

ILLINOIS STATE BOARD OF EDUCATION  
100 North First Street  
Springfield, Illinois

March 15-16, 2006

**NOTE: Staff presentations and detailed Board discussion typically take place during Committee meetings one month prior to State Board action in the plenary session.**

**Wednesday, March 15, 2006**

- 10:00 a.m. Ad Hoc Rules Committee of the Whole**  
Board Room, 4<sup>th</sup> Floor  
1-866-297-6391 (*listen only*); Confirmation # 1 4 0 7 8 7 8 0
- 12:00 p.m. Lunch Break**
- 1:00 p.m. Education Policy Planning Committee**  
Board Room, 4<sup>th</sup> Floor  
1-866-297-6391 (*listen only*); Confirmation # 1 4 0 7 8 7 8 0
- 1:00 p.m. Governmental Relations Committee**  
Board Conference Room, 4<sup>th</sup> Floor  
1-866-297-6315 (*listen only*); Confirmation # 1 4 0 7 8 7 8 2
- \* 2:30 p.m. Finance & Audit Committee of the Whole**  
Board Room, 4<sup>th</sup> Floor  
1-866-297-6391 (*listen only*); Confirmation # 1 4 0 7 8 7 8 0
- \* 4:00 p.m. Board Operations Committee**  
Board Room, 4<sup>th</sup> Floor  
1-866-297-6391 (*listen only*); Confirmation # 1 4 0 7 8 7 8 0

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

**Thursday, March 16, 2006**

- 9:00 a.m. ISBE Plenary Session**  
Board Room, 4<sup>th</sup> Floor, 100 North First Street, Springfield, IL  
1-866-297-6391 (*listen only*); Confirmation # 1 4 0 7 8 7 8 1

**NOTE:** Chairman Ruiz will call for a break in the Board Plenary Session on Thursday at which time the Board will go into closed session over lunch.

All State Board of Education meetings listed on this agenda 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: 17-782-1900; Fax: 217-785-3972.

**ILLINOIS STATE BOARD OF EDUCATION**

Board Room, 4<sup>th</sup> Floor  
100 North First Street, Springfield, Illinois

**REVISED**

Thursday, March 16, 2006  
9:00 a.m.

**Public Conference Call Number: 1-866-297-6391 (listen only); Confirmation #: 1 4 0 7 8 7 8 1**  
The Plenary Session will also be audio broadcast via the Internet.

**NOTE: Staff presentations and detailed Board discussion typically take place during Committee meetings one month prior to State Board action in the plenary session.**

**Plenary Business Meeting**

**A. Roll Call/Pledge of Allegiance**

**B. Resolutions & Recognition**

1. Art Education Resolution (*p. 3*)

**C. Public Participation**

**D. Approval of Minutes**

1. February 23, 2006 (*pp. 4-17*)
2. February 24, 2006 (*pp. 18-21*)

**E. Announcements and Reports**

1. Superintendent's Announcements
  - Illinois New Teacher Collaborative
2. Chairman's Report
3. Committee Reports
4. Members' Reports

**F. Superintendent's Report**

**\* Consent Agenda**

All action consideration items listed with an asterisk (\*) are considered to be routine and will be enacted in one motion and vote. Any board member who wishes separate discussion on any item listed on the consent agenda may remove that item from the consent agenda, in which event, the item will be considered in its normal sequence.

**Action Considerations**

- \*1. Rules for Initial Review
  - a. New Part 227 (Gifted Education) (*pp. 22-34*)
  - b. Part 675 (Providers of Supplemental Educational Services) (*pp. 35-58*)
  - c. New Part 1500 (School Emergency and Crisis Response Plans) (*pp. 59-65*)
- \*2. Rules for Adoption
  - a. Part 1 (Public Schools Evaluation, Recognition and Supervision) (*pp. 66-81*)
  - b. Part 25 (Certification) (*pp. 82-154*)
3. Rules for Adoption
  - a. Part 305 (School Food Service) (*pp. 155-181*)
4. Acceptance of Report on Financial Condition of School Districts (*pp. 182-185*)
5. Information on Harcourt Performance and ISAT Administration **New Agenda Item**

**Information Items**

1. Monthly Informational Reports
  - a. Monthly Status Report on Rulemaking (*pp. 186-191*)
  - b. SBE Fiscal & Administrative Monthly Reports (*pp. 192-207*)

**G. Adjourn**

**NOTE:** Chairman Ruiz will call for a break in the Board Plenary Session at which time the Board will go into closed session over lunch.

**Illinois State Board of Education Meeting**  
**MINUTES**  
**March 16, 2006**  
**100 North First Street**  
**Springfield, Illinois**

<p><b>ROLL CALL/PLEDGE OF ALLEGIANCE</b></p>	<p>Mr. Jesse Ruiz, Chairman, called the meeting to order at 9:05 a.m. Chairman Ruiz asked Ms. Jean Ladage, Assistant to the Board, to call the roll. A quorum was present. Dr. Randy Dunn, State Superintendent of Education, was also in attendance.</p> <p>The Board members, Dr. Dunn, and anyone who wished to join them, faced the American flag and recited the Pledge of Allegiance.</p> <p>Chairman Ruiz announced that the Board meeting was being audio-cast live over the Internet.</p> <p><b><u>Members Present:</u></b>  Mr. Jesse Ruiz, Chairman  Dr. Christopher Ward, Vice Chairman  Dr. Vinni Hall, Secretary  Dr. Andrea Brown  Mr. Dean Clark  Dr. David Fields  Mr. Edward Geppert, Jr.  Ms. Brenda Holmes  Ms. Joyce Karon</p> <p><b><u>Members Absent:</u></b>  None</p>
<p><b>RESOLUTION &amp; RECOGNITION</b></p>	<p>Dr. Chris Ward moved that the State Board of Education adopt the resolution recognizing Astri Snodgrass of St. Charles East High School for the outstanding design concept reflected in her poster submitted in the 2006 contest "Creating Understanding through the Arts". Dr. Vinni Hall seconded the motion and it passed with a unanimous voice vote.</p> <p>Ms. Brenda Holmes thanked Cornelia Powell for her talent and dedication to the Arts. Superintendent Dunn commented that the winning poster by Astri Snodgrass is framed and on display in the room today.</p>
<p><b>PUBLIC PARTICIPATION</b></p>	<p>Ms. Erika Lindley, Executive Director of ED-RED stated that she was here today representing the interest of 110 school districts and 300,000 school children in Illinois. Ms. Lindley addressed the Board with the concerns ED-RED is having with the revisions to Part 305 School Food Rules. Ms. Lindley stated that the January 2006 School Report from the School Wellness Task Force recommended that the State Board develop a process to assist schools in the development and implementation of wellness policies. Ms. Lindley asked that the Board delay the process until they receive the report from the School Wellness Task Force and to consider the modifications that schools have already made to better their programs, and to use these as models for other districts. Ms. Lindley thanked the Board for their time.</p> <p>Mr. Mark Bishop, Deputy Director for Healthy Foods Campaign thanked Governor Blagojevich and the Board for giving prominence to the issues of school nutrition and children's health. Mr. Bishop commented that Healthy Foods is encouraged by ISBE staff and Jonathan Furr's work to incorporate numerous comments and suggestions from various individuals and organizations into the rules. Healthy</p>

	<p>Foods feels many of the changes that concerned them have been incorporated into the rules. Mr. Bishop asked the Board to vote in support of Part 305 School Food Rules and thanked them for the opportunity to comment.</p>
<b>APPROVAL OF MINUTES</b>	<p>Ms. Joyce Karon moved that the State Board of Education minutes be approved for the meetings of February 23 and February 24, 2006. Dr. Dave Fields seconded the motion and it passed with a unanimous voice vote.</p>
<b>ANNOUNCEMENTS AND REPORTS:</b>  <b>Superintendent's Announcements</b>	<p>Superintendent Dunn introduced Jeffrey Aranowski, ISBE's new Division Administrator for Regional Office of Education Services. Dr. Dunn indicated that Jeff would be providing support to all Regional Offices of Education.</p> <p>Dr. Dunn then noted that for those that are listening by audio cast Harcourt is listed as an information only item on the agenda and that we would be hearing from Harcourt's senior leadership later in the meeting.</p> <p>Superintendent Dunn asked Dr. Renee Clift, Director of the Illinois New Teacher Collaborative (INTC) from the University of Illinois and Kevin Seymour from ROE SchoolWorks in Champaign-Ford-Vermillion Counties to give a brief update on the Illinois New Teacher Collaborative Program. Dr. Renee Clift stated that the INTC was started in October of 2004. One of INTC's major tasks is continuing to expand the collaborative in order to ensure that supporting new teachers becomes a state-wide commitment and develops into a state-wide infrastructure. Dr. Clift shared with the Board members a copy of INTC's Progress Report as of February 2006. Dr. Clift thanked the Board for the opportunity to speak with them about the INTC and then introduced Mr. Kevin Seymour who gave the Board members a report on the Illinois New Teacher Collaborative Working Conference held on February 28<sup>th</sup> - March 1<sup>st</sup> in Springfield. It was noted that Dr. David Fields who serves on the INTC's Executive Board, Mr. Elliot Regenstein and Superintendent Dunn were present at the conference. Dr. Dunn stated that as the State Board continues to work on the Comprehensive Strategic Plan we look forward to working with the Illinois New Teacher Collaborative.</p>
<b>Chairman's Report</b>	<p>Chairman Ruiz thanked the Springfield staff for their dedication to the students of Illinois while dealing with their own personal adversity due to the recent tornado in the area. Chairman Ruiz wished the Springfield community and all staff the best in their recovery efforts.</p> <p>Chairman Ruiz reported that he had participated in the following meetings since the last Board meeting:</p> <p>February 28      Attended Illinois College Awareness Day at Webster Elementary School and read to 3<sup>rd</sup> grade students about the importance of attending college.</p> <p>March 9            Met with Michigan legislators &amp; State Board members, in Chicago, regarding Illinois' accomplishments around Early Childhood Education. Dr. Vinni Hall was also in attendance.</p> <p>March 10          Attended a breakfast at the Joyce Foundation on the topic of Early Childhood Education</p> <p>March 11          Presented at The State of Latino Education in Illinois sponsored by the United States Hispanic Leadership Institute, Chicago</p> <p>March 17          Attended the Peoria County Institute Day- Preschool For All/Early Childhood Event</p>

	<p>Chairman Ruiz reported that the following Board Members will attend the out of state meetings listed below:</p> <p>March 17-18 Dr. Vinni Hall and Ms. Joyce Karon will be attending the NASBE Early Childhood Study Group in Alexandria, Virginia.</p> <p>March 17-18 Dr Chris Ward will be attending the NASBE Civic Education Study Group in Alexandria, Virginia.</p>
<p><b>Committee Reports</b></p>	<p><b>Board Operations Committee of the Whole</b>  Dr. Chris Ward reported that he and the following committee members were in attendance: Dr. David Fields, Dr Vinni Hall, Ms. Joyce Karon, and Chairman Ruiz. Other members in attendance were Dr. Andrea Brown, Mr. Ed Geppert, and Ms. Brenda Holmes. Mr. Dean Clark was not able to attend.</p> <p>Dr. Ward noted that the committee discussed the following topics:</p> <ul style="list-style-type: none"> <li>• Reviewed two nominations for Board recognition</li> <li>• Discussed plans for the Board Retreat</li> </ul> <p><b>Education Policy Planning Committee</b>  Dr. Fields reported that he and the following committee members were in attendance: Dr. Andrea Brown, Mr. Ed Geppert, Dr. Vinni Hall, and Ms. Joyce Karon. Dr. David Fields commented that the committee discussed the following topics.</p> <ul style="list-style-type: none"> <li>• Heard presentation by Penny Richards, Learning Disabilities Association of Illinois on Response to Intervention during Public Participation;</li> <li>• Approved the minutes for the February 2006 Education Policy Planning Committee Meeting;</li> <li>• Committee heard a request from Dr. Roger Thornton, Superintendent of Township 211 in Palatine to consider a second administration of the PSAE for seniors who did not perform efficiently their junior year;</li> <li>• Chris Koch and Cathy Cox gave a power point presentation on the Comprehensive Professional Development Grant and Response to Intervention;</li> <li>• Connie Wise and Jim Sweeney gave a brief summary on the Educator Supply and Demand Report. The committee requested more information on the demographic breakdown of teachers;</li> <li>• Connie Wise gave a status report on the Student Information System;</li> <li>• Committee discussed the increase of violence in Illinois schools.</li> </ul> <p><b>Finance and Audit Committee of the Whole</b>  Mr. Edward Geppert reported that he and the following committee members were in attendance: Dr. Andrea Brown, Ms. Brenda Holmes and Mr. Dean Clark. Edward Geppert reported that the Committee discussed the following topics:</p> <ul style="list-style-type: none"> <li>• Approved the minutes of the February 2006 Finance and Audit Committee Meeting;</li> <li>• Received an FY 2007 budget update from Linda Mitchell and Ronny Wickenhauser;</li> <li>• Reviewed with Deb Vespa the Report on the Financial Condition of School Districts;</li> <li>• Jon Furr and Ginger Reynolds shared information with the Committee on schools in restructuring, districts in corrective action and systemically noncompliant districts. Jon Furr &amp; Ginger Reynolds will continue to keep the Committee updated on these issues.</li> <li>• Received updates on tax referenda</li> </ul>

