program Grants that are \$250,000.

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

Policy Implications: The Severely Overcrowded Schools Grant may need legislative changes to provide eligibility to those districts that are ineligible as a result of being eligible for Section 18-8.10 Fast Growth Grant which has not been funded since Fiscal Year 2009.

Budget Implications: School Construction Program: None at this time for ISBE. CDB will be issuing the funds to school districts which will allow them to proceed with their construction projects or get reimbursed for projects that have completed.

School Maintenance Projects Grant Program Grants: ISBE staff will accept applications, approve the applications, and process the payments to school districts. Approved school districts will realize the benefit of receiving funds to assist with the maintenance for their facilities.

School Energy Efficiency Grant Program Grants: ISBE staff will accept and approve the applications. CDB will disburse the funds. School Districts will realize the benefit of receiving funds to assist them with upgrading their facilities with energy efficiency measures that will assist with budget savings in the long-run.

Severely Overcrowded Schools Grants: ISBE staff will prepare and disburse the payments to the eligible school districts.

Legislative Action: None at this time

Communication: Communication will go out through the Superintendent's Weekly Message informing districts that the application cycle is open for the School Maintenance Grants and the Energy Efficiency Grants. The application process is 100% electronic and districts will be notified of their grant approvals via email.

ISBE will inform the eligible districts of their approval for the Severely Overcrowded Schools Grant.

CDB has communicated the School Construction Grant awards to the districts

Pros and Cons of Various Actions

Pros: School Districts will be receiving funding that will assist them with their facility needs.

Cons: None at this time.

Superintendent's Recommendation

This item is for discussion purposes only.

Next Steps

Staff will communicate the opening of the application cycles, inform districts of grant approval, and disburse the funds.

Schedule of Most Recent School Construction Grant Awards

Remaining 23 FY 2003 entitled school districts and the City of Chicago School District 299 Awarded on
August 22, 2013

County	District	State Share	Local Share	Total Project Cost
Adams	Mendon CUSD 4	\$1,301,639	\$433,879	\$1,735,518
Boone	North Boone CUSD 200	\$13,545,489	\$11,976,505	\$25,521,994
Clay	Flora CUSD 35	\$22,493,512	\$7,497,837	\$29,991,349
Cook	Board of Education City of Chicago	\$59,181,904	\$109,909,250	\$169,091,154
	Calumet City SD 155	\$3,536,220	\$1,337,889	\$4,874,109
	Matteson ESD 159	\$8,311,216	\$12,904,504	\$21,215,720
	Maine Township HSD 207	\$2,190,994	\$4,068,989	\$6,259,983
	Riverside Brookside HSD 208	\$8,907,494	\$16,542,490	\$25,449,984
	Thornton SD 154	\$444,968	\$826,368	\$1,271,336
DeKalb	Indian Creek CUSD 425	\$3,154,399	\$3,560,817	\$6,715,216
Kendall	Yorkville CUSD 115	\$7,638,648	\$11,927,745	\$19,566,393
Lake	Emmons SD 33	\$1,543,703	\$2,866,878	\$4,410,581
	Fremont SD 79	\$10,992,301	\$20,414,274	\$31,406,575
	Mundelein HSD 120	\$8,286,402	\$15,389,032	\$23,675,434
	Wauconda SD 118	\$19,583,008	\$36,368,444	\$55,951,452
LaSalle	Grand Ridge CCSD 95	\$2,282,758	\$1,422,711	\$3,705,469
	Peru Elementary SD 124	\$11,714,299	\$8,239,047	\$19,953,346
Macon	Meridian CUSD 15	\$28,940,660	\$15,598,184	\$44,538,844
Marion	South Central CUSD 401	\$10,200,580	\$3,908,288	\$14,108,868
Monroe	Waterloo CUSD 5	\$20,123,972	\$37,373,091	\$57,497,063
Sangamon	Pleasant Plains CUSD 8	\$6,297,057	\$8,806,878	\$15,103,935
	Riverton CUSD 14	\$7,988,990	\$3,700,307	\$11,689,297
Tazewell	East Peoria SD 86	\$17,461,027	\$13,148,296	\$30,609,323
Wayne	Wayne City CUSD 100	\$19,788,352	\$6,596,117	\$26,384,469
	Total	\$295,909,592	\$354,817,820	\$650,727,412

Attachment B

Schedule of Applicants Remaining to be Entitled for School Construction Grant Awards