	<ul style="list-style-type: none"> <li>• Received an update on the Illinois School Purchasing Network</li> <li>• Received a status report on the A-133 Financial Audit and Compliance Examination Report, which is soon to be released by the Auditor General and will available to the Board soon.</li> </ul> <p><b>Governmental Relations Committee</b>  Ms. Brenda Holmes reported that she and the following committee members were in attendance: Mr. Dean Clark, Mr. Jesse Ruiz &amp; Dr. Chris Ward.</p> <p>Ms. Holmes reported that the members of the committee received and discussed the following topics:</p> <ul style="list-style-type: none"> <li>• Update from Nicole Wills and Josh Jacobs on upcoming legislation, as well as Board and agency legislation.</li> <li>• Discussed the Legislative Breakfast outcome and asked for future suggestions.</li> </ul>
<p><b>Members' Report</b></p>	<p>Dr. David Fields stated that he presented for the Illinois New Teacher Collaborative Conference on February 28-March 1, 2006 in Springfield.</p> <p>Dr. Fields also stated that on March 9, 2006, he had the opportunity to speak on the progress of the Comprehensive Strategic Plan to the Champaign-Ford Regional Office of Education Superintendents.</p> <p>Dr. Chris Ward stated that he gave the opening remarks and attended a one-day workshop on Assisting Students With Hearing Impairments in Will County.</p> <p>Dr. Vinni Hall commented on the meeting she and Chairman Ruiz had with the Michigan legislators &amp; their State Board members in Chicago, on March 9, 2006. Dr. Hall also stated on the following day, March 10<sup>th</sup> they had the opportunity to visit Ounce of Prevention's Educare Center for children ages birth through five.</p> <p>Ms. Brenda Holmes thanked the Illinois Association of Regional School Superintendents for allowing the Board members to attend their reception on March 15, 2006 at the Sangamo Club.</p> <p>Dr. Andrea Brown commented that she attended the PBIS Leadership Team in Springfield, and Education Trust meeting and a Full Service Community Schools Workshop for five counties.</p> <p>Chairman Ruiz commented that on April 5-6, 2006, NASBE will host a conference entitled <i>Calories In – Calories Out: The Role of K-12 Education in Promoting Student Wellness</i>. The conference will be held in Rosemont. Ed Geppert and Glenn Steinhausen will be representing ISBE at the conference, and if any other Board Member is interested in attending, please contact Jean Ladage.</p>
<p><b>SUPERINTENDENT'S REPORT</b></p> <p><b>Consent Agenda Items and Motions</b></p>	<p>Chairman Ruiz commented that all items listed with an asterisk (*) on the agenda are considered to be routine and will be enacted in one motion and vote. Any board member who wishes separate discussion on any item listed on the consent agenda may remove that item from the consent agenda, in which the event, the item will be considered in its normal sequence.</p> <p>Superintendent Dunn gave the Board members a brief summary on the items on the consent agenda. Dr. Dunn noted that Part 305 (School Food Service) was removed from the consent agenda to allow for further discussion.</p>

<p><b>Rules for Initial Review</b></p>	<p>General Counsel, Jon Furr reported to the Board regarding the rules for initial review. Mr. Furr stated that the rules include a New Part 227, on Gifted Education, and a New Part 1500, School Emergency and Crisis Response Plans. Both Parts respond to acts passed in the 2005 legislative session, and address areas of legislation that require further definition through rulemaking. The rules for initial review also include amendments to Part 675, dealing with Supplemental Educational Service Providers. These rules address three areas for improvement to the State Board's framework for regulating SES, which are: strengthening the Provider Code of Ethics, creating a rigorous evaluation of provider effectiveness, and also limiting the amount of overhead providers can charge back to public funds. Two changes were discussed in committee: clarifying the fact that district employees hired for clerical purposes can have nothing to do with student recruitment, and also changing the criteria for probationary status and removal, so that a provider with below standards student achievement is subject to removal after two years, regardless of their attendance and parent satisfaction outcomes. Mr. Furr stated that the Board members had handouts with these changes, and both will be included in the rules placed on first notice.</p>
<p><b>Rules for Adoption</b></p>	<p>Mr. Furr noted that there are also two sets of rules up for adoption in the consent agenda. The first are changes to Part I that address the timeframe for AYP appeals and the criteria by which high school courses may be considered "writing intensive" under the higher standards better schools legislation. Mr. Furr stated that we received no public comment, and the only modification from the rules placed on first notice clarifies a question from the field about the double-counting of a course repeated by a student. The changes to Part 25 streamline and eliminate duplicative efforts in the system for accrediting programs in teacher preparation institutions. We received no public comment, and the version for adoption does not differ from the version originally considered.</p> <p><b><u>Motion:</u></b>  Dr. David Fields moved that the State Board of Education hereby approve the consent agenda. Mr. Ed Geppert seconded the motion and it passed with a unanimous voice vote.</p> <p>The following motions were approved by action taken in the consent agenda motion:</p> <p style="text-align: center;"><b><u>Rules for Initial Review</u></b>  <b>New Part 227 (Gifted Education)</b></p> <p>The State Board of Education hereby authorizes the solicitation of public comment on the proposed rulemaking for:</p> <p style="text-align: center;">Gifted Education (23 Illinois Administrative Code 227),</p> <p style="text-align: center;">including publication of the proposed rules in the <u>Illinois Register</u>.</p> <p style="text-align: center;"><b><u>Rules for Initial Review</u></b>  <b>Part 675 (Providers of Supplemental Educational Services)</b></p> <p>The State Board of Education hereby authorizes the solicitation of public comment on the proposed rulemaking for:</p> <p style="text-align: center;">Providers of Supplemental Educational Services (23 Illinois Administrative Code 675),</p> <p style="text-align: center;">including publication of the proposed amendments in the <u>Illinois Register</u>.</p>

<p><b>End of Consent Agenda</b></p>	<p style="text-align: center;"><b><u>Rules for Initial Review</u></b>  <b>New Part 1500 (School Emergency and Crisis Response Plans)</b></p> <p>The State Board of Education hereby authorizes the solicitation of public comment on the proposed rulemaking for:</p> <p style="text-align: center;">School Emergency and Crisis Response Plans (44 Illinois Administrative Code 1500),</p> <p>including publication of the proposed rules in the <u>Illinois Register</u>.</p> <p style="text-align: center;"><b><u>Rules for Adoption</u></b>  <b>Part 1 (Public Schools Evaluation, Recognition and Supervision)</b></p> <p>The State Board of Education hereby adopts the proposed rulemaking for:</p> <p style="text-align: center;">Public Schools Evaluation, Recognition and Supervision (23 Illinois Administrative Code 1).</p> <p>Further, the Board authorizes the State Superintendent of Education to make such technical or nonsubstantive changes as the State Superintendent may deem necessary in response to suggestions or objections of the Joint Committee on Administrative Rules.</p> <p style="text-align: center;"><b><u>Rules for Adoption</u></b>  <b>Part 25 (Certification)</b></p> <p>The State Board of Education hereby adopts the proposed rulemaking for:</p> <p style="text-align: center;">Certification (23 Illinois Administrative Code 25).</p> <p>Further, the Board authorizes the State Superintendent of Education to make such technical or nonsubstantive changes as the State Superintendent may deem necessary in response to suggestions or objections of the Joint Committee on Administrative Rules.</p> <p><b>END OF CONSENT AGENDA</b></p>
<p><b>Rules for Adoption Part 305 (School Food Service)</b></p>	<p>Superintendent Dunn asked Jon Furr to give an update to the changes in Part 305 (School Food Service) rules. Mr. Furr stated that the proposed rules were discussed at length during committee. These rules respond to a request by Governor Blagojevich to implement a ban on junk food for elementary and middle school students before school and during the regular school day by the beginning of the 2006-07 school years.</p> <ul style="list-style-type: none"> <li>• The rules establish generally acceptable beverages, with distinctions made between elementary and middle school students.</li> <li>• The rules have standards for food sold outside of meal periods, based on both a nutrient density approach and an approach looking at the fat, sugar and calorie content.</li> <li>• In general, the rules will have a limited impact on food sales within the cafeteria, only restricting prepackaged desserts and snack chips that students could purchase in the cafeteria and carry with them the rest of the day.</li> <li>• The primary objection raised during the public comment period was the potential impact on second entrees and a la carte sales. Staff is suggesting that we take additional time to work with the School Wellness Policy Task Force, school food service personnel and health advocacy organizations to develop a general standard for second entrees and a la carte sales that can be brought back to the Board at its January 2007 meeting.</li> <li>• The Board discussed in committee the potential impact of the rules on buildings where 5th grade is the lowest grade. Staff have provided to the</li> </ul>

Board a clarification stating that the requirements for grades 6 -8 will apply to any building where grade 5 is the lowest grade served. Staff will also apply flexibility, using the waiver process needed to accommodate a particular school's food service operation.

**Rules for Adoption**

**Motion 1:**

Mr. Ed Geppert moved that the State Board of Education hereby adopts the proposed amendments for:

School Food Service (23 Illinois Administrative Code 305).

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

Dr. Chris Ward seconded the motion and Chairman Ruiz called for discussion.

**Discussion**

Ms. Brenda Holmes thanked all those who took the time to voice their comments and concerns. Ms. Holmes also asked that Board members visit school food service programs to see how these rules will impact the districts. She also suggested that the Healthy Schools Campaign visit the local school food service providers; as they had indicated that they had not done so. Ms. Holmes commented that she looks forward to reviewing the implementation of the rules with our staff and districts in the field.

Mr. Dean Clark commented that he feels this should be a local school board control issue.

Dr. Dave Fields commented that he supports Superintendent Dunn's recommendation.

Ms. Joyce Karon commented that she supports local control and would like to hear from the School Wellness Task Force on what kind of wellness policies the schools will be implementing come January 1, 2007.

Ms. Joyce Karon asked Chairman Ruiz for a roll call vote. Chairman Ruiz asked Jean Ladage to call the roll.

Ed Geppert	Yes	Chris Ward	Yes
Vinni Hall	Yes	Andrea Brown	Yes
Brenda Holmes	Yes	Dean Clark	No
Joyce Karon	No	Dave Fields	Yes
		Jesse Ruiz	Yes

The motion passed via majority vote.

**Motion 2:**

Mr. Ed Geppert moved that the State Board of Education hereby directs staff to develop by the January 2007 State Board meeting nutritional standards for foods sold as à la carte items and second entrées by schools participating in the federal meals programs. Such standards shall be developed in cooperation with the School Wellness Policy Task Force, health and nutrition experts, and school food

	<p>personnel, and shall be informed by national efforts to develop nutritional standards for school meals.</p> <p>Dr. Vinni Hall seconded the motion and Chairman Ruiz called for discussion. No one wishing to be heard, Chairman Ruiz asked Jean Ladage to call the roll for a vote.</p> <table border="0" data-bbox="500 415 1266 569"> <tr> <td>Ed Geppert</td> <td>Yes</td> <td>Chris Ward</td> <td>Yes</td> </tr> <tr> <td>Vinni Hall</td> <td>Yes</td> <td>Andrea Brown</td> <td>Yes</td> </tr> <tr> <td>Brenda Holmes</td> <td>Yes</td> <td>Dean Clark</td> <td>No</td> </tr> <tr> <td>Joyce Karon</td> <td>No</td> <td>Dave Fields</td> <td>Yes</td> </tr> <tr> <td></td> <td></td> <td>Jesse Ruiz</td> <td>Yes</td> </tr> </table> <p>The motion passed via majority vote.</p> <p><b>Next Steps</b>  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 adopted rules will be filed with the Secretary of State and disseminated as appropriate.</p> <p>Nutrition staff will be meeting with the School Wellness Policy Task Force on March 22, 2006. At that meeting, staff will discuss the process for the development of nutrition standards for à la carte items and second entrées.</p>	Ed Geppert	Yes	Chris Ward	Yes	Vinni Hall	Yes	Andrea Brown	Yes	Brenda Holmes	Yes	Dean Clark	No	Joyce Karon	No	Dave Fields	Yes			Jesse Ruiz	Yes
Ed Geppert	Yes	Chris Ward	Yes																		
Vinni Hall	Yes	Andrea Brown	Yes																		
Brenda Holmes	Yes	Dean Clark	No																		
Joyce Karon	No	Dave Fields	Yes																		
		Jesse Ruiz	Yes																		
<p><b>Acceptance of Report on Financial Condition of School Districts</b></p>	<p>Superintendent Dunn gave a brief update on the Report on the Financial Condition of School Districts.</p> <p><b>Motion</b>  Dr. Vinni Hall moved that the Illinois State Board of Education approve the financial designations of school districts as set forth from FY 06 Financial Profile Scores that are calculated utilizing the data from the districts' FY 05 Annual Financial Reports and that the districts designated on the Financial Watch List are those so identified from the FY 06 Financial Profile calculations. Mr. Ed Geppert seconded the motion and it passed with a unanimous voice vote.</p> <p>Mr. Dean Clark noted that there are two districts that have been on the Financial Watch List that are now receiving recognition status. Mr. Clark and Superintendent Dunn congratulated them and ISBE staff for their progress. Ms. Deb Vespa thanked her staff for all their work as well as the volunteers who work on the Oversight Panels.</p>																				
<p><b>Information on Harcourt Performance and ISAT Administration</b></p>	<p>Superintendent Dunn gave a brief update on the 2006 Harcourt Assessment Contract. Superintendent Dunn stated he had been keeping the Board informed with informational reports on the distribution of the test materials. The main focus at hand is to ensure that all ISAT Grade 3-8 materials are out to the school districts. Dr. Dunn stated that the agency is working with the districts to adjust the testing dates if they have not received their testing materials. Dr. Dunn assured the Board that he would continue to monitor Harcourt closely to make sure that the districts have the correct materials.</p> <p>Dr. Dunn stated that he has two concerns:</p> <ul style="list-style-type: none"> <li>• Will Harcourt be able to meet the requirements to distribute the PSAE's to our high schools?</li> <li>• Will we be able to secure that quality control is there when the results are tabulated?</li> </ul>																				

Superintendent Dunn introduced Mr. Pat Tierney, CEO of Harcourt who was accompanied by Mr. Tom Rice, Senior Vice President for Operations and Mr. Keith Bishop, Regional Vice President governing the State of Illinois.

Mr. Pat Tierney gave the background of the testing creation process and the major issues that affected the distribution of the ISAT test materials. Mr. Tierney gave the following reasons for the delay:

- Ordering difficulties due to a new application system
- Test development taking longer than anticipated, making manufacturing time shorter
- Poor policy decisions were made in shipping the materials, which added to confusion.

Mr. Tierney stated that Harcourt has doubled the staff in their customer service call center, and the calls coming in have greatly reduced. Harcourt has tripled the employment in their distributions center where the orders are picked, packed and distributed and contracted for direct transport carriers to deliver these materials overnight. Harcourt's out of pocket cost for the deliveries in the last few weeks is over \$1.3 million dollars. Mr. Tierney stated that Harcourt is doing everything possible to correct the problem. They have added more staff to the Illinois team to aid in the response, and he himself has been personally involved. He further stated that he has assured Superintendent Dunn and the districts that Harcourt will reimburse them for all costs incurred because of these problems.

Dr. Dunn stated he remains concerned with the PSAE test delivery and insists on having a third party oversight for the assessment scoring process. Mr. Tierney commented that he will personally check the status of PSAE daily and he welcomes third party oversight that ISBE will require. Chairman Ruiz asked if Harcourt would be willing to pick up the cost of the third party oversight for the scoring process. Mr. Tierney responded that he would be willing to pick up the cost in order for ISBE to be reassured that the scoring is reliable.

Chairman Ruiz also asked if ISBE was notified as soon as Harcourt realized it was not meeting its timelines. Mr. Tierney commented that he was not notified early enough and that he has taken corrective action to make sure this does not happen again. As a result, ISBE was not notified as soon as it should have been.

Chairman Ruiz asked what personal or system changes have taken place to correct this so there are no problems with the PSAE tests. Mr. Rice responded that the PSAE final edits are being completed on the administration manuals and they believe that all documents will be delivered on time. Mr. Rice added that the contract printing vendors have invested in a system called "Signature Recognition" which recognizes (during the collation process) the exact order of the document and if anything is missing, it will stop the bindery process.

Ms. Joyce Karon commented that she was on the Board when the lengthy discussion was held and the decision was made to choose Harcourt. One of the reasons the Board chose Harcourt was due to reassurance that timelines could be met. Ms. Karon stated that if the PSAE doesn't go well, Harcourt won't be welcome in Illinois.

Mr. Dean Clark asked for clarification on the ordering and shipping processes. Mr. Clark indicated that he has experience in meeting deadlines and that this performance is not acceptable. Following the response, Mr. Clark emphasized the urgency that this problem be corrected now.

	<p>Mr. Geppert commented that he has spoken with teachers and administrators in his area regarding the psychological and emotional harm that has caused to the children as they prepare for the exams. Teachers and staff work very hard to be prepared for a testing program that has a beginning date and an ending date. The psychological and emotional harm that is done to students in this process cannot be reimbursed.</p> <p>Dr. Dave Fields asked if this has happened in other states. Mr. Tierney responded that Harcourt has had very few delivery issues, but with dozens of contracts issued every year, Harcourt has had some difficulties. Mr. Tierney stated that he would match Harcourt's record against anyone in the industry and is very proud of it. He said he does not duck the fact that Harcourt has had other issues.</p> <p>Dr. Vinni Hall asked if they would be on schedule with the reporting of scores. Mr. Tierney stated that he believes that Harcourt will be able to report on time and he commits to working interactively with agency staff to update the staff on the issues around reporting, etc.</p> <p>Ms. McCabe stated that as of March 15, 2006, at 6:30 p.m., twenty-two (22) districts had not received anything. Fifteen (15) districts should have received their materials by noon today, and Chicago Public Schools (CPS) has not received all of its materials. Dr. Ginger Reynolds added that staff does have concerns about whether the materials being shipped are correct. Ms. McCabe commented that she hopes that everyone will have their materials by the end of today and that she is keeping those in the field informed with ISAT Alerts.</p> <p>Dr. Chris Ward asked what controls are in place for scoring of the PSAE. Mr. Rice commented that technology is being applied as well as the third party oversight. Mr. Tierney also indicated that there is a quality control group that reports any errors to the Chief Quality Officer who then contacts Mr. Tierney himself to ensure that the error is corrected before the reporting process is allowed to move on.</p> <p>Chairman Ruiz asked if Harcourt's quality systems are recognized by any outside organizations like ISO. Mr. Tierney stated that they are not ISO certified, but they have used such programs to create what they call the Harcourt Quality Program.</p> <p>Dr. Dunn closed by stating that at this time he is not yet ready to make a recommendation on action surrounding the Harcourt contract. The agency will continue to work with the United States Department of Education, ISBE's Legal Counsel, and our State Testing Advisory Committee.</p>
	<p>Chairman Ruiz asked that the Board members please read the Monthly <b>Status Report on Rulemaking</b> and the <b>State Board of Education Fiscal and Administrative Monthly Reports</b> printed in the Board meeting materials each month for information purposes. There were no inquiries this month regarding these reports.</p>
<p><b>Closed Session</b></p>	<p>Dr. Vinni Hall 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:</p> <ul style="list-style-type: none"> <li>Section c 1 for the purpose of considering the appointment, employment, compensation, performance or dismissal of an employee;</li> <li>Section c 11 for the purpose of considering pending or probable litigation against or affecting the Board; and</li> </ul> <p>Dr. Hall further moved that the Board might invite anyone they wish to have</p>

	<p>included in this closed session.</p> <p>Ms. Joyce Karon seconded the motion and it was passed with a unanimous roll call vote.</p> <p>The open meeting recessed at 11:50 a.m. and the Board went into closed session at 12:00p.m. The open meeting reconvened at 1:15 p.m.</p>
<b>Motion for Adjournment</b>	<p>Mr. Ed Geppert moved that the meeting be adjourned. Dr. Dave Fields seconded the motion and it passed with unanimous voice vote. The meeting adjourned at 1:20 p.m.</p>

Respectfully Submitted,

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**Dr. Vinni Hall**  
**Board Secretary**

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**Mr. Jesse Ruiz**  
**Chairman**

## Board Operations Committee Meeting

Wednesday, March 15, 2006  
4:00 p.m.

(This meeting will begin at the conclusion of the previous session.)

Board Room, 4th Floor  
100 N. First Street, Springfield, IL

**Public Conference Call Access Number:** 1-866-297-6391 (*listen only*)

Confirmation # 1 4 0 7 8 7 8 0

### **AGENDA**

- 1 Public Participation
- \*2. Discussion Items
  - a. Minutes of the February Board Operations Committee Meeting (**pp. 2-5**)
  - b. Review New Nominations for Resolutions of Recognition (*Chris Ward*)
    - 1) Art Education Resolution (**pp. 6-7**)
  - c. Board Retreat Planning (*Joyce Karon*) (**p. 8**)
3. Decision Items
4. Additional Items
5. Adjourn

\* At the conclusion of any discussion item in which the committee is ready to make a decision, a discussion item may be immediately moved for a decision.

\*\* Items listed with a double asterisk (\*\*) will be discussed in committee and Board action may be taken in the plenary session.

**BOARD OPERATIONS COMMITTEE**

**Wednesday, March 15, 2006**

**4:00 p.m.**

Springfield, Illinois

**Committee Members Present**

Chris Ward, Chair  
David Fields  
Vinni Hall  
Joyce Karon  
Jesse Ruiz

**Other Board Members Present**

Andrea Brown  
Dean Clark  
Ed Geppert  
Brenda Holmes

**Staff Present**

Randy Dunn  
Jean Ladage  
Jon Furr  
Marsha Moffett  
Becky Watts

**Committee Members Absent**

None

**Other Board Members Absent**

**1. PUBLIC PARTICIPATION:** There was no public participation.

**2.a. COMMITTEE MINUTES**

Joyce Karon moved that the minutes of the Board Operations Committee for the February committee meeting be approved. Dave Fields seconded the motion and it passed with voice vote approval.

**2.b. REVIEW NEW NOMINATIONS FOR RESOLUTIONS OF RECOGNITION.** Vinni Hall moved to recommend a resolution for adoption at the April Board meeting for recognition of the Goreville CUSD #1 Superintendent and Board of Education.

The resolution for Arts Education Week will be recommended for Board adoption at the March 16 meeting and it was suggested that Cornelia Powell be present to speak to the Board about the activities held for Arts Education Month.