FY 2004 School Construction Application Listing

County	District
Clark	Marshall Community Unit School District 2C
Cook	Northbrook School District 27
	<u>Mt. Prospect School District 57</u>
	Cicero Elementary School District 99
	Willow Springs Elementary School District 108
	Lemont-Bromberek School District 113A
	Oak Lawn-Hometown School District 123
	Proviso Twp. High School District 209
DuPage	Wood Dale School District 7
	Community Cons. School District 180 (Burr Ridge)
Franklin	Frankfort Community Unit School District 168
Grundy	Gardner Community Cons. School District 72-C
Iroquois	<u>Iroquois County Community Unit School District 9</u>
Jackson	Elverado Community School District 196
Jefferson	Opdyke-Bellrive Community Cons. School District 5
Johnson	Cypress Elementary School District 64
Kane	Community Unit School District 300 (Carpentersville)
Kankakee	Herscher Community Unit School District 2
Kendall	Oswego Community Unit School District 308
Lake	Hawthorn Community Cons. School District 73
	Zion-Benton Township High School District 126
LaSalle	Miller Township Community Cons. School District 210
Livingston	<u>Prairie Central Community Unit School District 8</u>
Logan	Mt. Pulaski Community Unit School District 23
Macoupin	<u>North Mac Community Unit School District 34</u>
Madison	<u>Collinsville Community Unit School District 10</u>
Marion	Sandoval Community Unit School District 501
Marshall	<u>Midland Community Unit School District 7</u>

FY 2004 School Construction Application Listing (cont.)

County	District
Mason	<u>Illini Central Community Unit School District 189</u>
McDonough	West Prairie Community Unit School District 103
McHenry	Alden-Hebron School District 19
	Prairie Grove Cons. School District 46
McLean	Bloomington Public School District 87
Monroe	Columbia Community Unit School District 4
Morgan	<u>Jacksonville School District 117</u>
Peoria	Dunlap Community Unit School District 323
Perry	Pinckneyville Community High School District 101
Randolph	Chester Community Unit School District 139
Rock Island	Moline School District 40
	<u>Rockridge Community Unit School District 300</u>
Sangamon	Springfield Public School District 186
Shelby	Shelbyville Community Unit School District 4
St. Clair	O'Fallon Township High School District 203
Tazewell	Central School District 51
Will	Troy School District 30C
	<u>Chaney Monge School District 88</u>
	<u>Taft School District 90</u>
	New Lenox School District 122
	Frankfort Community Cons. School District 157C
	Lockport Township High School District 205
	Valley View Community Cons. School District 365U
Woodford	Germantown Hills School District 69

An underlined district name denotes school districts that were not able to secure their required local match from a previous application year.

FY 2005 School Construction Application Listing

County	District
Boone	Belvidere Community Unit School District 100
Calhoun	Calhoun Community Unit School District 40
Champaign	St. Joseph-Ogden Community High School District 305
Christian	Pana Community Unit School District 8
Carroll	Savanna Community Unit School District 300
	Thomson School District 301
Clark	Casey Westfield Community Unit School District 4C
	Germantown Elementary School District 60
Clay	North Clay Community Unit School District 25
Clinton	Central Community High School District 71
Cook	Golf School District 67
	Mannheim School District 83
	Berwyn South School District 100
	Ridgeland School District 122
	Dolton School District 148
	Dolton School District 149
	Country Club Hills School District 160
	Matteson Elementary School District 162
	Park Forest-Chicago Heights School District 163
	Brookwood Community Cons. School District 167
	Community Cons. School District 168
	Chicago Heights High School District 170
	JS Morton High School District 201
	Bloom Township High School District 206
	Community High School District 218
	Rich Township High School District 227
	Bremen Community High School District 228
	Oak Lawn Community High School District 229
	Southwest Cook Coop
DeKalb	Genoa-Kingston Community Unit School District 424
	Hiawatha Community Unit School District 426
DuPage	
	Bloomington School District 13
	Glen Ellyn School District 41
	West Chicago School District 33
	Hinsdale Community Cons. School District 181
	Westmont Community Unit School District 201

FY 2005 School Construction Application Listing (cont.)

County	District
Edgar	Paris Union School District 95
Hamilton	Hamilton Community Unit School District 10
Hancock	Illini West High School District 307
	Carthage Elementary School District 317
	Nauvoo-Colusa Community Unit School District 325
	Dallas Elementary School District 327
	Hamilton Community Cons. School District 328
	LaHarpe Cons. School District 347
Grundy	Coal City Community Unit School District 1
	Minooka Community Cons. School District 201
Johnson	Goreville Community Unit School District 1
Kane	Batavia Community Unit School District 101
	Aurora East School District 131
	St. Charles Community Unit School District 303
Kankakee	Momence Community Unit School District 1
	Manteno Community Unit School District 5
	Bradley-Bourbonnais School District 307
Kendall	
	Plano Community Unit School District 88
Lake	
	Gavin School District 37
	Community Cons. School District 46 Grayslake
	Fremont School District 79
	Fox Lake School District 114
	Round Lake Community Unit School District 116
LaSalle	
	Ottawa Township High School District 140
Madison	
	Roxanna Community Unit School District 1
	Edwardsville Community Unit School District 7
	Granite City Community Unit School District 9
	Wood River/Hartford Elementary School District 15
Marion	
	Raccoon Community Unit School District 1
	South Central Community Unit School District 401
Massac	
	Massac Community Unit School District 1
McHenry	
	McHenry Community Cons. School District 15
	Prairie Grove Community Cons. School District 46
Monroe	
	Waterloo Community Unit School District 5
Pike	Griggsville-Perry Unit School District 4