**2.c. BOARD RETREAT PLANNING** – Arrangements have been made at the Bloomington DoubleTree. The tentative work schedule will be beginning work on August 23, at 10:00 a.m.; adjourning just before or just after lunch on August 25, 2006.

It was suggested that the retreat be used to hear from agency management. Members should get suggested division areas to Joyce Karon so that suggestions can be discussed at the next committee meeting. Some mentioned were Data Analysis, Budget, Certification, Assessment, however all Division Administrators should be asked for brief written material.

Staff survey could be conducted prior to the retreat. Ask staff what they see as issues on the horizon; what has gone well over the last year; what has been problematic; what is “falling of the table.” Staff survey should include Board performance.

The first day could be used for staff input and the following day for the Board to analyze what was heard. One part of the retreat might be used to debrief with the Superintendent.

In regards to discussion of Board self evaluation during closed session, General Counsel Jon Furr reminded the Board of the Open Meetings Act reference on this subject.

The NSBA 2006 annual conference is to be held in Chicago at McCormick Place on April 8-11. Superintendent Dunn will discuss with Mike Johnson relative to what type of State Board member involvement is anticipated.

Dr. Vinni Hall moved to adjourn the committee meeting. Mr. Ed Geppert seconded the motion and the meeting adjourned at 4:40 p.m.

## Education Policy Planning Committee

Wednesday, March 15, 2006  
1:00 p.m.

Board Room, 4th Floor  
100 N. First Street, Springfield, IL

**Public Conference Call Access Number:** 1-866-297-6391 (*listen only*)  
Confirmation # 1 4 0 7 8 7 8 0

### AGENDA

1. Public Participation
2. Minutes of the February Education Policy Planning Committee Meeting (**pp. 2-4**)
3. Petition from District 211 re: seniors that failed PSAE (**pp. 5-14**)  
(*Township HSD 211 Superintendent Roger Thornton*)
4. Development Grant and Response To Intervention (RTI) (*Chris Koch*) (**pp. 15-19**)
5. Informational Item: Educator Supply and Demand Report (*Connie Wise*) (**pp. 20-51**)
6. Informational Item: Student Information System (*Connie Wise*) (**pp. 52-54**)
7. Additional Items

\* Items listed with an asterisk (\*) will be discussed in committee and action may be taken in the plenary session.

## EDUCATIONAL POLICY PLANNING COMMITTEE

March 15, 2006

1:00 p.m.

Board Room, 4<sup>th</sup> Floor

100 North First Street, Springfield, IL

### Committee Members Present

Dave Fields, Chair  
Andrea Brown  
Ed Geppert  
Vinni Hall  
Joyce Karon

### Other Board Members

### Others

Ginger Reynolds  
Cleo Boswell

### Board Members Absent

The Education Policy Planning Committee convened at 1:20 p.m.

1. **PUBLIC PARTICIPATION:** Penny Richards, Vice President of Learning Disabilities Association of Illinois, was in attendance and gave testimony to the Committee on Response to Intervention.
2. **MINUTES OF THE FEBRUARY 2006 EPPC MEETING:** The Committee approved the minutes for the February 2006 EPPC Meeting.
3. **PETITION FROM DISTRICT #211 RE: SENIORS THAT FAILED PSAE (Township #211, Supt. Roger Thornton):** Superintendent Roger Thornton was present along with two of his Associate Superintendents, two of his Board Members and five of his principals. Supt. Thornton presented a proposal/petition from Township District 211 requesting the State Board of Education approve the following:
  - That each school district be permitted to require participation in that instruction as a condition to graduate;
  - To permit #211 and all other high schools and districts, on a voluntary basis, the opportunity to extend specific instruction in the area of low performance to all students who fail to meet the standards measured by the PSAE in April of their junior year;
  - That the passing score of any student be credited for passing the PSAE in their senior year also be credited to the school in its effort to reaching AYP;
  - That all students who did not meet the standards of the PSAE in April of their junior year be retested in April of their senior year
  - That the State Board of Education reschedule its practice of retesting seniors (who did not pass the PSAE their junior year), from October to April, along with juniors who are taking the PSAE at that time; and
  - That the State Board of Education consider the advantages of making Grade 12 the year of reporting for NCLB and the State Accountability purposes.

Joyce Karon asked Supt. Thornton about the demographics of District 211. Supt Thornton responded by having each of his principals comment on their school's subgroups. Supt. Thornton then added that District 211 has a diverse group of students and families.

He added that his district takes their old computers to the local community centers and they are reaching a lot of parents through doing this. Further, Supt. Thornton wanted to add that he nor his board members did not contact the State Board members previously to lobby this issue.

**DEVELOPMENT GRANT AND RTI (Chris Koch):** Chris Koch and one of his Principal Consultant's, Kathy Cox were present to provide more information to the Committee on the Professional Development Grant and Response to Intervention. Chris briefly stated that the standards in the Committee's packet are from the National Association of State Directors of Special

Education. He further added that Kathy Cox was instrumental in the work of ISBE receiving a five-year grant in the amount of \$1.85 million which was issued by the USDE under Part D of the IDEA of 2004. Kathy further stated that the goal of the State Personnel Development Grant is to establish and implement a coordinated, regionalized system of personnel development that will increase the capacity of school systems to provide early intervening services, aligned with the general education curriculum, to at-risk students and students with disabilities as measured by improved student progress and performance.

Kathy began by summarizing a power point presentation. She first stated that this focus was selected because of the new provisions in IDEA 2004 that allow local education agencies (LEAs) to use up to 15% of their IDEA Part B flow-through funds to develop and implement early intervening services for K-12 students not identified as needing special education services but who need additional academic and behavioral support to succeed in the general education environment. Kathy then added that another provision in IDEA increases the emphasis on reading, when determining whether a child has a learning disability. Further, an LEA may use a process that determines if the child responds to scientific, research-based intervention as a part of the evaluation procedures.

Kathy further added that ISBE began a pilot project back in 1998 which used a school-based problem solving model and through June 2005, we had 21 grant sites that involved 9 individual school districts and 12 special education coops and also included Title I school-wide and special education collaboration at many sites. Further, she stated that this led to the forming of the Flexible Service Delivery consortium, so we already have many districts working together to implement school-based problem solving. In addition, we conducted a state-wide evaluation and the results of the evaluation were a pretty good foundation for making a case for expanding the availability of professional development that was provided on a small scale under that project which leads us to the SPD grant.

In addition, Kathy stated that to implement the objectives of the SPD Grant project, in February 2006, ISBE funded four Regional Professional Development Centers (RPDCs). One in the City of Chicago and one in each of the northern, central and southern parts of the state. The administrative agents for each of the regions are as follows:

Chicago – CPS #299  
North – Northern Suburban Special Education District  
Central – Peoria Regional Office of Education  
South – Southern Illinois University at Edwardsville

Also, all RPDC's will provide standardized professional development and technical assistance to educators and parents in their regions. Kathy also stated that the professional development and technical assistance will focus on designing and providing early intervening services. By using a standardized curriculum and a common professional development and technical assistance structure, the consistency of training will be improved as will the systemic implementation of the knowledge and skills gained by the participants. Kathy showed on her presentation a chart that provides a schematic of the project structure.

4. **INFORMATIONAL ITEM: EDUCATOR SUPPLY AND DEMAND REPORT (Connie Wise):** Connie Wise and staff member Jim Sweeney presented to the Committee a summary of the 2005 Educator Supply and Demand Report. The Report addresses 1) the relative supply and demand for teachers, administrators and other certificated and non-certificated personnel, 2) state and regional analysis of fields and levels of over or under supply of educators and 3) projections of likely high/low demand for educators in a manner sufficient to advise the public and others regarding career opportunities in education. Some points of the report are as follows:

- Retention rates remain high
- Increase in number of certificates being issued
- Increase in number of re-entries hired this year
- Estimating by 2009, that we will need 36,000 regular education and 8,000 special education teachers

- Also expecting to need about 3,000 administrators and 4,000 other certified staff

Connie also commented on how they are proposing legislation to change the reporting requirements to every three years instead of annually.

- 5. INFORMATIONAL ITEM: STUDENT INFORMATION SYSTEM (Connie Wise):** Connie Wise gave the Committee a status report on SIS. She stated that SIS has been in operation now for 17 months and that internal staff are working with IBM, the contractor for SIS, who are being housed here at ISBE in order to work closely with ISBE staff. She further added that the purpose of SIS is to assign individual students an ID number, to increase the state's capacity to follow a student's progress over time, to provide better quality data for policy decisions resulting in enhanced educational opportunities for all children and to allow us to reduce data collection efforts on schools and districts. Connie also added that the primary purpose of the system is to assign an ID number to every student in Illinois. She further stated that the SIS cannot replace the systems that are currently used in the local school districts.

Connie further added that 90% (840 entities) are currently participating in the SIS and we have created 1,607,088 student identifiers. This number does not include Chicago as they have yet to send us a test file and it not yet participating fully in the system.

Connie concluded by stating the next steps for the SIS are:

- Planning a training for April
- Planning sessions for early summer
- Identifying additional data elements
- Working to add two other systems to this system
- We are adding a Reading First and Reading Improvement Block Grant element to the system

Board Member Andrea Brown asked about the race/ethnicity code in the system. Connie responded by saying that we use a multiracial category for this code.

Board members Ed Geppert and Joyce Karon and ISBE staff member Ginger Reynolds complimented Connie and her staff for the work they have done on the Student Information System.

- 6. ADDITIONAL ITEMS:** The Committee briefly discussed the issue of violence in the schools and what ISBE can do about this issue.

**ADJOURN:** The Educational Policy Planning Committee Meeting adjourned at 2:50 p.m.

## Finance & Audit Committee of the Whole

Wednesday, March 15, 2006  
2:30 p.m.

(This meeting will begin at the conclusion of the previous session.)

Board Room, 4th Floor  
100 N. First Street, Springfield, IL

**Public Conference Call Access Number:** 1-866-297-6391 (*listen only*)

Confirmation # 1 4 0 7 8 7 8 0

### **AGENDA**

1. Public Participation
2. Minutes of February Finance & Audit Committee Meeting (**pp. 2-5**)
3. FY 2007 Budget Update (*Linda Mitchell, Ronny Wickenhauser*) (**pp. 6-16**)
- \*4. Acceptance of Report on Financial Condition of School Districts (*Debbie Vespa*) (**pp. 17-20**)
5. School Restructuring, District Corrective Action, and Chronically Dysfunctional Districts (**pp. 21-29**)  
(*Jon Furr, Ginger Reynolds*)
6. Additional Items
7. Adjourn

\* Items listed with an asterisk (\*) will be discussed in committee and action may be taken in the plenary session.

## **FINANCE & AUDIT COMMITTEE**

March 15, 2006  
Board Room  
Springfield, Illinois

### **Committee Members Present**

Ed Geppert, Chair  
Dr. Andrea Brown  
Dean Clark  
Brenda Holmes

### **Staff Present**

Linda Riley Mitchell  
Deb Vespa  
Ronny Wickenhauser  
Jon Furr  
Dr. Ginger Reynolds

### **Other Board Members Present**

Dr. Vinni Hall  
Dr. David Fields  
Joyce Karon  
Jesse Ruiz  
Dr. Chris Ward

#### **1. PUBLIC PARTICIPATION**

Chairman Geppert asked if there was anyone wishing to address the Committee. No one came forward.

#### **2. MINUTES OF THE FEBRUARY FINANCE & AUDIT COMMITTEE MEETING**

Chairman Geppert asked if anyone had objections or corrections to the February meeting minutes. No objections or corrections were stated and the minutes will be placed on file.

#### **3. FY07 BUDGET UPDATE**

Linda Riley Mitchell stated that ISBE had participated in three appropriation hearings with the General Assembly. Ms. Mitchell noted that Board members were given copies of correspondence ISBE had with the General Assembly on some of their questions. Ms. Mitchell announced that ISBE would participate at the IASBO meeting in May to provide an update on the budget.

Brenda Holmes asked if there were any updates on the Board's request for dollars for the Strategic Plan. Dr. Randy Dunn stated that he continued to provide information and support for the funding. Ms. Holmes noted that there had been an article in the Decatur Herald and Review critical of the Board's request for this funding.

#### **4. ACCEPTANCE OF REPORT ON SCHOOL FINANCIAL CONDITION**

Deb Vespa summarized the documents the Board was provided on school financial profiles. Ms. Vespa reported that there was progress over the previous year. She also noted that the school financial profiles were on the web, including historical information and detailed information on each school's financial profile. Ms. Vespa summarized the profiles of the 10 largest school districts for the Board. Ms. Vespa also discussed districts eligible for certification noting that 23 school districts currently met the requirements for certification (2 years of negative fund balances). She noted that there were 10 that were removed from last year's list and 8 new districts were added. Ms. Vespa noted the financial profiles of each of these districts. Ms. Vespa discussed school districts under finance authorities and financial oversight panels. She noted that progress has been made with these districts as two of them are now in the financial recognition category, one district is in the review category and one district is in the financial watch category. Ms. Vespa began a discussion of the full financial profile and discussed each of the financial profile categories. She noted that overall there were 877 districts analyzed out of 881 districts (4 districts did not submit a financial report by the February 28<sup>th</sup> deadline). Ms. Vespa noted that since that time one district had submitted their report, however, all four districts were placed on the financial watch list. Ms. Vespa

stated that staff was currently reviewing remedies to get the three districts that have still not submitted their financial reports to submit them.

Joyce Karon noted that we need to push the two districts who have not submitted their financial reports due to reconciliation problems. Dean Clark agreed. Dr. David Fields inquired about non-recognition as a tool to push these districts to get their reports in. Jon Furr and Dr. Dunn stated that we would continue to evaluate all of our option. Dean Clark asked if we had received reports from these districts in previous years. Ms. Vespa stated that we had gotten reports on time in previous years. Joyce Karon urged staff to not allow this situation to extend too far into the future. Dr. Dunn noted that we were seeking progress and would not let the situation continue over a long period of time. Linda Riley Mitchell agreed and stated that staff's intention was to get this information as soon as possible.

Ms. Vespa directed the Board to the financial profile grid and reiterated that the calculations and history of financial profiles (including comments) were on the web.

Chairman Geppert noted that this was a good example of transparency in school district finances.

## **5. SCHOOL RESTRUCTURING, DISTRICT CORRECTIVE ACTION AND CHRONICALLY DYSFUNCTIONAL DISTRICTS**

Dr. Ginger Reynolds stated that the Board had asked for a matrix on potential actions for districts needing some sort of corrective action. Dr. Reynolds noted that they had developed three categories with potential actions under each level.

Brenda Holmes asked questions about Board powers versus agency powers in implementing some of the corrective actions. Jon Furr noted that the agency would seek Board direction in implementing any actions and he noted that some actions were clearly Board actions. Ms. Holmes stated that NCLB was not clear in designating who had the power and Dr. Dunn agreed.

Joyce Karon asked if a district decided to not take Title I funds if they were still required to follow state guidelines. Dr. Reynolds noted that these districts still had to meet AYP. Dr. Dunn noted that these districts did have an advantage as far as the ability to take corrective action against them and stated that this situation would have to be addressed.

Chairman Geppert mentioned growth models and their impact on the level of corrective action.

Brenda Holmes asked about funding and how some of the federal funding could be used by districts. Ms. Holmes specifically mentioned 21<sup>st</sup> Century federal funding. Dr. Andrea Brown noted that originally the federal government granted these funds directly to districts but now the money comes through Illinois. Brenda Holmes continued to ask about sources of funding for corrective action for school districts. Dr. Dunn noted that besides direct funding districts would incorporate what funds they already had into their corrective active plan. Jon Furr and Dr. Dunn noted that funding used by districts would depend on the specific needs of the school.

Ronny Wickenhauser noted that staff has identified sources of money that could be used for corrective actions but that some of the funding was restrictive. Dr. Andrea Brown noted that the money was restricted for a purpose because it is meant to force school boards to change how they are thinking about their schools and that the restrictive nature of the funds is not necessarily bad.

Jon Furr noted that if the Board decided to move beyond mild interventions that state funding would likely have to be identified to provide assistance. Linda Riley Mitchell noted that the benefit of this approach would be that the funds would be less restrictive. Dr. Dunn reiterated that it was up to the creativity of the school districts to use their funds in a creative way to address corrective action needs.

Brenda Holmes asked again for a list of potential funds to be used for corrective action. Staff agreed to provide a list.

Chairman Geppert asked about next steps. Dr. Dunn stated that the job is to move from awareness of the issue to a work plan on how to work through the next steps of the process. Chairman Geppert noted that the Board would have to examine how to move through the various levels of corrective action so that they could say children are learning better.

Brenda Holmes asked if rules and regulations or additional laws would be necessary. Jon Furr responded that the Board already had the authority to take action. Joyce Karon mentioned that this should indicate to schools that the Board is serious about the issue.

Brenda Holmes asked about Dr. Andrea Brown's request to match performance of schools with dollars. Dr. Dunn stated that staff was not entirely sure how to approach this question and that the current focus would be on RESPROs and their impact on districts.

#### **6. ADDITIONAL ITEMS**

Linda Riley Mitchell gave an update on the Illinois Purchasing Network and noted that participation has grown from 477 to 488 school districts. Ms. Mitchell noted that a staffing issue would require looking at the program to see how the program would move forward.

Ms. Mitchell discussed the agency audits and stated that the audits should be able to be presented at the April meeting.

Ms. Mitchell also noted that some districts were awaiting the results of referenda in the March election.

#### **7. ADJOURN**

Dr. Vinni Hall motioned for adjournment, seconded by Joyce Karon. Motion passed unanimously.

## Governmental Relations Committee

Wednesday, March 15, 2006  
1:00 p.m.

Board Conference Room, 4th Floor  
100 N. First Street, Springfield, IL

**Public Conference Call Access Number: 1-866-297-6315** (*listen only*)  
Confirmation # 1 4 0 7 8 7 8 2

### AGENDA

1. Public Participation
2. Minutes of the February Governmental Relations Committee Meeting (**pp. 2-5**)
3. ISBE Legislation (*Nicole Wills/Josh Jacobs*) (**p. 6**)
4. General Assembly Legislation (*Nicole Wills/Josh Jacobs*) (**pp. 7-36**)
5. Legislative Breakfast Debriefing (*Board Members*) (**p. 37**)
6. Additional Items

\* Items listed with an asterisk (\*) will be discussed in committee and action may be taken in the plenary session.

**GOVERNMENTAL RELATIONS COMMITTEE**

March 15, 2006  
Springfield, Illinois

**Committee Members Present**

Brenda Holmes, Chair  
Chris Ward  
Jesse Ruiz  
Dean Clark

**Other Board Members**

N/A

**Staff Present**

Randy Dunn  
Jon Furr  
Nicole Wills  
Josh Jacobs  
DeJuan Kea  
Ronny Wickenhauser

**Committee Members Absent**

**Others Present**

Elliot Regenstein, Governor's Office

**1. PUBLIC PARTICIPATION:**

There was no public participation

**2. Information Item**

Committee members agreed that technical changes would be made to the February Governmental Relations Committee notes and that the amended notes would be entered into the record as corrected.

**3. LEGISLATIVE UPDATE**

**ISBE Board and Agency Legislation**

- SB 2829 (Less Red Tape) – This legislation is currently in the House Rules Committee and had three sponsors at the time of the Governmental Relations Committee meeting (Representatives Lang, Giles and Eddy).
- SB 2796 (Due Process Legislation) This legislation was assigned to the House Executive Committee and ISBE staff is currently working to address some of the comments and concerns from the Speaker's staff. The Board will be updated as more information becomes available.
- SB 2336 (School Breakfast clean-up) - It has been assigned to the House Elementary and Secondary Education Committee. It was not called Wednesday morning during the committee, but staff expect the legislation to go next week. Representative Susana Mendoza is sponsoring the legislation.
- HB 5550 (Textbook Bonding). This legislation is in the Senate Rules Committee and the sponsor is Senator Kimberly Lightford.

**Other Legislation:**

- HB 2012 – This legislation only became active in early March. It was previously a shell bill, but an amendment placed on it two weeks ago caused staff concern. However, the amendment was never adopted because the language did not meet the sponsor's intent for the legislation. Representative Soto's intent is to craft legislation regarding public notification for school closures in District 299. An amendment was later adopted on the House floor which meets the sponsor's intent. It passed out of the House 112-7-2. This legislation does not effect agency operations. It is currently in the Senate Rules committee and Senator del Valle has picked it up. In response to a question by Dean Clark, staff stated that because CPS and other opponents of the legislation were unable to present in opposition to the bill during the House side of the debate, the legislation will probably face much more contention in the Senate. Brenda Holmes stated that the press on the issue has been very negative.

- HB 2734 – This legislation places a maximum rate on legal line rates for newspaper publications. This legislation would create a maximum rate charge for publications for all public bodies. Brenda Holmes asked if SB 2734 was the only bill to deal with the Statement of Affairs. Jon Furr stated that the Less Red Tape legislation (SB 2829) still contains the agreed upon resolution to require a publication, but it is greatly reduced and is modeled on publications for municipalities.
- HB 4365 – This legislation would allow cooperative high schools to receive incentive monies like other reorganizations. This legislation passed the House and has been picked up by Senator Haine. Jon clarified that cooperative high schools are not impacted by SB 2795 (reorganization/consolidation legislation), but that HB 4365, if passed, would allow cooperative high schools to receive incentive monies.
- HB 4832 (Community Education Act) This legislation was heard before the Senate Education Committee on Tuesday, March 14<sup>th</sup> and passed the committee unanimously.
- HB 4986 – This legislation amends the agricultural section of the School Code by placing boundaries on those programs that are eligible to receive grant funds. It passed out of the Senate Education Committee on Tuesday.
- HB 5244 establishes the I-Connect Computer program initiated by the Lt. Governor's Office. This bill passed the House and has been picked up by Senator Collins. It has yet to be released from Senate Rules, but will likely go to the Senate Education committee if released. Brenda Holmes asked if there was still an opportunity to refine the bill. Staff responded that with the basic goals and parameters that the Lt. Governor's Office set for the intent of the legislation, the legislation is as refined as it is going to be.
- HB 5370 – This legislation changes the waiver process for the General Assembly, but not the Board's action. This bill would also require the waiver resolution to start in alternating chambers every year. HB 5370 passed the Senate Education committee on a partisan roll call.
- HB 5416 – This legislation follows up on the taskforce that was formed last year by SB 383 to review the rules that need to be promulgated for school inspections.
- HB 4735 – This legislation would affect General State Aid for the Huntley School District. The Superintendent and Josh recently met with Senator Althoff to discuss possible middle ground. The Superintendent stated that if ISBE were to remove its opposition, the legislation would have to be so narrowly defined as to not open the floodgates for other instances.
- SB 855 – This legislation is sponsored by Senator Shadid and would allow the Hollis School District to charge the tuition rate that it originally requested in the spring 2005 waiver request. ISBE staff indicated to the Senator that this legislation is not needed because the district has reapplied for the waiver, but the Senator wishes to continue on with the legislation anyway.
- SB 2191 (Financial Literacy) - This legislation passed the House Education committee on Wednesday, February 15<sup>th</sup>.
- SB 2257 (Special Ed Orphanage Funding). This legislation is being held by Representative Hoffman.
- SB 2670 – There are ongoing discussions on this legislation. The legislation is still on third reading in the Senate. ISBE is comfortable with the language, but concerns exist with other parties. Jon Furr clarified that under current law, a student can be a resident of the district while living with someone who is not a parent or guardian – the proposed legislation did not change that provision. Because SB 2670 did not meet the deadline to pass from the chamber of origin, it is our understanding that the group was going to attempt to amend the language onto SB 850 so that it can continue moving.
- SB 860 – As mentioned during the February committee meeting, the SAELP initiative, which was formerly SB 2825, did not pass out of committee on time, so the language has been amended onto SB 860. This legislation passed the Senate and is currently in the House Education Committee.