FY 2005 School Construction Application Listing (cont.)

County	District
Saline	Galatia Community Unit School District 1
St. Clair	Lebanon Community Unit School District 9
	Marissa Community Unit School District 40
	Freeburg Community High School District 77
	Central School District 104
	Belle Valley School District 119
	Harmony Emge School District 175
	Cahokia Community Unit School District 187
Tazewell	Central School District 51
	Washington Grade School District 52
	North Pekin-Marquette Heights School District 102
	Deer Creek-Mackinaw Com Unit School District 701
	Tremont Community Unit School District 702
Washington	West Washington County Community Unit District 10
Will	Richland Grade School District 88A
Williamson	Herrin Community Unit School District 4

FY 2006 School Construction Application Listing

County	District
Bureau	Princeton School District 115
Christian	Taylorville Community Unit School District 3
Dewitt	Clinton Community Unit School District 15
DuPage	Indian Prairie Community Unit School District 204
Franklin	Benton Community High School District 103
Jefferson	Mt. Vernon City School District 80
Johnson	Vienna School District 55
Kane	Aurora East School District 131
Kendall	Yorkville Community Unit School District 115
Lake	Millburn Community Cons. School District 24
	Lake Villa Community Cons. School District 41
LaSalle	Wallace Community Cons. School District 195
Livingston	Prairie Central Community Unit School District 8
	Saunemin Community Cons. School District 438
Macoupin	Southwestern Community Unit School District 9
Madison	Triad Community Unit School District 2
	Highland Community Unit School District 5
Marion	Odin School District 122
	Centralia City School District 135
McHenry	Huntley Cons. School District 158
Perry	Pinckneyville Community High School District 101
Pope	Pope Community Unit School District 1
Richland	East Richland Community Unit School District 1
Sangamon	Community Unit School District 16 New Berlin
Tazewell	Creve Coeur School District 76

FY 2006 School Construction Application Listing (cont.)

County	District
Vermilion	Danville Community Cons. School District 118
Wayne	North Wayne Community Unit School District 200
Will	Plainfield Community Cons. School District 202
	Lincoln-Way Community High School District 210

FY 2007 School Construction Application Listing

County	District
Champaign	Champaign Community Unit School District 4
	Tolono Community Unit School District 7
Christian	Taylorville Community Unit School District 2
Clark	Casey-Westfield Community Unit School District 4C
Cook	Lansing School District 158
	Township High School District 211
	Northfield Township High School District 225
Dewitt	Blue Ridge Community Unit School District 18
DuPage	Elmhurst Community Unit School District 205
Grundy	Gardner-S Wilmington Township High School District 73
Henderson	West Central Community Unit School District 235
Iroquois	Milford Township High School District 233
Kankakee	Bradley School District 61
	St. George Community Cons. School District 258
	Bradley-Bourbonnais Com High School District 307
Lake	Antioch Community Cons. School District 34
Macon	Maroa-Forsyth Community Unit School District 2
Madison	Triad Community Unit School District 2
	Highland Community Unit School District 5
McHenry	Harrison School District 36
	Community Unit School District 200
Ogle	Byron Community Unit School District 226
	Kings Cons. School District 144
St. Clair	Pontiac/West Holiday School District 105
	Dupo Community Unit School District 196

FY 2007 School Construction Application Listing (cont.)