- SB 2795 (Reorganization legislation). This legislation passed the Senate unanimously. It has been picked up by Representative Smith in the House and Elliot Regenstein from the Governor's Office stated that he believes Representatives Mitchell and Eddy will also be signing onto the bill as co-sponsors. Discussions have carried on with the Speaker's staff and House Republican staff.
- HR 905 – This resolution establishes a taskforce to look at the way Truant's Alternative programs are funded. This resolution passed 112-8.
- HJR 87 – Since this resolution is a joint resolution, it must be passed by both the House and the Senate. This resolution would create a taskforce to look at re-enrolling students who have dropped out of school. ISBE will be in charge of coordinating the taskforce.
- HB 4864 – This legislation changes the criteria by which a school district or school can be placed on the academic early warning status or academic watch status, by expanding on the provisions established under HB 3678 from last year (PA 94-666). Jon Furr questioned whether or not this legislation would be moving. Staff stated that it seems to be moving, but the language still contains the provisions "unless federally disapproved".

#### **4. STATE BOARD LEGISLATIVE RECEPTION**

Board members received a list of all legislators that attended the breakfast from Chairwoman Holmes. Dean Clark suggested that perhaps the Board consider inviting staff members who work directly with individual legislators to any future events. Chris Ward suggested looking at another opportunity to have an event and invite legislators and staff as well as the possibility of Board members attending legislative committees in order to make the Board presence more well-known.

#### **5. ADJOURN:** Committee adjourned at 2:04 p.m.

## Ad Hoc Rules Committee of the Whole

Wednesday, March 15, 2006  
10:00 a.m.

Board Room, 4th Floor  
100 N. First Street, Springfield, IL

**Public Conference Call Access Number:** 1-866-297-6391 (*listen only*)  
Confirmation # 1 4 0 7 8 7 8 0

### **AGENDA**

1. Public Participation
2. Minutes of the February Ad Hoc Rules Committee Meeting (**pp. 2-5**)
- \*3 Rules for Adoption
  - a. Part 305 (School Food Service) (*Chris Schmitt, Jon Furr*) (**Plenary pp. 155**)
  - b. Part 1 (Public Schools Evaluation, Recognition and Supervision) (**Plenary pp. 66**)  
(*Becky Phillips, Dana Kinley*)
  - c. Part 25 (Certification) (*Marti Woelfle, Dennis Williams*) (**Plenary pp. 82**)
- \*4 Rules for Initial Review
  - a. New Part 227 (Gifted Education) (*Carol McCue, Myron Mason*) (**Plenary pp. 22**)
  - b. Part 675 (Providers of Supplemental Educational Services) (**Plenary pp. 35**)  
(*Gary Greene, Robert Wolfe, Jon Furr*)
  - c. New Part 1500 (School Emergency and Crisis Response Plans) (**Plenary pp. 59**)  
(*Susan Weitekamp, Debbie Vespa*)
5. Rules for Preliminary Discussion
  - a. Part 254 (Vocational Education) (*M. Williams, Vogl*) (**p. 6**)
6. Informational Update: Less Red Tape (*Shelley Helton*) (**pp. 7-18**)
7. Additional Items
8. Adjourn

\* Items listed with an asterisk (\*) will be discussed in committee and action may be taken in the plenary session.

## Ad Hoc Rules Committee of the Whole

Wednesday, March 15, 2006

10:00 a.m.

State Board Room-4<sup>th</sup> Floor  
Springfield, IL

### Committee Members Present

Jesse Ruiz  
Andrea Brown  
Dean Clark  
Ed Geppert  
Vinni Hall  
Brenda Holmes  
Joyce Karon  
David Fields  
Chris Ward

### Absent

### Others

Randy Dunn  
Jonathan Furr  
Sally Vogl  
Chris Schmitt  
Shawn Rotherham  
Robert Wolfe  
Susan Weitekamp

### 1. **PUBLIC PARTICIPATION:**

The following persons provided public participation on the proposed amendments to Part 305, School Food Service:

- A. Kathleen Workman, Illinois School Nutrition Association.** Ms. Workman thanked the Board for holding a hearing on this topic earlier and noted that was her colleagues' chance to get some of their concerns out on the first set of rules that was proposed. However, they still had concerns on the implementation and the content of the new version. The association's prime concern is with circumventing the state wellness committee that is working, and action on the proposed rules should be deferred until 2008. Ms. Workman said they would like to see changes made but want to make sure they do not have negative effects on the program and the children served. She stated they had found the rules rather cumbersome for schools to implement and mentioned that the free nutritional analysis program stated to be available does not provide the information that is called for in the rules. Both sugars and fats must be broken down when looking at some of the food items that are to be sold outside the cafeteria. She went on to outline some of the shortcomings of that analysis, stating that schools would still have to purchase software to make determinations about foods in commercial packaging. Further, her association questioned the distinction made between pretzels and chips. Ms. Workman noted especially the potential loss of revenues from chips, while indicating that the average number of bags consumed per week, per student, ranges from one-half a bag to 1.25 bags. The association did not believe this amount was overly large in terms of students' daily and weekly intake.

Ms. Workman noted that, aside from the public hearing ISBE had held there had been a conference call at which input was gathered. However, some areas of the state had not been represented due to the number of callers that could be accommodated. General Counsel Jon Furr responded that the problem with the phone conference had not been apparent at the time but that in any case ISBE had made an affirmative outreach to work with the school nutrition association and would have been very willing to continue those communications.

Board Member Dean Clark asked Ms. Workman what she believed the impact would be on individual schools and districts if the rules were implemented this fall. Ms. Workman noted that the current version of the rules is open regarding the sale of second items off in the school lunch program. She also said that right now any outside organization that

sells food in the school would be banned from doing so. The ban on baked chips would affect the schools financially.

Board Member Andrea Brown asked whether the School Nutrition Association has an executive committee and whether the organization's posture on this issue had been formulated by such a committee. Ms. Workman indicated that was the case, and Dr. Brown followed up to confirm that representation was statewide.

Board Member Vinni Hall asked Ms. Workman what would happen if someone were to bring food to the school. Ms. Workman stated her understanding that class parties and food brought in are not affected; the rules affect only the food items to be sold.

Dr. Hall said she understood that foods can be sold before and after school but not during the school day. Mr. Furr clarified that the restrictions would apply both before school and during the regular school day. After the last bell, these restrictions would not apply. Mr. Furr said that typical fundraisers and market days, etc., are occurring after school. Mr. Furr said he would talk more about the Appendix B issue in his later comments. Items such as yogurt and bran muffins and certain cereals would be brought in to the Appendix B approach but otherwise would have been restricted. He acknowledged that the list would not open up a lot things but stated that those items would be permissible.

- B. Lynn Rochkes, President of the Illinois Association of School Nurses**, spoke as a nurse for the Association. She stated that school nurses see the havoc in children who have a combination of poor nutrition and inactivity and know that is playing a significant role in obesity, some type II diabetes, and other health concerns, particularly heart disease. She expressed the Association's support for addressing nutrition in schools. She also noted the fact that some children receive about 40% of their daily requirements at school. For some young people, the noon meal on Friday is the last full meal until Monday morning's breakfast.

Mr. Ruiz asked whether the 40% figure she has quoted had been a constant generally or was increasing or decreasing.

Ms. Rochkes responded that over the last couple of years it had been a constant in her district and she felt the district had done a fairly good job of trying to provide nutritious breakfasts and lunches. The problem is snacks and things that are sold at the high school level where students can make choices. Prohibiting these items should have an effect on obesity.

Dr. Brown wanted to know about children bringing their own food if these rules were implemented. She also asked about the monitoring barrier on this and whether the School Nurses Association had any views.

Ms. Rochkes responded that, in her district, most of the students eat lunch at school because they are provided with free or reduced-price meals. The Association has taken the posture of supporting the nutrition guidelines.

Ms. Holmes asked Ms. Rochkes to expand on her comment about reducing obesity. Ms. Rochkes again identified the limitations on the amount of high fat content, high sugar content, snacks and foods as significant.

- C. Brittan Bolin, American Heart Association**. Ms. Bolin briefly reiterated the Heart Association's support for the food service rules, applauding the Governor and the State Board for their leadership in addressing school nutrition. She stated the association's appreciation for the Board's efforts to reach out to the health advocacy groups and noted that Jonathan Furr had been very helpful with that. The Heart Association sees physical

activity as one component of a comprehensive approach that should include physical education and physical activity but also views regulating food choices as a very important component and a good first step. In closing, Ms. Bolin stated that the expression “child obesity epidemic” is overused for a reason. There is a very real problem. She pointed to a study that had received broad coverage. One of the final comments in the article was from a physician who said that the time for putting all the responsibility for this on the home and parents is past and that the community must step forward and become involved. That would certainly support the AHA’s position on this issue.

Ms. Holmes noted that nutrition is an instructional area that all public schools must address in a required health education course and public schools’ curricula for physical education, physical development and health are to be aligned with the learning standards. She asked why the Heart Association believes there is such a problem given local wellness policies and required daily physical education. Specifically, is it because during the school day choices are available that are not healthy?

Ms. Bolin stated that there are a lot of different factors that have created the problem. The Heart Association sees this as a step forward rather than a complete solution.

Dr. Brown commented on the fact that, as of two years ago, Illinois was the only state to require p.e. daily yet the Illinois data were no different than those of any other state. She stated she was having trouble discerning what the first step’s impact would be.

Ms. Bolin commented that it would be a positive step to emphasize nutrition in schools and for that reason the Heart Association supports it.

- D. Cynthia Woods, Illinois Association of School Boards.** Ms. Woods said she believes all districts in the state would agree that there is a need to provide healthy foods for kids. She thought that everyone would agree that junk food should be restricted, but her concern was the prescriptiveness with which this had been presented. In her view a collaborative effort and a more gentle way of going about this are needed. Ms. Woods said the thing that had also struck her in the last month was the Board’s role as the leaders of the educational system; she voiced reluctance to see the title of “menu planner” added. She requested the Board to be more deliberate in determining how best to approach this issue and to consider input from the local level.

Board Member David Fields asked Ms. Woods what other suggestions she would have.

Ms. Woods replied that first of all she thought the Board should engage a broader base of the stakeholders that would be affected. Ms. Woods suggested the Board to do some study on the amount of time, the cost, and what works. Ms. Woods also said that what works in one district might not work in another district. She said there needs to be flexibility, education on the issue and some input and ownership and stated her belief that many districts were feeling disenfranchised as they had not been a part of the debate. She suggested that this be accomplished in the legislative arena as opposed to through the rules.

- E. Ben Schwarm, Illinois Association of School Boards.** Mr. Schwarm commented that IASB had grave concerns about how over prescriptive and burdensome the rules were. He stated that, from IASB’s point of view, the revisions failed to address basic things to make implementation less complicated or easier for school districts. He noted that the revised rules go as far as saying what a fifth-grader can drink versus what a sixth-grader can drink. Mr. Schwarm contended that local boards of education need to make these decisions, because they are responsive to their constituents. As an aside, he voiced agreement with Board Members Holmes and Brown on the PE issue, noting that Illinois is the only state with a daily requirement but that no statistical differences can be identified. To Dr. Fields’ question regarding other suggestions, Mr. Schwarm summed it up in one

sentence: The sale of carbonated soft drinks, sports drinks, and prepackaged candy, cakes, and unhealthy chips through vending machines or over the counter is prohibited in elementary and middle schools during regular school hours.

Board Member Dean Clark asked Mr. Schwarm how he would address the critics who say that school boards do, indeed, have the ability to do this but they haven't done it yet. Mr. Schwarm said they have done it at the elementary and middle school level and that it is rare for these schools to have vending machines.

Ms. Karon noted her sense that some of the existing wellness policies are more stringent even than these rules. She also pointed out that changing attitudes and behavior is important because it is possible to become obese on healthy foods. Ms. Karon said it would be nice if next November the IASB would prepare some samples of what those wellness policies and programs look like throughout the state.

Board Member Ed Geppert asked about possible disruptions in some of the types of sales typically conducted in junior high schools. Mr. Schwarm mentioned that a lot of school clubs and organizations have their big fund-raisers with food items. He would prefer a prohibition before lunch but permission to sell after the lunch period, after the students have eaten, because once the school day ends the opportunity to sell is gone.

Mr. Geppert commented that in most of the K-6 schools he has seen, there are no vending machines available during school hours.

Ms. Holmes asked Mr. Schwarm if this was a purely financial issue to his organizations. Mr. Schwarm said no, the point would be to withdraw this rule proposal and work through the legislative process instead.

**F. Bill Anderson, a parent.** Mr. Anderson identified himself as having three young children in school and wanted to strongly express his support for the proposed rules. He noted that states have primary responsibility for education and it is widely acknowledged that nutrition is an important part of education. In his view, therefore, it is entirely appropriate for the state to have nutrition guidelines. Mr. Anderson also believed that many districts lack the resources, expertise and motivation to develop such standards. He and his wife were surprised at the menu in their children's elementary school, which appears to be high in fat, carbohydrates and calories and low in protein and whole grains, fresh fruits and vegetables. He added that in the middle school, the situation is even more troubling, because children have access to the a la carte line, which includes a daily selection of hot dogs, cheeseburgers, pizza and French fries. Mr. Anderson reported that he had been told by an adult in the lunch program that, by 7<sup>th</sup> grade, almost all kids who purchase school lunch bypass the full lunch for the a la carte line. Some believe that as long as healthy alternatives are offered, the school has no responsibility if children choose to buy the minimally nutritious foods. Mr. Anderson stated his disagreement, pointing out that parents have ultimate responsibility for the food their children need. However, he stated how hard it is for parents to compete with the attractiveness of minimally nutritious foods, especially when they have the explicit endorsement of the school by virtue of the fact they are served there.

Mr. Anderson considered that districts would be worried about having to subsidize the lunch program if the utilization rate fails. Food service providers often work on fixed-rate contracts, so keeping utilization rates high is essential to meeting their economic goals. Mr. Anderson also believed that many parents conclude that, if food served at school, it must be okay. Parents who raise questions soon find out that a tremendous time commitment will be required to make meaningful changes. Mr. Anderson stated that the state nutrition guidelines were entirely appropriate, despite his general preference for local control as opposed to state or federal.

**G. Peg Agnos, LEND/SCOPE.** Ms. Agnos represents school districts in DuPage and the south Cook County area and commented that she agreed with Mr. Anderson that the state should have nutritional standards. The State Wellness Task Force is charged with coming up with state nutritional standards, and LEND/SCOPE are pleased with the 19 organizations that are represented. Ms. Agnos asked that the Board assist and guide districts and direct them in providing the resources and the services necessary. She requested that the Board slow down and wait for the report of the State Wellness Task Force.

Dr. Brown asked Ms. Agnos, if the Task Force had held 3-4 meetings and committees were working, whether the consensus-building was going well between health providers and educators? No clear information could be presented at that time.

**H. Elliot Regenstein, Office of the Governor.** Mr. Regenstein recalled Governor Blagojevich's appearance before the Board at the December meeting to request the adoption of rules that would regulate sales of junk food. He emphasized the opportunity to adopt final rules and asked on the Governor's behalf for a favorable vote. He noted how the rules had evolved since December, in large part due to the concerns raised by the many dedicated professionals who work in school foods service around the state. The original version of the rules would have completely changed what schools can serve in the lunch line, and he expressed agreement that those represented too drastic a change to be successfully implemented for the fall of 2006. He stated that the changes were now much less substantial and outlined the main thrust of the current version. He pointed out that there would be no prohibition on the sale of food and beverages from vending machines or fundraisers, simply some limitations on what can be sold.

Mr. Regenstein said the second major change would amend the definition of "junk food" to better align the State Board with modern nutritional standards. He noted that staff had had to balance a variety of competing values. He disagreed that the rules were inconsistent with the role of state and local wellness committees, as many important issues remain for them to discuss. On behalf of the Governor, Mr. Regenstein urged the Board and the staff to provide guidance and support and to be understanding and sympathetic to some of the difficulties in transition that schools might have. He noted that these rules alone would not solve the whole problem of child obesity but stated the Governor's point of view that if the Board has the power to eliminate unhealthy food from the learning environment it should use that power to do so. On behalf of Governor Blagojevich, he asked the Board to move forward and adopt the rules, then continue working to continue to improving the health of children around the state of Illinois.

Board Member Chris Ward pointed to the possibility of waivers or modifications in situations where the rules prove unwieldy to implement. Mr. Furr agreed that flexibility would be available, especially when schools are affected by some of the distinctions between the elementary and middle school levels. He clarified the process that would apply.

Mr. Clark had one question he wished to ask of Mr. Regenstein. He stated that his concern was less the specific "junk food" matter but rather what he had heard others emphasize in connection with local control. How would Mr. Regenstein address the idea that the Board is now dictating to locally elected officials how to run their local districts?

Mr. Regenstein responded that there are certain issues and problems that have a state and national character and that it may be incumbent upon the State to take action to address those issues. He noted that individuals might well disagree whether this is such an issue or not but stated there is some role for the state in nutrition, given that rules already exist. He felt it appropriate for the State Board to be looking at nutrition issues and to be considering whether the current rules are adequate.

Dr. Hall stated her view that children's health is very important and that Board should take a leadership role. However, her preference would be to work with school districts and use the rules as guidance and leadership rather than taking punitive action against a school district.

Mr. Regenstein agreed wholeheartedly that the point was to provide the service, not to punish school districts that are struggling to provide service.

Dr. Fields pointed to the General Assembly as "the ultimate school board in Illinois" and asked about legislative actions. There was a discussion of recent initiatives versus the hoped-for action by the Board. Mr. Geppert stated he also would not want to see anything punitive to school districts. He concurred that the rules would not address all aspects of the problem but felt that for the Board to use that as a rationale to do nothing would be in opposition to the members' sworn duty.

Ms. Karon returned to the need to change the choices students make and to involve the entire community. She also made the point that the current Board had said it would reduce rules and regulations but would be adding at this point rather than reducing. She urged the Board to look at not imposing additional rules and regulations on school boards and districts where local control is of the utmost importance, and she asked the School Board Association and the Management Alliance to give her data six months from now to see how many districts had really worked out having a strong wellness policy that is pervasive throughout their community.

Dr. Ward commented that this had probably been the topic that had brought the richest dialogue from the school community as well as board members, and he certainly respected those differences of opinion. Dr. Ward had asked his doctor what the biggest medical issue was and she had identified obesity and all ancillary diseases that accompany it, such as diabetes. Dr. Ward also commented about a CNN report that children born today would not live longer than their parents. He viewed this as a crisis and stated that the Board had the opportunity to take a leadership role. Historians and school district superintendents would make the judgment whether this was a good decision or not. He advocated adopting these rules on the understanding that the feedback received would be used to make implementation manageable. Dr. Ward had seen evidence of that in some of the changes and would advocate that the agency be sensitive during implementation to the fact that not every district might have the wherewithal to make changes as quickly as the rules would indicate.

Chairman Ruiz concurred with Dr. Ward and emphasized the need to balance local control, reasonableness, and not having more red tape. However, health and education go hand-in-hand. Mr. Ruiz said staff would be eminently reasonable in the implementation of any rules that were adopted and would work with districts. He believed that, if the Board would make its decision based on what is in the best interest of every single child, the decision could not be a bad one.

2. **MINUTES OF THE FEBRUARY AD HOC RULES COMMITTEE OF THE WHOLE**  
The February Ad Hoc Rules Committee meeting minutes were unanimously approved.

3. **DISCUSSION OF RULES FOR ADOPTION**

## **PART 305 (School Foods)**

Chris Schmitt, Division Administrator of Nutrition Programs, and staff member Shawn Rotherham came to the Board table. Mr. Furr thanked Chris, Shawn, Mark Haller, Joan Love, Sandy Dunkel, and Roxanne Ramage, as well as Shelley Helton of the Rules and Waivers Unit for all the tremendously hard work that had gone into developing the rules and also complimented the work of the various groups that had participated in the discussions on this issue.

Mr. Furr discussed the process and the specifics of the rules. He said the two major changes were to expand the prohibition on students' purchases of restricted foods from mealtime at the elementary level only to the entire school day in both elementary and middle schools and also to update the definition of restricted foods that had been adopted in 1978. The first proposed change had been in response to the Governor's request to implement a full-day ban on junk food for elementary and middle school students by the beginning of the 2006-07 school year. The second proposed change had been requested by State Board staff, who did not feel the existing rules reflected what is now known about child nutrition. In developing the standards brought to the Board in December, staff had looked at the criteria for sales of food and beverages in the USDA's HealthierUS School Challenge, a program under which schools can apply for recognition for their commitment to the health and well-being of students. The same standard was also included in the model wellness policy developed by ISBE in collaboration with a number of outside organizations.

During the public comment period, staff had extensive discussions with a variety of groups on all sides of this issue about the proposed standards. It became clear that the proposed standards caused the greatest concern in relation to second entrée and a la carte sales within the cafeteria during meal periods. Most of the comments that opposed these rules were directly related to their impact on second entrees and a la carte sales. Staff also realized that many schools have difficulty ordering commodities for the next school year without knowing the content of the final rules. As a result, staff had concluded that the Board should take additional time to develop a general standard for food sold as second entrées or a la carte items. Discussions with the School Wellness Policy Task Force should continue during the coming months. Staff's intention would be to bring a recommendation for a general standard for those items back to the Board in January 2007, which should tie in nicely with the work of the School Wellness Policy Task Force and allow the standards to be in place for the 2007-08 school year. Mr. Furr continued to explain some of the specifics on a chart presented in the Board packet.

Ms. Karon asked what to do about the 5<sup>th</sup> and 6<sup>th</sup> graders who are served in the same lunch line but for whom the allowable beverage size is not the same. Mr. Furr said the first thing would be to ask the school if all the 5<sup>th</sup> graders have access to all the same food and beverage items as the 8<sup>th</sup> graders. To the extent they do, the district could seek a modification and state it couldn't implement this distinction. Mr. Furr said that would be a valid basis for approving a modification.

State Superintendent Dunn said that situation might be common and that ISBE's analysis would focus on whether there would be a way to separate those serving lines. If the serving line is for grades 5-8, then that would be a problem. If there was a way to manage a separation, then that would be different. There would be a unique set of facts for each school that would have to be examined.

Mr. Clark asked Mr. Furr about the 6<sup>th</sup>-8<sup>th</sup> grade beverage list, and Mr. Furr outlined the types of water that are allowable to sell. Ms. Holmes noted the contradiction that would be inherent in readily allowing modifications in 5/6 centers and stated the belief that there are numerous attendance centers that do have 5<sup>th</sup> and 6<sup>th</sup> grades. She touched on the complexity of trying to get them through the lunch line. She also asked whether a 7<sup>th</sup> grade student would be allowed to purchase two 8-ounce cartons of whole milk in the lunch line. It was explained that the rules would have no impact on the number of items a student can purchase in the lunch line. If someone were still hungry after consuming one portion of a food product, he or she could go

back and buy another. Ms. Holmes followed up regarding the serving size restriction to be sure whether a student would or would not be able to have two-8 ounce containers of whole milk without a doctor's order.

Mr. Furr repeated that the rules would not restrict the number of items students can purchase, but that the size limit is based on the belief that packaging affects the way that consumers purchase items. Ms. Holmes noted that the rules did not differentiate according to how active individual students are or address the whole concept of wellness. Chairman Ruiz responded, saying the approach involved presenting options.

Shawn Rotherham commented about the portion size of milk for students, noting that school staff should not be placed in the position of saying yes and no to different students. If one eight-ounce portion were the limit, there would be some students who would need more milk but couldn't obtain it.