County	District
Vermilion	Catlin Community Unit School District 5
	Jamaica Community Unit School District 12
	Oakwood Community Unit School District 76
Warren	United Community Unit School 304
Will	Summit Hill School District 161
	Beecher Community Unit School District 200U
Williamson	Cartersville Community Unit School District 5

FY 2008 School Construction Application Listing

County	District
Franklin	Ewing-Northern Community Cons. School District 115
Iroquois	Iroquois West Community Unit School District 10
	Milford Community Cons. School District 280
Kane	Geneva Community Unit School District 304
Lake	Grass Lake School District 36
	Lake Bluff School District 65
Macoupin	Bunker Hill Community Unit School District 8
McClean	Olympia Community Unit School District 16
Montgomery	Hillsboro Community Unit School District 3
Pulaski	JAMP Special Education
Sangamon	Ball-Chatham Community Unit School District 5
St. Clair	Mascoutah Community Unit School District 19
	Belleville Public School District 118
Tazewell	Deer Creek-Mackinaw Com Unit School District 701
Woodford	Fieldcrest Community Unit School District 6

FY 2009 School Construction Application Listing

County	District
Cook	Ridgewood High School District 234
Franklin	Christopher Unit School District 99
Hancock	Illini West High School District 307
Jersey	Jersey Community Unit School District 100
Lake	Gurnee School District 56
	Grant Community High School District 124
	SEDOL (used Dist 121 H&S)
Monroe	Waterloo Community Unit School District 5
Peoria	Brimfield Community Unit School District 309
Randolph	Sparta Community Unit School District 140
St. Clair	New Athens Community Unit School District 60
	Whiteside School District 115
	Smithton Community Cons. School District 130
Williamson	Marion Community Unit School District 2
	Carterville Community Unit School District 5
Winnebago	Kinnikinnick Community Cons. School District 131

FY 2010 School Construction Application Listing

County	District
Cook	River Trails School District 26
	Winnetka School District 36
	Kenilworth School District 38
	Wilmette School District 39
	Bellwood School District 88
	Community Cons. School District 168
	Thornton Township High School District 205
Kane	St. Charles Community Unit School District 303
McLean	Olympia Community Unit School District 16
Ogle	Eswood Community Cons. Grade School District 269
Schuyler	Schuyler-Industry Unit School District 5

FY 2011 School Construction Application Listing

County	District
Champaign	Urbana School District 116
Cook	Evanston Skokie School District 65
	Western Springs School District 101
	LaGrange School District 102
	Prairie Hills School District 144
	New Trier Township High School District 203
	Township High School District 214
Knox	Galesburg Community Unit School District 205
McHenry	Crystal Lake Community Cons. School District 47
Peoria	Elmwood Community Unit School District 322
Tazewell	Delavan Community Unit School District 703
Warren	Monmouth-Roseville Community Unit School District 238

FY 2012 School Construction Application Listing

County	District
Adams	Liberty Community Unit School District 2
Ford	Gibson City-Melvin-Sibley School District 5
LaSalle	LaSalle Public School District 122
Lee	Dixon School District 170
Macon	Decatur School District 61
Scott	Winchester Community Unit School District 1
Tazewell	Washington Community High School District 308
Woodford	El Paso-Gridley Community Unit School District 11

FY 2013 School Construction Application Listing

County	District
Macon	Sangamon-Valley Community Unit School District 9
Madison	Madison Community Unit School District 12
Woodford	Roanoke-Benson Community Unit School District 60
	County of Woodford School District 122

FY 2014 School Construction Application Listing

County	District
Adams	Quincy Public School District 172
Bureau	Ladd Community Cons. School District 94
	Hall High School District 502
Peoria	Princeville Community Unit School District 326
Randolph	Chester Community Unit School District 139
Sangamon	Tri City Community Unit School District 1
Winnebago	Rockford Public School District 205

FY 2015 School Construction Application Listing

County	District
Douglas	Arthur Community Unit School District 305
Randolph	Chester Community Unit School District 139

Attachment C

Schedule of Eligible Schools for Severely Overcrowded Schools Grant

County	District	Grant Amount
Cook	City of Chicago School District 299	\$16,037,894.02
	Cicero SD 99	\$571,182.75
	J S Morton HSD 201	\$342,431.58
DuPage	Indian Prairie CUSD 204	\$1,182,439.89
	Naperville CUSD 203	\$280,806.98
Kane	*Aurora West USD 129	\$512,420.61
	Aurora East USD 131	\$567,666.02
	Elgin SD 46	\$1,683,369.78
Lake	Waukegan CUSD 60	\$651,740.46
Peoria	Pleasant Valley SD 62	\$18,892.21
	Norwood ESD 63	\$18,687.75
	Pleasant Hill SD 69	\$9,527.89
	Peoria SD 150	\$595,145.60
	Peoria Heights CUSD 325	\$31,977.73
Sangamon	Springfield SD 186	\$597,231.11
Will	Laraway CCSD 70C	\$14,312.28
	*Joliet SD 86	\$461,632.45
	Joliet Township HSD 204	\$231,531.84
Winnebago	*Rockford SD 205	\$1,191,109.05
	Total	\$25,000,000.00

*Denotes school districts that are also entitled to the 18-8.03 Fast Growth School Grants