Mr. Furr discussed the distinction between the elementary and middle school grade levels that had been emphasized during the public comment period by the school nutrition staff and others. He indicated that it had become apparent that 5-8 configurations are fairly common and it might make sense to make a change if the Board were amenable to it. If a student is in 5<sup>th</sup> grade and in a 5-8 building, he or she could be treated as a 6<sup>th</sup>-grader for purposes of these rules. That approach would help avoid numerous applications for modifications under the waiver law.

Mr. Clark said the 5-8 configurations were fairly common but pointed also to the prevalence of 5-6 configurations that would also need to be addressed. He said that, given his position on this, he would reluctantly agree with Mr. Furr that portion size is partly a peer pressure thing as well. Dr. Clark did not believe districts would want to carry both an 8-ounce and a 12-ounce container of the same product.

Mr. Furr made a few closing comments. Outside of the criteria for foods and beverages, the rules previously stated that the revenues from items sold within the food service areas in competition with the federal meals program would accrue to the non-profit school foods program account. This restriction has been maintained. He stated there is no perfect standard, but what the rules can do is set a baseline for the entire state so all students, regardless of where they are living, will have food and beverage options based upon good nutritional content. He stated further that this standard would not be set in stone for perpetuity and an advantage of the rulemaking process was that the agency would be able to monitor the impact of the rules and consider making adjustments in 2007 and beyond if needed. He noted that Ms. Schmitt and her staff would be meeting with the School Wellness Policy Task Force in the coming weeks. The next steps would be the development of general standards for second entrée and a la carte items. He concluded by reiterating that the rules were only one piece of the puzzle in addressing child obesity issues.

Dr. Brown asked whether it was correct that the rules had not been changed in 28 years, and Mr. Furr affirmed that that was the case. Dr. Brown said it seemed as though school lunch personnel had seen some rule changes during that time and perhaps they originated at the federal level instead. Ms. Schmitt explained the technical assistance districts receive from staff whenever changes need to be communicated.

## **PART 1 (Public Schools Evaluation, Recognition and Supervision)**

Sally Vogl came to the Board table to discuss Part 1. She stated that the rulemaking addressed two issues, the timing of the appeals process and the requirements for writing-intensive courses for graduation. Ms. Vogl said no public comment had been received on either of those issues and the only change that was being submitted for consideration had to do with a question that was received on double-counting of coursework for graduation.

Chairman Ruiz said Board members had no questions regarding Part 1.

**PART 25  
(Certification)**

Ms. Vogl then discussed the master certificate in school counseling, which is a school service personnel certificate instead of a teaching certificate, and the availability of endorsements for out-of-state candidates whose preparation does not match the Illinois structure. She noted that no public comment had been received on this set of amendments. Consequently, the rules presented for adoption were identical to the version presented in December for initial review.

Dr. Hall expressed concern with shortages in various teaching fields and referred to the Educator Supply and Demand report. Her hope was that standards for preparation programs would not intensify existing shortages. Dr. Dunn commented that Dr. Hall's point was absolutely correct and clarified that this set of rules governs all types of programs; no new requirements are being established in particular fields.

**4. RULES FOR INITIAL REVIEW**

**PART 227  
(Gifted Education)**

Ms. Vogl reminded the Board of 2005 legislation that had re-established the authority for Gifted Education and made receipt of state funds by school districts for that purpose contingent upon the agency's approval of their programs. She stated that there were a number of programmatic criteria and specifications in the law, so that the need for ISBE to write rules was fairly limited. However, there were a few of the law's criteria that need to be explored further in terms of saying whether a district's plan did or did not meet requirements. She stated that those were the aspects delineated in the rules and that they included matters such as an equitable method of identifying students and a fair and impartial appeals process. Another major topic was the qualifications to be required of teachers, given that there is no gifted education endorsement or any specific standards. Ms. Vogl noted that the old rules on this subject that had been repealed after the law was repealed several years ago provided for three requirements and allowed each teacher to meet any two of those. At this point, though, it would not be feasible to require that every teacher who is in a program would have met those requirements, because of the time that has passed. With the help of the Gifted Education Advisory Council, a number of different options were identified for meeting the requirements. She pointed out that rules also provided for a grace period so teachers would have time to come into compliance. The goal of the rule was identified as stimulating the availability of appropriately trained personnel instead of penalizing districts for the fact that there may not be someone on hand right now who can meet those requirements.

Dr. Hall commented that the International Baccalaureate programs that are nationally supported might be a model for some of the training that those teachers will need. Ms. Vogl said that she was certain Myron Mason and Carol McCue, the program staff responsible, would consider that possibility during the public comment period, which would also help clarify whether the proposed criteria were perceived as adequately flexible.

Ms. Vogl pointed to the distinction between this competitive grant program and the formula-based reimbursement that had previously been available. With the funding stream uncertain, the rules had been set up to provide for a three-year funding cycle, after which a funded program would be treated as a new program. Finally, she noted the inclusion of a rule to account for the situation in which it might be better for the state as a whole for ISBE to reserve the entire appropriation for statewide activities such as professional development or research. She noted that the law calls for ISBE to issue contracts or fund those projects "by rule" meaning a rule that would explain the circumstances under which that would happen.

Mr. Furr asked Ms. Vogl whether these were decisions that staff would be making with the advisory council. Ms. Vogl responded by saying yes and indicated that staff had held two lengthy meetings with the advisory council and received substantive input as to what the policy direction should be on various points.

**PART 1500**  
**(Joint Rules of the State Fire Marshal and the State Board of Education:  
School Emergency and Crisis Response Plans)**

Ms. Vogl asked Ms. Weitekamp of School Business and Support to join her to discuss Part 1500. She explained that legislation enacted in 2005 requires a set number of specific types of safety drills each year and includes a great deal of specificity about what districts have to do and who has to be involved. Here again, she advised that the rulemaking role for ISBE was limited to a small number of issues. One of those was what would be considered an adequate annual review of the school district's crisis response plan, and the other was defining what it really means to conduct a drill that is aimed at fostering and promoting the safety of everyone in the school environment. She explained that the law calls for a common set of rules with the office of the State Fire Marshal and that staff from OSFM had had significant involvement with ISBE staff in the development of these rules, along with the terrorism task force.

**PART 675**  
**(Providers of Supplemental Educational Services)**

Mr. Furr stated that important changes were being made in this Part and that he would like to go into detail with the Board. With the framework that was put in place last year, Illinois had assumed national prominence in dealing with supplemental educational service providers. However, three areas needing attention had become apparent: the code of ethics; the evaluation of providers' effectiveness; and the cost structure for providers, specifically in terms of limiting the overhead that providers can charge.

Mr. Furr noted some actions that had occurred during the enrollment period in the fall of 2005 which, while perhaps not directly violating the letter of the ethics code, certainly had violated its spirit. It would be important to ensure that providers do not distribute enrollment forms with directions on how to complete the forms, because that might be confusing to parents who do not understand they have a wide selection of providers to choose from. Also, providers should be prohibited from soliciting or accepting specific arrangements with a district or school. He noted that the rules already prohibit hiring of district personnel for non-instructional purposes and recommended that this should be extended explicitly to hiring members of a PTA (or an LSC in Chicago), in order to avoid giving providers unfair access to particular schools.

Mr. Furr also stated that providers should also not be allowed to hire parents until after the enrollment deadline. If a parent is on the payroll of a provider, he or she would not be likely to make an objective selection for that child's tutoring. One other change that was suggested was to allow providers to hire district personnel solely for clerical purposes, because the same conflict of interest is not involved. Finally, Mr. Furr noted that providers had been hiring teachers before the enrollment deadline to be the tutors for their programs, which would create direct or indirect pressure to get as many pupils as possible into that program. He suggested that there should be an absolute firewall between teachers hired for instructional purposes and any recruiting or marketing activities.

Dr. Ward asked if the rules would protect in some way against clerical staff doing recruiting, noting that a clerical staff member would very often be the registrar. He believed that the same concern exists with respect to these staff members as for teachers. Mr. Furr stated that clerical staff has no relation to the marketing of the provider's program. He indicated that the issue would be looked at to see if there was a need to make that more explicit.

Mr. Furr then discussed the second area of the amendments, the evaluation process for providers, noting that the proposed changes were in line with the presentation given to the Board by contractor Dr. Steven Ross and other members of the team from University of Memphis and Learning Point Associates. The evaluation rubric sets out three criteria as part of the evaluation from the regulatory standpoint: student achievement, the attendance in the provider's program, and parent satisfaction. Each criterion has classifications for either being above standards, meeting standards, or being below standards. In the case of student achievement and parent satisfaction, there might be some instances where there would not be sufficient information on which to judge a particular provider.

Mr. Geppert asked if there is anything requiring "Probationary Status 2." He felt that if student achievement is unsatisfactory then positive results on the other aspects should not improve a provider's status or give extra time for them to improve. Ms. Karon agreed.

Mr. Furr clarified that, under federal law, there must be at least a two-year window for removal and followed up to verify the meaning of Mr. Geppert's suggestion. There was further discussion on how actual quality would or should be evaluated and how much time providers should be given. Dr. Hall voiced particular concern for input by classroom teachers. Mr. Furr responded that it might be possible to add a teacher survey in the future, depending upon the availability of resources, and noted that the state assessment does provide an objective measure. It was determined that the status chart would be revised to reflect student achievement as the dominant determining factor.

The necessity for maintaining an adequate pool of providers was touched on by Mr. Clark, to which Dr. Fields replied by emphasizing that the Board would not want to be in the position of keeping poorly performing providers on the approved list. Mr. Clark agreed and clarified that his prior point had been intended to highlight the difficulties that districts may face and the need to identify other suitable providers. All agreed that there would be no "quick fix" and that in some cases having no provider would be preferable to paying for poor service.

Mr. Furr then briefed the Board on the portion of the rules related to cost structure. He noted the importance of requiring that providers only charge for the actual cost of their services so that the largest possible number of students can be served. He also identified a need for transparency in this industry since public funds are being used. He described the proposal to cap the amount of "administrative and general" expenses that a provider can charge at 25% of the prior year's Title 1 per-pupil allocation. He noted that, for the Chicago Public Schools, this approach would mean a \$470 limit on the amount that could go towards "administrative and general" expenses, very close to the median amount that providers reported for that category for '04-'05. Mr. Furr stated that without such a limitation providers had used upwards of \$700 of a district's Title I funds for these overhead expenses.

The other limit that was being proposed was an overall 40% limit on "administrative and general" and "curriculum and training" expenses combined, because curriculum and training also happen outside the classroom, such as curriculum development at the national level. This approach would avoid artificial shifts of administrative expenditures into the "curriculum and training" category. Mr. Furr emphasized the desirability of having a majority of the public funds spent on tutoring provided directly within the district. For an effective provider that has achievement levels above standards, however, he noted that there would be less concern over the level of these expenses. If a provider is above standards for student achievement, he recommended that the rule permit an exception to these limits if necessary for program delivery. In other words, effective service models would not need to be subject to these requirements, but in programs that are less effective more money should be going directly towards the program expenses within the district.

In response to a question from Mr. Clark, Mr. Furr responded that there are not any market forces involved whatsoever. He explained that parents make the selection and districts cannot negotiate costs or bid to obtain the best costs, so essentially ISBE is the only entity that can hold providers

accountable for reasonable costs. It was also clarified that the limitations just discussed would vary according to districts' specific per-pupil allocations and that no limit had been set on direct programmatic costs. Thus, if there are additional costs related to hiring teachers within a certain area, those higher expenditures would not be restricted.

Dr. Dunn commented that as Mr. Wolfe and his staff go out and perform audits, necessary adjustments on a regional cost basis might become apparent.

#### **5. Rules for Preliminary Discussion**

#### **PART 254 (Vocational Education)**

Mr. Furr said Part 254 will be tabled for another month.

#### **6. Informational Update: Less Red Tape**

Mr. Furr provided a brief update on the Less Red Tape initiative.

#### **7. Adjournment**

David Fields made the motion to adjourn. Vinni Hall seconded the motion.

Meeting adjourned at 1:30 p.m.